

HOUSE JOURNAL

OF THE

Forty-Ninth Legislature

OF THE

STATE OF WASHINGTON

AT

Olympia, the State Capitol

1986 Regular Session

Convened January 13, 1986

Adjourned Sine Die March 12, 1986

1986 Special Session

Convened, August 1, 1986

Adjourned Sine Die August 1, 1986



Wayne Ehlers, Speaker

John L. O'Brien, Speaker Pro Tempore

Dennis L. Heck, Chief Clerk

Sharon L. Case, Assistant Chief Clerk

Eljo Sutherland, Minute/Journal Clerk

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Dennis L. Heck, *Chief Clerk*

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FIRST DAY

NOON SESSION

House Chamber, Olympia, Wash., Monday, January 13, 1986

The House was called to order at 12:00 noon by the Speaker. The Clerk called the roll and all members were present except Representatives Miller and West, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Geia Peabody and Andy Hanson. Prayer was offered by Pastor Dave Pederson, Kent Lutheran Church.

MESSAGE FROM THE SECRETARY OF STATE

The Honorable,
Speaker of the House of Representatives
The Legislature of the State of Washington
Olympia, Washington
Mr. Speaker:

I, Ralph Munro, Secretary of State of the State of Washington, do hereby certify that, according to the provisions of RCW 29.62.130, I have canvassed the returns of the votes cast for and against the constitutional amendments which were submitted to the vote of the people at the state general election held on the 5th day of November, 1985, that the total number of ballots cast at this state general election was 900,078 and that the total number of votes cast for and against each of these measures was as follows:

HOUSE JOINT RESOLUTION NO. 12

"Shall the Constitution be amended to permit State Industrial Insurance (Workers' Compensation) Funds to be invested as authorized by law?"

YES	582,471
NO	233,628

HOUSE JOINT RESOLUTION NO. 22

"Shall conditions to voter approval of public school excess property tax levies, except the 60% yes vote requirement, be eliminated?"

YES	369,852
NO	463,391

HOUSE JOINT RESOLUTION NO. 23

"Shall counties and cities be permitted to finance public improvements through tax revenues resulting from increased values of benefited properties?"

YES	337,015
NO	476,600

HOUSE JOINT RESOLUTION NO. 42

"Shall agricultural commodity commissions, funded by agricultural producer assessments, be permitted to engage in promotional hosting to develop agricultural trade?"

YES	536,528
NO	250,936

I further certify that the following is a full, true, and correct abstract of votes cast at the State General Election held on the 5th day of November, 1985, as canvassed by me from the returns received from the County Auditors of the thirty-nine counties of the State for the office of Supreme Court Judge and for State Representative, 17th Legislative District:

SUPREME COURT JUDGE

Barbara Durham 552.675

STATE REPRESENTATIVE, 17th District

Ray A. Mosbrucker 7.433
 Kim Peery 9.002

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the State of Washington, this 5th day of December, 1985.

(Seal) Ralph Munro, Secretary of State

OATH OF OFFICE

The Speaker appointed Representatives Sutherland and Brooks to escort W. Kim Peery to the rostrum.

The Speaker administered the oath of office to him and the escort committee escorted Representative Peery to his seat in the House Chamber.

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

RESOLUTION

On motion of Mr. J. King, the rules were suspended to allow consideration of House Resolution No. 86-91.

HOUSE RESOLUTION NO. 86-91, by Representatives J. King and S. Wilson

BE IT RESOLVED, That the Speaker appoint a committee of three members of the House to notify the Senate that the House of Representatives is now organized and ready to conduct business.

On motion of Mr. J. King, House Resolution No. 86-91 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with House Resolution No. 86-91, the Speaker appointed Representatives Long, G. Nelson and Bristow to notify the Senate that the House was organized and ready for business.

COMMITTEE FROM SENATE

A Committee from the Senate, consisting of Senators Rasmussen, Granlund and McCaslin, appeared at the bar of the House and reported that the Senate was organized and ready for business.

The report was received and the committee was escorted from the House Chambers.

The House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HCR 17, by Representatives J. King and S. Wilson

Notifying the Governor that the Legislature is organized.

On motion of Mr. J. King, the rules were suspended and HCR 17 was advanced to second reading and read the second time in full.

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

House Concurrent Resolution No. 17 was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

In accordance with HCR 17, the Speaker appointed Representatives Kremen, Scott and Silver to notify the Governor that the Legislature was organized and ready for business.

HCR 16, by Representatives J. King and S. Wilson

Calling a Joint Session of the Legislature to receive the Governor's State of the State Message.

On motion of Mr. J. King, the rules were suspended and House Concurrent Resolution No. 16 was advanced to second reading and read the second time in full.

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

House Concurrent Resolution No. 16 was adopted.

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

MOTION

On motion of Mr. J. King, House Resolution No. 86-92 was referred to Committee on Rules.

REPORT OF SPECIAL COMMITTEE

The Special Committee, appointed under the terms of HFR 86-91, appeared at the bar of the House and reported that they had notified the Senate that the House was organized and ready for business.

The report was received and the committee was discharged.

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

MESSAGE FROM EXECUTIVE RULES COMMITTEE

January 13, 1986

Pursuant to House Floor Resolution 85-56, the Executive Rules Committee referred the following bills during the 1985 Interim:

FROM RULES 2

Bill No.	Short Title		To	Date
HB 42	WA essential prop. ins. program	Sub	FII	11/26/85
HB 70	Solid wastes/revise provisions	Sub	ENV	11/26/85
HB 89	Game code revisions	2 Sub	NRS	11/26/85
HB 122	PAC/payroll		CEE	11/26/85
HB 123	Annual leave cash out	Sub	STG	11/26/85
HB 136	Dangerous wastes/household	Sub	ENV	11/26/85
HB 144	Jt. operating agencies/form	Sub	E&U	11/26/85
HB 211	Home schooling requirements	Sub	EDU	11/26/85
HB 218	Higher ed coordinating cmmsn.	Sub	HED	11/26/85
HB 252	Hood Canal bridge tolls	Sub	TRN	11/26/85
HB 286	Higher ed/tuition & fees		HED	11/26/85
HB 290	Higher ed financial aid		HED	11/26/85
HB 294	Game dept. damage claims	2Sub	NRS	11/26/85
HB 313	Public disclosure laws	Sub	CEE	11/26/85
HB 335	Vehicle pollution equipment		ENV	11/26/85
HB 336	Energy emergency/Gov. power		E&U	11/26/85
HB 468	Video display terminals/safe	Sub	C&L	11/26/85
HB 551	Employment security/political		CEE	11/26/85
HB 553	Litter bag/state production		ENV	11/26/85
HB 589	State bldg. codes/study		STG	11/26/85
HB 694	School expenditures-revenue	2Sub	EDU	11/26/85
HB 741	Puget Sound water quality	Sub	PS	11/26/85
HB 841	Fishing for game fish	Sub	NRS	11/26/85
HB 870	Street rods/spec. license	Sub	TRN	11/26/85
HB 926	UW state museum/extend		HED	11/26/85
HB 927	Excise tax single rate	Sub	W&M	11/26/85
HB 941	Tobacco tax increase	Sub	W&M	11/26/85
HB 977	Insurance holding corps.		FII	11/26/85
HB 1014	Energy site evaluation coun.		E&U	11/26/85
HB 1081	Water pollution control	Sub	W&M	11/26/85
HB 1092	Flexible hours of work	Sub	C&L	11/26/85

FROM RULES 3

HB 10	Driver's license return		JUD	11/26/85
HB 20	School dist/forest land		W&M	11/26/85
EHB 37	Recycling used oil		ENV	11/26/85

SHB 41	Ins. comsnr/minimum standards	FII	11/26/85
HB 43	Insurers file/convention blank	FII	11/26/85
EHB 55	Radioact matrls/transp. study	E&U	11/26/85
EHB 75	Metal studded tires/prohibit	TRN	11/26/85
HB 78	Parking fee/ferry facilities	TRN	11/26/85
SHB 81	Civil disorders/firearms	JUD	11/26/85
ESHB 98	Gambling funds/abolishing	W&M	11/26/85
SHB 103	Public employ. comp/open mtgs.	STG	11/26/85
SHB 137	Truck tractors/freight	TRN	11/26/85
E2SHB 138	Crime victims' compensation	JUD	11/26/85
SHB 170	Higher ed admission standards	HED	11/26/85
HB 191	Fish/rewards violation info	NRS	11/26/85
EHB 225	Waste facility/civil penalty	ENV	11/26/85
SHB 274	Conservation license	NRS	11/26/85
SHB 406	Highway signs/tourist-agric.	TRN	11/26/85
ESHB 486	Solid waste management prog.	ENV	11/26/85
ESHB 494	Higher ed/regents & center	HED	11/26/85
HB 507	Freeway traffic flow	TRN	11/26/85
SHB 547	Veterans Day/schools observe	EDU	11/26/85
SHB 566	Higher ed. tuition and fees	HED	11/26/85
E2SHB 587	Teacher prep and certification	EDU	11/26/85
EHB 600	Cigarettes/additional tax	W&M	11/26/85
SHB 612	Records cmte/OFM appointee	STG	11/26/85
ESHB 680	Puget Sound water quality	PS	11/26/85
EHB 701	Check cashing fees/report	FII	11/26/85
SHB 744	Pac NW electric power & conserv.	E&U	11/26/85
HB 747	AG/crime investigation	JUD	11/26/85
ESHB 796	Puget Sound quality/enforce	PS	11/26/85
ESHB 836	Health care contracts/pay	FII	11/26/85
ESHB 852	Child testimony/sexual abuse	JUD	11/26/85
SHB 936	Due-on-sale clauses	FII	11/26/85
SHB 1013	Domestic insurers/acquistn	FII	11/26/85
SHB 1037	Accident reports-records	TRN	11/26/85
2SHB 1068	Shellfish areas/preserve	PS	11/26/85
ESHB 1172	Ins. agents/brokers charge	FII	11/26/85
SHB 1177	Hazardous waste/records	ENV	11/26/85
HJR 49	Elected officials salaries	STG	CEE
			10/4/85

REPORT OF SPECIAL COMMITTEE

The Special Committee appointed under the terms of HCR 17, appeared at the bar of the House and reported that they had notified the Governor that the Legislature was organized and ready for business.

The report was received and the committee was discharged.

MESSAGE FROM THE SENATE

January 13, 1986

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 124,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

The House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

SCR 124 by Senators Bottiger, Fleming, Hayner and Sellar

Providing for the reintroduction of measures introduced during the 1985 legislative sessions.

On motion of Mr. J. King, the rules were suspended and Senate Concurrent Resolution No. 124 was advanced to second reading and read the second time in full.

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

POINT OF PARLIAMENTARY PROCEDURE

Mr. Barrett: "Mr. Speaker, the intent of Senate Concurrent Resolution No. 124 seems to be that all bills be placed at this moment at the position they were when we sine died at the end of the regular and special session. Is that the intent, that all bills, as of this moment, will be placed as they were at the time of sine die?"

The Speaker: "The answer to your question, Representative Barrett, is 'No.'"

Mr. Barrett: "If the wording does not mean what I had interpreted it to mean, Mr. Speaker, may I ask, before we vote, that it be explained to us what the wording does mean?"

The Speaker: "This resolution is almost boiler-plate language for every resolution that has passed since I've been here. With the exception of those bills--our closing resolution indicated the status of various bills; we were authorized in that closing resolution for the Executive Rules Committee to rerefer bills to various committees, which has been the custom here. We, in fact, have done that. That would explain and clarify the issue."

Mr. Barrett spoke in favor of the resolution.

POINT OF PARLIAMENTARY PROCEDURE

Mr. G. Nelson: "The official document that determines the status of measures on this opening day would be the Status Report of January 13, 1986. As a point of parliamentary inquiry, I ask for the members of this body where the Status Report would be and whether or not we can wait until we get the Status Report before determining the best action on this resolution?"

The Speaker: "It is my understanding, Representative Nelson, that the tape is broken at the State Printer and they are definitely trying to get those taken care of and the Assistant Chief Clerk is checking to see if we have a master copy."

Mr. G. Nelson: "Which document will take precedent for the advisement of the public at large and the legislature, the Status Report, the official document of House and Senate, or the resolution that we are about to vote on?"

The Speaker: "The document will be found in the Journal, which is the official document of this House. Whatever the Journal shows at the end of the day--the Journal reflects the official policy of the body."

Mr. G. Nelson: "Mr. Speaker, I think I understood the answer, but it wasn't the answer to my question because the Status Report determines the situation on measures at the beginning of the working day, not at the end of the working day as would the Journal."

The Speaker: "The official document which locates where various bills are would be the Journal, not the Status Sheet."

Mr. G. Nelson: "Mr. Speaker, am I led to believe that the Journal at the close of the last working day, which was June 12, 1985, would determine the status of all measures at gavel time, which was noon January 13, 1986?"

The Speaker: "With the qualifications that I gave to Representative Barrett previously."

The resolution was adopted.

MESSAGE FROM THE SENATE

January 13, 1986

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 16,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 16.

INTRODUCTIONS AND FIRST READING

HB 1331 by Representatives Ehlers, Wineberry, R. King, Belcher, Armstrong, Nealey and Unsoeld

AN ACT Relating to salaries of public officials; amending RCW 2.04.092, 2.06.062, 2.08.092, 43.03.010, 43.03.028, 34.12.100, 42.17.370, 43.03.040, and 43.105.045; adding new sections to chapter 43.03 RCW; repealing RCW 43.03.045 and 43.03.047; and providing a contingent effective date.

Referred to Committee on Constitutions, Elections & Ethics.

HB 1332 by Representatives Tilly, Brekke, Brough, Holland, Tanner, P. King, Winsley, J. Williams, McMullen, Leonard, Van Luven, Armstrong, Ballard and May

AN ACT Relating to pharmacists; and amending RCW 69.41.100 and 69.41.130.

Referred to Committee on Social & Health Services.

HB 1333 by Representatives Sommers, B. Williams, G. Nelson, Grimm, Tilly, P. King, Van Luven, Sayan and Unsoeld; by request of Legislative Budget Committee

AN ACT Relating to the deferring or deleting of the proposed termination and repeal of agencies and programs; amending RCW 43.131.215, 43.131.216, 43.131.301, 43.131.302, 43.131.303, 43.131.304, 43.131.319, 43.131.320, and 46.10.220; repealing RCW 28A.61.900, 43.131.187, 43.131.188, 43.131.189, 43.131.190, 43.131.211, 43.131.212, 43.131.221, 43.131.222, 43.131.305, 43.131.306, 43.131.307, 43.131.313, 43.131.314, and 67.08.910; and declaring an emergency.

Referred to Committee on State Government.

HB 1334 by Representatives Sommers, B. Williams, Grimm, Tilly, P. King, Sayan and Unsoeld; by request of Legislative Budget Committee

AN ACT Relating to the deletion of statutory duties of the legislative budget committee; amending RCW 2.56.120, 7.68.160, 28A.61.070, 28B.16.112, 40.07.050, 41.06.163, 41.06.167, 43.03.260, 43.19.19052, 43.19.200, 43.19.650, 43.19.660, 43.52.378, 43.52.510, 43.52.618, 43.88A.030, 43.105.016, 43.132.040, 43.132.050, 46.08.066, 67.70.050, 74.04.630, and 82.01.135; amending section 715, chapter 373, Laws of 1985 (uncodified); and repealing RCW 28A.97.100 and 41.60.130.

Referred to Committee on State Government.

HB 1335 by Representatives Belcher, Jacobsen, Niemi, G. Nelson and Unsoeld

AN ACT Relating to personal services contracts; amending RCW 39.29.006; and adding new sections to chapter 39.29 RCW.

Referred to Committee on State Government.

HB 1336 by Representatives May, Zellinsky, Haugen, Nutley, Winsley, Allen, Ebersole, Schoon, Hankins, Thomas, Leonard, Rayburn, Scott, K. Wilson, Hine, Kremen, Silver, Tilly, Miller, Walker, Jacobsen, Sanders, McMullen and Isaacson

AN ACT Relating to waiver of the one hundred six percent property tax limitation by local governments; and amending RCW 84.55.050.

Referred to Committee on Local Government.

HB 1337 by Representatives Sommers, Niemi, B. Williams, Braddock and P. King

AN ACT Relating to the Washington state development loan fund committee; and repealing RCW 42.18.350.

Referred to Committee on Constitution, Elections & Ethics.

HB 1338 by Representatives Ebersole, P. King, Leonard, Long, Lux, Crane and Fisch

AN ACT Relating to riding in trucks; and amending RCW 46.61.660.

Referred to Committee on Transportation.

HB 1339 by Representatives Ebersole, Brough, Madsen, Wineberry, Tanner, Sanders, Appelwick, Betzoff, Tilly, K. Wilson, Armstrong, Crane and Fisch

AN ACT Relating to school attendance; and amending RCW 28A.27.010.

Referred to Committee on Education.

HB 1340 by Representatives Ebersole, P. King, Leonard, Rust, Ballard and Lux

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

Referred to Committee on Transportation.

HB 1341 by Representatives Belcher and P. King

AN ACT Relating to state employee relocation expenses; amending RCW 43.03.120; adding new sections to chapter 43.03 RCW; adding a new section to chapter 4.92 RCW; creating a new section; and repealing RCW 43.03.110.

Referred to Committee on State Government.

HB 1342 by Representatives Wang, Patrick, Locke, Wineberry, Appelwick, Dellwo, Niemi, Gallagher, O'Brien, Isaacson, Jacobsen, C. Smith, Armstrong, Nealey, Doty, Unsoeld, Lux, Crane and Fisch

AN ACT Relating to fair competition in motion pictures; amending RCW 19.58.010, 19.58.020, 19.58.030, 19.58.040, and 19.58.050; adding new sections to chapter 19.58 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1343 by Representatives Isaacson, Brough, Winsley, Hankins and Lux

AN ACT Relating to group and blanket disability insurance; and adding a new section to chapter 48.21 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1344 by Representatives Thomas, Sanders, Isaacson and May

AN ACT Relating to motor vehicle license plate replacement; and repealing RCW 46.16.275.

Referred to Committee on Transportation.

HB 1345 by Representatives Belcher, Madsen and Unsoeld

AN ACT Relating to the legislative systems committee; adding a new section to chapter 43.105 RCW; adding a new chapter to Title 44 RCW; creating a new section; repealing RCW 1.08.100; and declaring an emergency.

Referred to Committee on State Government.

HB 1346 by Representatives Sommers and B. Williams; by request of Legislative Budget Committee

AN ACT Relating to cigarette wholesalers and retailers; amending RCW 19.91.010, 19.91.911, 19.02.110, 82.24.130, and 82.24.250; adding new sections to chapter 82.24 RCW; prescribing penalties; and providing effective dates.

Referred to Committee on Commerce & Labor.

HB 1347 by Representative Todd

AN ACT Relating to curb ramps for handicapped; and amending RCW 35.68.075.

Referred to Committee on Local Government.

HB 1348 by Representatives Fisher, P. King and Unsoeld

AN ACT Relating to elections; amending RCW 29.36.010, 29.36.075, 29.51.100, 29.51-170, 29.18.160, 29.51.110, 29.30.010, 29.30.081, 29.30.310, and 29.34.125; adding new sections to chapter 29.04 RCW; adding a new section to chapter 29.85 RCW; repealing RCW 29.51-090 and 29.54.180; and prescribing penalties.

Referred to Committee on Constitution, Elections & Ethics.

HB 1349 by Representatives Fisher and P. King

AN Act Relating to elections; amending RCW 29.04.040, 29.13.020, 29.18.025, 29.21.060, 28A.57.322, 35.23.190, 35.24.080, 35.27.120, 35A.12.080, 35A.29.110, 52.14.070, 54.12.100, 68.16.180, 29.07.070, 29.07.220, 29.10.020, 29.51.060, and 29.07.065; adding new sections to chapter 29.07 RCW; adding a new section to chapter 29.13 RCW; repealing RCW 29.07.150; and providing an effective date.

Referred to Committee on Constitution, Elections & Ethics.

HB 1350 by Representatives Sommers, Prince, D. Nelson, Jacobsen, Unsoeld, Miller, Brough, Wineberry, Holland, P. King, Nealey and Hine

AN ACT Relating to tuition fees; and amending RCW 28B.15.067.

Referred to Committee on Higher Education.

HB 1351 by Representatives Holland, Sommers, Jacobsen, B. Williams, Vander Stoep, D. Nelson, Unsoeld, Miller, Long, G. Nelson and May

AN ACT Relating to the Metropolitan Tract; amending RCW 28B.20.382; and adding a new section to chapter 28B.20 RCW.

Referred to Committee on Higher Education.

HB 1352 by Representatives Sommers, Prince, Jacobsen, Unsoeld, Miller, Wineberry, Holland, Dellwo and P. King

AN ACT Relating to higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1353 by Representatives Rayburn, Vekich, Hastings and Tilly

AN ACT Relating to plats within irrigation districts; and amending RCW 58.17.310.

Referred to Committee on Agriculture.

HB 1354 by Representatives Sutherland, Winsley, Sayan, Allen, R. King, Wang and Fisch

AN ACT Relating to the board of electrical examiners; and amending RCW 19.28.123.

Referred to Committee on Commerce & Labor.

HB 1355 by Representatives Madsen, R. King, Vekich, P. King, Baugher, Isaacson, Todd, C. Smith and K. Wilson

AN ACT Relating to the department of agriculture; and amending RCW 43.23.035.

Referred to Committee on Agriculture.

HB 1356 by Representatives Wang, Appelwick, Tilly, Scott, Armstrong, West and Locke

AN ACT Relating to superior courts; and amending RCW 2.08.067.

Referred to Committee on Judiciary.

HB 1357 by Representative Wang

AN ACT Relating to cigarettes; amending RCW 19.91.010; adding a new section to chapter 19.91 RCW; adding new sections to chapter 82.24 RCW; creating a new section; repealing RCW 19.91.911, 19.91.010, 19.91.020, 19.91.030, 19.91.040, 19.91.050, 19.91.060, 19.91.070, 19.91.080, 19.91.090, 19.91.100, 19.91.110, 19.91.120, 19.91.130, 19.91.140, 19.91.150, 19.91.160, 19.91.170, 19.91.180, 19.91.190, 19.91.900, and 19.91.910; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1358 by Representatives Wang, P. King, Valle, Ebersole, Armstrong, Todd, Appelwick, Peery, Taylor, Schoon, Rayburn, Long, Winsley, K. Wilson and Van Luven

AN ACT Relating to teacher abuse; and amending RCW 28A.87.010.

Referred to Committee on Education.

- HB 1359 by Representatives Haugen, S. Wilson, Bristow, Zellinsky and Fuhrman
AN ACT Relating to nonresident school district attendance; and amending RCW 28A.58.243.
Referred to Committee on Ways & Means.
- HB 1360 by Representatives Haugen and Zellinsky
AN ACT Relating to motor freight carriers; amending RCW 81.80.020, 81.80.290, and 81.80.330; and repealing RCW 81.80.211.
Referred to Committee on Transportation.
- HB 1361 by Representatives Haugen and Walk
AN ACT Relating to motor vehicle size, weight, load, and safety enforcement; adding a new section to chapter 43.43 RCW; adding a new section to chapter 81.01 RCW; and creating new sections.
Referred to Committee on Transportation.
- HB 1362 by Representatives Haugen, Basich, Braddock, McMullen, Zellinsky, Scott, Sayan, S. Wilson, Vekich, Lundquist, Fisch and P. King
AN ACT Relating to Washington caught fish and marketing; and creating a new section.
Referred to Committee on Agriculture.
- HB 1363 by Representatives Crane, Walk, J. Williams, K. Wilson, Zellinsky, Valle, May, Fisher, Schmidt, Leonard, Haugen, Miller, Walker, Cole, Todd, Long, Holland, Isaacson, Schoon, Betrozoff, Chandler, Patrick, Ebersole, Lux, Rust, Nutley, Brough, Jacobsen, S. Wilson, P. King, Winsley, Belcher, Van Luven and Unsoeld
AN ACT Relating to motor vehicles; and amending RCW 46.37.500 and 46.61.655.
Referred to Committee on Transportation.
- HB 1364 by Representatives Appelwick and Unsoeld
AN ACT Relating to insurance premium taxes; amending RCW 48.14.020; and declaring an emergency.
Referred to Committee on Ways & Means.
- HB 1365 by Representatives May, Miller, J. Williams, Leonard, Patrick, Jacobsen, Van Luven, Rust, Betrozoff, Belcher, Long, K. Wilson, Brough, Nutley, L. Smith, Scott, Walker, S. Wilson, Schoon, Isaacson, Wineberry, P. King and Winsley
AN ACT Relating to rules of the road; and amending RCW 46.61.655.
Referred to Committee on Transportation.
- HB 1366 by Representatives May, Leonard, Lux, Walk, Jacobsen, Miller, J. Williams, S. Wilson, P. King, Betrozoff and Haugen
AN ACT Relating to the watercraft excise tax; and amending RCW 82.49.070.
Referred to Committee on Local Government.
- HB 1367 by Representatives Valle, Long, K. Wilson, Schoon, Ebersole, Betrozoff, Walker, Rayburn, Taylor, Wang, Todd, P. King, L. Smith, Chandler, Fuhrman, Holland, Cole, Wineberry, Winsley, Smitherman, Isaacson and May
AN ACT Relating to a career ladder; and creating a new section.
Referred to Committee on Education.
- HB 1368 by Representatives Tilly, Winsley and J. Williams
AN ACT Relating to abstracts of driving records; and amending RCW 46.52.130.
Referred to Committee on Financial Institutions & Insurance.
- HB 1369 by Representatives Ebersole, Jacobsen, Niemi, O'Brien, Cole, Patrick, Fisher, Walker, Wang, Winsley, Leonard and Armstrong

AN ACT Relating to public parking facilities; amending RCW 46.55.010 and 46.55.070; and adding a new section to chapter 46.55 RCW.

Referred to Committee on Commerce & Labor.

HB 1370 by Representatives Haugen, May, Lundquist, Hine and P. King

AN ACT Relating to port district indebtedness; and amending RCW 53.36.030.

Referred to Committee on Local Government.

HB 1371 by Representatives Ebersole, Taylor, Grimm, Fuhrman, P. King, Winsley and C. Smith

AN ACT Relating to student transportation; and amending RCW 28A.24.055.

Referred to Committee on Education.

HB 1372 by Representative J. King

AN ACT Relating to nonresident brokers and salesmen; and amending RCW 18.85.161 and 18.85.163.

Referred to Committee on Commerce & Labor.

HB 1373 by Representatives Appelwick and Padden

AN ACT Relating to vehicular assault; and amending RCW 46.61.522.

Referred to Committee on Judiciary.

HB 1374 by Representative Appelwick

AN ACT Relating to nonlease interests in improvements on leased public property; and amending RCW 82.29A.160.

Referred to Committee on Ways & Means.

HB 1375 by Representatives Appelwick, Brough and Unsoeld

AN ACT Relating to smoking in court rooms and jury facilities; and amending RCW 70.160.020 and 70.160.040.

Referred to Committee on Environmental Affairs.

HB 1376 by Representative Appelwick

AN ACT Relating to attorneys' fees; amending RCW 4.84.030, 4.84.250, 4.84.300, and 12.20.060; adding new sections to chapter 4.84 RCW; adding a new section to chapter 34.04 RCW; repealing RCW 4.84.020; and providing an effective date.

Referred to Committee on Judiciary.

HB 1377 by Representatives Wang, Cole, O'Brien, Ebersole, Patrick, Sayan, Fisher, Fisch, R. King and Belcher

AN ACT Relating to industrial insurance coverage of agricultural employment; and amending RCW 51.12.020.

Referred to Committee on Commerce & Labor.

HB 1378 by Representatives Wang, Patrick, R. King, Cole, O'Brien, Chandler, Ebersole, Sayan, Fisher, J. Williams, Fisch and P. King

AN ACT Relating to liquor control regulation of language; amending RCW 66.08.050; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1379 by Representatives Grimm, May, Hine, Unsoeld, J. King, Ebersole, Braddock, Sommers, Smitherman, Madsen, Brekke, Rust, Wang, Armstrong, Sayan, Holland, Dellwo and Belcher; by request of Governor

AN ACT Relating to the financing of water pollution control facilities and activities; reenacting and amending RCW 82.24.260; adding a new chapter to Title 70 RCW; adding a new section to chapter 82.24 RCW; adding a new section to chapter 82.26 RCW; making appropriations; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1380 by Representatives Rayburn, Brekke, Nutley, Leonard, Wineberry, Tilly, Holland, R. King, P. King, Wang, Smitherman, Tanner, Belcher, Cole, K. Wilson, Sayan, Valle, Scott, Peery, Haugen, Hine, Unsoeld and Fisher

AN ACT Relating to prenatal care for low-income women; amending section 217, chapter 6, Laws of 1985 ex. sess. (uncodified); adding a new section to chapter 6, Laws of 1985 ex. sess.; making an appropriation; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1381 by Representatives Smitherman and Barnes

AN ACT Relating to employer retirement contributions; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways & Means.

HB 1382 by Representatives Rust, Allen, Jacobsen, Nutley, Belcher and Unsoeld

AN ACT Relating to outdoor recreation; amending RCW 46.09.020, 46.09.030, 46.09-.050, 46.09.070, 46.09.080, 46.09.110, 46.09.130, 46.09.170, 46.09.240, and 46.09.250; adding a new section to chapter 43.30 RCW; adding new sections to chapter 46.09 RCW; repealing RCW 46.09.060, 46.09.090, 46.09.260, and 46.09.270; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1383 by Representatives Grimm, Belcher and Unsoeld

AN ACT Relating to the legislature and terms of state officials; amending RCW 44.04-.010 and 43.01.010; and adding a new section to chapter 44.04 RCW.

Referred to Committee on State Government.

HB 1384 by Representative Smitherman

AN ACT Relating to instruction permits; and amending RCW 46.20.055.

Referred to Committee on Transportation.

HB 1385 by Representatives Haugen, G. Nelson, Brough, Allen, Winsley, Ebersole and Fisher

AN ACT Relating to water and sewer district commissioner elections; amending RCW 56.12.030; and adding a new section to chapter 57.12 RCW.

Referred to Committee on Local Government.

HB 1386 by Representatives Hine, Jacobsen and Isaacson

AN ACT Relating to the annexation of all or part of a city or town by another city or town; and amending RCW 35.10.217.

Referred to Committee on Local Government.

HB 1387 by Representatives K. Wilson, Schmidt, Walk, Patrick, Zellinsky and J. Williams

AN ACT Relating to accident reports; and amending RCW 46.52.030.

Referred to Committee on Transportation.

HB 1388 by Representatives Wang, Patrick, Ebersole, West, Scott, Basich, Gallagher, Vekich, Madsen, Hargrove, R. King, Fisch, Day, Cole, Fisher, Sayan, Winsley and Schoon

AN ACT Relating to fire protection agencies in consolidation and annexation actions; adding new sections to chapter 35.10 RCW; adding new sections to chapter 35.13 RCW; adding new sections to chapter 52.04 RCW; adding new sections to chapter 52.06 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1389 by Representatives Jacobsen, Appelwick, Ballard and Lux

AN ACT Relating to air and land ambulance services; amending RCW 70.38.105; creating new sections; and declaring an emergency.

Referred to Committee on Social & Health Services.

HB 1390 by Representatives Jacobsen, Tanner, Dellwo, P. King and Belcher

AN ACT Relating to tuition waivers for students in the regional education program for deaf students; and reenacting and amending RCW 28B.15.520.

Referred to Committee on Higher Education.

HB 1391 by Representatives Appelwick, Jacobsen, Niemi, Wang, Padden, Tilly, Tanner, Barnes, Patrick, Dellwo, P. King, McMullen Isaacson, Long and Lux

AN ACT Relating to sales and use tax exemptions of hearing aids; amending RCW 82.08.0283 and 82.12.0277; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1392 by Representatives Rayburn and Baugher

AN ACT Relating to irrigation districts; and amending RCW 87.76.020 and 87.76.040.

Referred to Committee on Agriculture.

HB 1393 by Representatives Sayan, Vekich and Belcher

AN ACT Relating to superior courts; amending RCW 2.08.065; creating a new section; and providing an effective date.

Referred to Committee on Judiciary.

HB 1394 by Representatives Sayan, Vekich and Ebersole

AN ACT Relating to school directors; and amending RCW 28A.57.318 and 28A.57.415.

Referred to Committee on Education.

HB 1395 by Representative Wang

AN ACT Relating to pseudo-games of skill; adding a new section to chapter 9.46 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HJM 29 by Representatives Lux, Appelwick, Locke, Dellwo, Belcher, Armstrong, Nutley, Unsoeld, Crane and Fisch

Requesting the federal regulation of insurance.

Referred to Committee on Financial Institutions & Insurance.

HJR 50 by Representatives Sommers, Fisher, Barnes, R. King, K. Wilson and Unsoeld

Providing for the submission to the people of alternative amendments to the Constitution.

Referred to Committee on Constitution, Elections & Ethics.

HJR 51 by Representatives Sommers, Fisher, Barnes, R. King, K. Wilson and Unsoeld

Providing for the submission to the people of alternative referenda.

Referred to Committee on Constitution, Elections & Ethics.

HJR 52 by Representative Fisher

Providing for the filling of vacancies in joint legislative offices.

Referred to Committee on Constitution, Elections & Ethics.

MOTION

On motion of Mr. J. King, the bills, memorials and resolutions listed on today's agenda were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

January 10, 1986

HB 6 Prime Sponsor, Representative Sommers: Adopting life-cycle costing in construction design of public facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments:

On page 3, beginning on line 7 strike "to be designated as chapter 39.35A RCW"

On page 1, beginning on line 2 of the title strike "to be designated as chapter 39.35A RCW"

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Hastings and Vander Stoep.

January 10, 1986

EHB 37 Prime Sponsor, Representative D. Nelson: Authorizing above-ground tanks for recycling used oil. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefore and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Isaacson, Jacobsen, R. King, Lux, May, Nutley and Valle.

Absent: Representatives Bond, Brough and Lewis.

January 10, 1986

HB 136 Prime Sponsor, Representative Unsoeld: Controlling dangerous wastes that had household uses. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair, Allen, Barnes, Brekke, Isaacson, Jacobsen, R. King, Lux, Nutley and Valle.

MINORITY recommendation: Do not pass. Signed by Representative May.

Absent: Representatives Bond, Brough and Lewis.

January 10, 1986

HB 573 Prime Sponsor, Representative Armstrong: Revising provisions relating to claims arising from improvements upon real property. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass with the following amendment:

On page 2, line 22 after "manufacturers" strike everything through "RCW 7.72.030" on line 23.

Signed by Representatives Grimm, Chair; Brekke, Bristow, Hine, Holland, Long, G. Nelson, Rust, Sanders, Sayan, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Voting nay: Representatives Appelwick, J. King and Niemi.

Absent: Representative Hastings.

January 9, 1986

HB 719 Prime Sponsor, Representative Todd: Requiring installation of smoke detectors in college dormitories. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefore and the substitute bill do pass. Signed by Representatives Sommers, Chair; Jacobsen,

Vice Chair: Allen, Basich, Belcher, Miller, Prince, Silver, Unsoeld, Vander Stoep and K. Wilson.

Absent: Representatives Hastings, D. Nelson, G. Nelson and Wineberry.

Passed to Committee on Rules for second reading.

January 10, 1986

HB 1096 Prime Sponsor, Representative L. Smith: Modifying provisions relating to surface mining permits and fees. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland; Chair; K. Wilson, Vice Chair; Belcher, Cole, Dobbs, Hargrove, Haugen, Leonard, Lundquist, Sanders, Sayan and J. Williams.

Absent: Representatives Fuhrman, Hankins, McMullen, D. Nelson, van Dyke and S. Wilson.

January 10, 1986

SHB 1177 Prime Sponsor, Committee on Environmental Affairs: Providing public access to records of hazardous waste handlers. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9 after "the" strike "appropriate fire department" and insert "fire departments or fire districts that service the areas in which the wastes are handled. In areas that are not serviced by a fire department or fire district, the forms or reports shall be provided to the sheriff or other county official designated pursuant to RCW 48.48.060."

Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Isaacson, Jacobsen, R. King, Lux, May, Nutley and Valle.

Absent: Representatives Bond, Brough and Lewis.

December 6, 1985

HJR 49 Prime Sponsor, Representative Ehlers: Relating to elected officials' salaries. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute resolution be substituted therefor and the substitute resolution do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Madsen, Miller, Nealey, Sommers and Walker.

Voting nay: Representative Barnes.

Absent: Representatives Barrett, Day and Fisch.

MOTIONS

Mr. J. King moved that the bills listed on today's Report of Standing Committees be passed to Committee on Rules for second reading.

Mr. Barrett moved that the motion by Representative J. King be amended and the bills be rereferred to committee of origin in accordance with SCR 124.

Mr. Barrett spoke in favor of the motion to amend the King motion, and Mr. J. King spoke against it.

POINT OF INQUIRY

Mr. G. Nelson asked Mr. J. King to yield to question and Mr. King refused to yield.

Representatives G. Nelson and Lundquist spoke in favor of the motion by Representative Barrett and Mr. J. King again opposed it.

A division was called and the motion was lost by a standing vote.

The motion by Mr. J. King was carried.

MESSAGE FROM THE SENATE

January 13, 1986

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 17,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 17.

MESSAGE FROM THE SENATE

January 13, 1986

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 125,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 2, by Committee on State Government (originally sponsored by Representative Belcher)

Government employee exchange program.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Addison - 1.

Excused: Representatives Miller, West - 2.

Substitute House Bill No. 2, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 22, by Representatives Vekich, Nealey, Baugher, Holland, Todd, Betzoff, C. Smith, Isaacson, Doty, Unsoeld, Rayburn, Chandler and Sayan

Providing remedies to protect ground water rights.

The bill was read the third time and placed on final passage.

Representatives Vekich and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 22, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Miller, West - 2.

Engrossed House Bill No. 22, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 131, by Committee on Social & Health Services (originally sponsored by Representatives Brekke and B. Williams)

Revising the regulation of health-related professions.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 131, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Isaacson - 1.

Excused: Representatives Miller, West - 2.

Substitute House Bill No. 131, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I wish the record to show that it was my intention to vote "Aye" on Substitute House Bill No. 131.

RAY ISAACSON, 8th District.

HOUSE BILL NO. 390, by Representative Armstrong

Modifying the amount a garnishee is required to hold.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 390, and the bill passed the House by the following vote: Yeas, 92; nays, 2; absent, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Lundquist, Nealey - 2.

Absent: Representatives Baugher, Vander Stoep - 2.

Excused: Representatives Miller, West - 2.

House Bill No. 390, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 393, by Committee on State Government (originally sponsored by Representatives Brooks, Belcher, J. Williams, O'Brien and Hankins; by Department of General Administration request)

Revising state competitive bidding procedures.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 393, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Addison - 1.

Excused: Representatives Miller, West - 2.

Engrossed Substitute House Bill No. 393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. J. King, HOUSE BILL NO. 677, ENGROSSED HOUSE BILL NO. 1001, HOUSE BILL NO. 1002 and SUBSTITUTE HOUSE BILL NO. 1134 were rereferred from the third reading calendar to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 712, by Committee on Commerce & Labor (originally sponsored by Representative Sutherland)

Permitting claimants to review their industrial insurance files.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 712, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Miller, West - 2.

Substitute House Bill No. 712, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

INTRODUCTION AND FIRST READING

SCR 125 by Senators Bottiger, Fleming, Hayner and Sellar

Establishing cutoff dates for 1986 regular session of the legislature.

MOTION

On motion of Mr. J. King, the rules were suspended and Senate Concurrent Resolution No. 125 was advanced to second reading and read the second time in full.

Mr. Ballard moved adoption of the following amendment:

On page 1, lines 22 and 28 and page 2, lines 2, 9, and 13 following "budgets," insert "bills dealing with tort reform."

Representatives Ballard and Brough spoke in favor of the amendment and Mr. J. King spoke against it.

On motion of Mr. Hastings, the following remarks by Representative J. King were ordered inserted into the Journal:

Mr. J. King: "I'm going to ask people to oppose the amendment. Just like swallows coming back to Capistrano, several things always happen the first day of the session: One of them is that the voting machine never works in spite of the fact that it was working the night before at midnight, and the second thing that has happened is that one side or the other always wants to amend the cut-off. Let me be very clear, we want to deal with this issue. The fact that we have had dealings and have had dealings all year long, the fact that we spent an entire day last week on the floor of this House trying, with all sincerity, to deal with what looks to us to be an insurance crisis. We will deal with it; we want to deal with it now. We don't want to give ourselves any excuse to delay this. I would point out that this body could delay or could amend the cutoff at any point in the session, but we are anxious to get on with this business and deal with it right away. Please vote no on this needless amendment."

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Ballard to Senate Concurrent Resolution No. 125, and the amendment was not adopted by the following vote: Yeas, 42; nays, 53; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Berozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Wilson S, Winsley - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 53.

Absent: Representative Williams J - 1.

Excused: Representatives Miller, West - 2.

The Clerk read the following amendment by Representative Barrett:

On page 1, lines 22 and 28 and page 2, lines 2, 9, and 13 following "budgets," insert "bills dealing with government reorganization."

With the consent of the House, Mr. Barrett withdrew the amendment.

Mr. Patrick moved adoption of the following amendment:

On page 1, lines 22 and 28 and page 2, lines 2, 9 and 13 following "budgets," insert "bills dealing with labor and industry reforms."

Representatives Patrick and Chandler spoke in favor of the amendment and Mr. J. King spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Patrick to Senate Concurrent Resolution No. 125, and the amendment was not adopted by the following vote: Yeas, 42; nays, 53; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Wilson S, Winsley - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 53.

Absent: Representative Williams J - 1.

Excused: Representatives Miller, West - 2.

Ms. Allen moved adoption of the following amendment:

On page 1, lines 22 and 28, and page 2, lines 2, 9 and 13 following "budgets," insert "bills dealing with water quality."

Ms. Allen spoke in favor of the amendment, and Mr. J. King spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Allen to Senate Concurrent Resolution No. 125, and the amendment was not adopted by the following vote: Yeas, 40; nays, 54; absent, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Wilson S, Winsley - 40.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 54.

Absent: Representatives Bond, Williams J - 2.

Excused: Representatives Miller, West - 2.

Ms. Silver moved adoption of the following amendment:

On page 1, lines 22 and 28 and page 2, lines 2, 9 and 13 following "budgets," insert "bills dealing with comparable worth."

Ms. Silver spoke in favor of the amendment, and Mr. J. King spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Silver to Senate Concurrent Resolution No. 125, and the amendment was not adopted by the following vote: Yeas, 37; nays, 57; absent, 2; excused, 2.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Betrozoff, Brooks, Chandler, Dobbs, Doty, Fuhrman, Holland, Isaacson, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Williams J, Wilson S - 37.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 57.

Absent: Representatives Bond, Hastings - 2.

Excused: Representatives Miller, West - 2.

Mr. G. Nelson moved adoption of the following amendment:

On page 1, lines 22 and 28 and page 2, lines 2, 9 and 13 following "budgets," insert "bills dealing with public employees' salaries."

Representatives G. Nelson and S. Wilson spoke in favor of the amendment, and Mr. J. King opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative G. Nelson to Senate Concurrent Resolution No. 125, and the amendment was not adopted by the following vote: Yeas, 42; nays, 53; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Holland, Isaacson, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Williams J, Wilson S, Winsley - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 53.

Absent: Representative Hastings - 1.

Excused: Representatives Miller, West - 2.

MOTION

Mr. J. King moved that the rules be suspended, the second reading considered the third and Senate Concurrent Resolution No. 125 be placed on final passage.

Mr. Barrett spoke against the motion.

On motion of Mr. Tilly, the following remarks by Representative Barrett were ordered placed in the Journal:

Mr. Barrett: "I would urge that we do not bump this bill. I think the message has to be said loud and clear right now that this is not going to be a session of sixty days of sweetness and light. The minority party may not have the votes to stop anything that is going to happen, and may not have the votes to put on some vital issues so paramount to the people of our state, but we are not going to cave in and give any endorsement to bills like this one that make no recognition that this body will not have time enough in the schedule that has been presented, there will not be time to address all of the issues that are so important. I refer to tort reform which the majority party said today that if it doesn't make it through in a certain time, to hell with it, it's gone. I refer to the other issues and I think it's time that we said from this side of the aisle that we are going to help set the agenda. If we can't help set the agenda for this session, then we aren't going to vote to run everything down our own throats. I would ask you to vote no on this motion to bump."

Mr. J. King spoke in favor of the motion.

Mr. Ballard demanded an oral roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and place Senate Concurrent Resolution No. 125 on final passage, and the motion failed to receive two-thirds majority by the following vote: Yeas, 53; nays, 42; absent, 1; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 53.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Holland, Isaacson, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Williams J, Wilson S, Winsley - 42.

Absent: Representative Hastings - 1.

Excused: Representatives Miller, West - 2.

Senate Concurrent Resolution No. 125 was passed to Committee on Rules for third reading.

MOTION

On motion of Mr. J. King, the House adjourned until 4:45 p.m., Tuesday, January 14, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

SECOND DAY

AFTERNOON SESSION

House Chamber, Olympia, Wash., Tuesday, January 14, 1986

The House was called to order at 4:45 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Rayburn and West, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Heidi Yelle and Melody Barnes. Prayer was offered by Reverend H. Raymond Banks, Pastor of the Free Methodist Church in Olympia.

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

MESSAGES FROM THE SENATE

January 13, 1986

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 16,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

January 14, 1986

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 17,
SENATE CONCURRENT RESOLUTION NO. 124,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 124.

INTRODUCTIONS AND FIRST READING

HB 1396 by Representatives Day, Padden, Leonard, Braddock, S. Wilson, Fisch, Dobbs, Dellwo, Winsley, Smitherman and P. King

AN ACT Relating to establishing a state cancer coordinating council; adding a new chapter to Title 70 RCW; making an appropriation; providing an expiration date; and providing an effective date.

Referred to Committee on Social & Health Services.

HB 1397 by Representatives Walk, Schmidt, Zellinsky, Haugen and Lundquist

AN ACT Relating to accident reports; and amending RCW 46.52.085.

Referred to Committee on Transportation.

HB 1398 by Representatives Zellinsky, West and Locke; by request of Attorney General

AN ACT Relating to publication of interest rates; amending RCW 34.08.020; adding a new section to chapter 19.52 RCW; and adding a new section to chapter 63.14 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1399 by Representatives Locke, West, Armstrong, P. King, Padden and Van Luven

AN ACT Relating to the sentencing of adult felons; amending RCW 9.94A.030, 9.94A-.040, 9.94A.070, 9.94A.120, 9.94A.190, 9.94A.310, 9.94A.320, 9.94A.330, 9.94A.360, 9.94A.370,

9.94A.390, 9.94A.400, 9.94A.410, 9.94A.440, 9A.44.070, 9A.56.080, and 13.50.050; repealing RCW 9.94A.300 and 9.94A.410; and providing an effective date.

Referred to Committee on Judiciary.

HB 1400 by Representatives Rayburn, Padden, Fisch, West, Madsen and Armstrong

AN ACT Relating to indeterminate sentencing; amending RCW 9.95.001, 9.95.003, 9.95.005, 9.95.007, 9.95.009, 9.95.015, 9.95.040, and 9.95.052; adding new sections to chapter 9.95 RCW; creating a new section; repealing RCW 9.95.001, 9.95.003, 9.95.005, 9.95.007, 9.95.009, 9.95.---, 9.95.015, and 9.95.---; repealing section 39, chapter 137, Laws of 1981 (uncodified); repealing section 1 of this 1986 act (uncodified); and providing an effective date.

Referred to Committee on Judiciary.

HB 1401 by Representative Grimm; by request of Office of Financial Management

AN ACT Relating to economic forecasts; and amending RCW 43.88.030 and 82.01.120.

Referred to Committee on Ways & Means.

HB 1402 by Representatives Walk, Schmidt, Zellinsky, Haugen, Lundquist, Armstrong and P. King

AN ACT Relating to vehicle safety spot checks; amending RCW 46.64.070; adding a new section to chapter 46.64 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 1403 by Representatives Sutherland, Lundquist, Cole, Sanders and Leonard

AN ACT Relating to forest protection; amending RCW 43.30.300, 46.09.200, 52.18.030, 52.20.027, 70.94.760, 76.14.120, and 84.33.130; adding a new section to chapter 43.30 RCW; adding new sections to chapter 76.04 RCW; adding a new section to chapter 76.09 RCW; adding a new section to chapter 79.01 RCW; creating a new section; repealing RCW 76.04.010, 76.04.020, 76.04.030, 76.04.050, 76.04.060, 76.04.070, 76.04.080, 76.04.090, 76.04.100, 76.04.110, 76.04.120, 76.04.130, 76.04.140, 76.04.150, 76.04.170, 76.04.180, 76.04.190, 76.04.200, 76.04.210, 76.04.220, 76.04.222, 76.04.240, 76.04.242, 76.04.245, 76.04.251, 76.04.252, 76.04.270, 76.04.273, 76.04.275, 76.04.277, 76.04.280, 76.04.290, 76.04.300, 76.04.310, 76.04.340, 76.04.350, 76.04.360, 76.04.370, 76.04.380, 76.04.385, 76.04.390, 76.04.395, 76.04.400, 76.04.410, 76.04.420, 76.04.430, 76.04.440, 76.04.490, 76.04.500, 76.04.510, 76.04.515, and 76.04.520; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 1404 by Representatives Isaacson, R. King, Winsley, Brekke and Lux

AN ACT Relating to education; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

HB 1405 by Representatives Appelwick, Ebersole, Holland and Taylor

AN ACT Relating to teachers' pensions; amending RCW 41.32.570; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways & Means.

HB 1406 by Representatives Locke, Allen, D. Nelson, Lux, van Dyke, Appelwick, Armstrong, Leonard, Niemi, Rayburn, Smitherman and O'Brien

AN ACT Relating to surgeons' assistants; amending RCW 18.71A.010, 18.71A.020, 18.71A.030, and 18.71A.070; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; and adding a new section to chapter 48.44 RCW.

Referred to Committee on Social & Health Services.

HB 1407 by Representatives Haugen, Barnes, Todd, Brough, K. Wilson, Belcher, Allen, Madsen, Peery, Valle and P. King

AN ACT Relating to information for residents of areas proposed for annexation into sewer or water districts; adding a new section to chapter 56.24 RCW; and adding a new section to chapter 57.24 RCW.

Referred to Committee on Local Government.

HB 1408 by Representatives Haugen, Brough and Todd

AN ACT Relating to withdrawal of territory from a water district; and amending RCW 57.28.050.

Referred to Committee on Local Government.

HB 1409 by Representatives Sutherland and Peery

AN ACT Relating to green lights on private cars of emergency medical personnel; and amending RCW 46.37.185 and 46.37.186.

Referred to Committee on Transportation.

HB 1410 by Representatives May, Kremen, Allen, Lundquist, Miller, Braddock, Walker; Baugher, G. Nelson, Madsen, J. Williams, Haugen, S. Wilson, Thomas, Fisch, Schmidt, Isaacson, Hargrove, Silver, Smitherman and Winsley

AN ACT Relating to water pollution management; amending RCW 90.52.040 and 90.54.020; and adding a new section to chapter 90.52 RCW.

Referred to Committee on Environmental Affairs.

HB 1411 by Representatives Isaacson, Haugen, Winsley, Nutley, Patrick, Ebersole, Brough, May, Allen and Hankins

AN ACT Relating to irrigation districts; amending RCW 87.03.020, 87.03.040, 87.03.080, 87.03.081, 87.03.190, 87.03.200, 87.03.470, 87.03.535, 87.03.675, 87.03.740, 87.03.834, 87.19.020, 87.52.030, 87.52.090, 87.53.040, and 87.53.060; adding new sections to chapter 87.03 RCW; creating a new section; and repealing RCW 87.03.030, 87.03.031, 87.03.032, 87.03.033, 87.03.034, 87.03.035, 87.03.085, 87.03.090, 87.03.095, 87.03.100, 87.03.105, 87.03.110, and 87.03.590.

Referred to Committee on Local Government.

HB 1412 by Representatives Holland and Patrick

AN ACT Relating to election crimes; and adding a new section to chapter 29.85 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 1413 by Representatives Nutley, Isaacson, Haugen, Winsley, Ebersole, Allen, Rayburn, May, Brough, Hine and Grimm

AN ACT Relating to revenue bonds; and adding new sections to chapter 39.46 RCW.

Referred to Committee on Local Government.

HB 1414 by Representative Isaacson

AN ACT Relating to retirement benefits; and amending RCW 41.40.150.

Referred to Committee on Ways & Means.

HB 1415 by Representatives Locke, Wang, Belcher, Niemi, Miller, Vander Stoep, Allen, Prince, Unsoeld, Jacobsen and Lux

AN ACT Relating to redress of civil rights restrictions resulting from federal Executive Order 9066; adding new sections to chapter 41.04 RCW; and creating a new section.

Referred to Committee on Judiciary.

HB 1416 by Representatives Grimm and P. King

AN ACT Relating to the legislative fiscal services committee; amending RCW 44.28-.080, 44.28.085, 44.28.086, 44.28.087, 44.48.070, 44.48.080, 44.48.090, 44.28.110, 44.28.120, 44.44.010, 44.44.040, 43.88A.020, 43.88A.030, 43.88A.040, 43.132.020, 43.132.030, 43.132.040, 43.132.050, 4.92.040, 2.56.120, 18.11.910, 18.36.010, 19.91.911, 28A.03.449, 28A.61.030, 28A.61-.070, 28A.97.100, 28B.15.766, 28B.16.112, 39.19.900, 39.29.010, 40.07.050, 41.06.070, 41.06.163, 41.06.167, 41.26.030, 41.32.010, 41.40.010, 41.60.130, 42.48.060, 43.03.260, 43.09.310, 43.19-.19052, 43.19.200, 43.19.532, 43.19.650, 43.19.660, 43.52.378, 43.52.510, 43.52.618, 43.79.270, 43.79.280, 43.88.020, 43.88.030, 43.88.090, 43.88.111, 43.88.160, 43.88.205, 43.88.230, 43.88.310, 43.88.510, 43.131.050, 43.131.060, 43.131.070, 43.131.080, 43.131.110, 43.132.040, 43.132.050, 43.136.030, 43.136.040, 43.136.050, 44.40.025, 46.08.066, 67.08.910, 67.70.050, 67.70.310, 67.70-.900, 72.09.180, 74.04.630, 82.01.125, and 82.01.135; reenacting and amending RCW 43.10-.067; adding new sections to chapter 44.28 RCW; adding a new section to chapter 43.105 RCW; creating new sections; recodifying RCW 44.48.070, 44.48.080, and 44.48.090; repealing RCW 7.68.160, 44.44.020, 44.44.030, 44.28.010, 44.28.020, 44.28.030, 44.28.040, 44.28.050,

44.28.060, 44.28.100, 44.28.130, 44.28.140, 44.28.150, 44.28.900, 44.48.010, 44.48.020, 44.48.030, 44.48.040, 44.48.050, 44.48.060, 44.48.100, 44.48.110, 44.48.120, 44.48.130, 44.48.140, and 44.48.900; and providing effective dates.

Referred to Committee on State Government.

HB 1417 by Representatives Appelwick, Armstrong and P. King

AN ACT Relating to domestic relations; and amending RCW 26.09.060.

Referred to Committee on Judiciary.

HB 1418 by Representative Walk

AN ACT Relating to agents of the county auditor; amending RCW 46.01.140; reenacting and amending RCW 46.01.140; and providing a contingent effective date.

Referred to Committee on Transportation.

HB 1419 by Representatives Locke, May, Hine, Sommers, Niemi, Tilly, Prince, Belcher, Sanders, Allen, Long, Lux and Jacobsen

AN ACT Relating to limited waiver of the one hundred six percent property tax limit; and amending RCW 84.55.050.

Referred to Committee on Ways & Means.

HB 1420 by Representative Grimm

AN ACT Relating to intercollegiate athletic fees; amending RCW 28B.10.265, 28B.15.041, 28B.15.044, 28B.15.045, 28B.15.380, 28B.15.411, 28B.15.522, 28B.15.535, 28B.15.540, 28B.15.545, 28B.15.600, 28B.15.740, 28B.35.361, 28B.40.361, and 28B.50.320; reenacting and amending RCW 28B.15.100, 28B.15.520, and 28B.15.543; adding a new section to chapter 28B.15 RCW; and providing an effective date.

Referred to Committee on Higher Education.

HB 1421 by Representatives Niemi, Ballard, Lux, Prince, Dellwo, J. King and Sanders

AN ACT Relating to insurance for mental health services; amending RCW 48.21.240, 48.44.340, and 48.46.290; creating a new section; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1422 by Representatives Ebersole, Sommers, Vander Stoep and P. King; by request of Commission for Vocational Education

AN ACT Relating to the Washington award for vocational excellence; and amending RCW 28B.15.545, 28C.04.525, and 28C.04.545.

Referred to Committee on Education.

HB 1423 by Representatives Appelwick, Brough and P. King

AN ACT Relating to driving after drinking; amending RCW 46.61.506; adding new sections to chapter 46.61 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1424 by Representatives Appelwick and P. King

AN ACT Relating to estate tax apportionment; and adding a new chapter to Title 83 RCW.

Referred to Committee on Ways & Means.

HB 1425 by Representatives Baugher and Rayburn

AN ACT Relating to classification of utility rates by cities and towns; and amending RCW 35.67.020, 35.92.010, and 35.92.020.

Referred to Committee on Local Government.

HB 1426 by Representatives Walker, Sommers, Ebersole, Taylor, Fisher, Betrozoff and Tilly

AN ACT Relating to retirement systems contributions; amending RCW 41.32.775; and creating a new section.

Referred to Committee on Ways & Means.

HB 1427 by Representatives Walk, Schmidt, Gallagher, Patrick and P. King; by request of Department of Licensing

AN ACT Relating to confidential driver's licenses; and adding a new section to chapter 46.20 RCW.

Referred to Committee on Transportation.

HB 1428 by Representatives Thomas, Schmidt, Walker and van Dyke

AN ACT Relating to legislative vacancies; and adding a new section to chapter 44.04 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 1429 by Representatives Rust, Allen, Unsoeld, Brough, May, Ebersole, Nutley, Wang, Cole, Leonard, K. Wilson, McMullen, Jacobsen and Lux

AN ACT Relating to mediation; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Environmental Affairs.

HB 1430 by Representatives Walker, Haugen, Brough, Madsen, Prince, Winsley, May and P. King

AN ACT Relating to law enforcement service districts; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

HB 1431 by Representatives Nealey, Sayan, Taylor, Belcher, Peery, Fuhrman, van Dyke, Vekich and Hankins

AN ACT Relating to the seal of the state of Washington; adding a new chapter to Title 43 RCW; repealing RCW 9.91.050 and 9.91.055; and prescribing penalties.

Referred to Committee on Constitution, Elections & Ethics.

HB 1432 by Representatives Valle, Allen, Rust, Isaacson, Barnes, Unsoeld, Schoon, Jacobsen, Sanders, Brough and Long

AN ACT Relating to smoking in state buildings; adding a new section to chapter 70.160 RCW; and creating a new section.

Referred to Committee on Environmental Affairs.

HB 1433 by Representatives Tilly, Grimm, Bristow, Hastings, Sayan, B. Williams, Braddock, Long, Holland, Brekke, Silver, G. Nelson, C. Smith, Jacobsen, Bond, Miller, Van Luven and P. King

AN ACT Relating to the state lottery; creating a new section; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Ways & Means.

HCR 18 by Representatives Basich, K. Wilson, Lundquist, Sayan, Fisch, Vekich, Hargrove, Braddock, Haugen, Sanders, Leonard, J. Williams, Cole, van Dyke and Jacobsen

Establishing Pacific fisheries task force.

Referred to Committee on Natural Resources.

MOTION

On motion of Mr. J. King, the bills and the resolution listed on today's Introduction of Bills under the fourth order of business were considered first reading and referred to the committees designated.

JOINT SESSION

The Sergeant at Arms announced the arrival of the Senate at the bar of the House.

The Speaker instructed the Sergeants at Arms of the House and Senate to escort President of the Senate John Cherberg, President Pro Tempore H.A. "Barney" Goltz

and Vice President Pro Tempore A. L. "Slim" Rasmussen and Majority Leader R. Ted Bottiger to seats on the rostrum.

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

The Speaker presented the Gavel to President Cherberg.

The Clerk of the Senate called the roll of the Senate and all members were present except Senator Stratton, who was excused.

The Clerk of the House called the roll of the House and all members were present except Representatives Rayburn and West, who were excused.

The President appointed Senators Talmadge, Hayner, Halsan, Bottiger and Newhouse and Representatives Armstrong, Scott, Padden and Tilly to escort the Supreme Court Justices from the State Reception Room to seats within the bar of the House.

The President appointed Senators Vognild, Lee and Moore and Representatives Ebersole, Lux and Lewis to escort the State Elected Officials to seats within the bar of the House.

The President appointed Senators Bauer, Cantu and Wojahn and Representatives Appelwick, Dellwo and Silver to escort Governor Booth Gardner to the rostrum.

President Cherberg introduced Governor Gardner.

GOVERNOR'S STATE OF THE STATE ADDRESS

Governor Gardner: "Mr. President, Mr. Speaker, Mr. Chief Justice, distinguished Justices of the Supreme Court, members of the Legislature, honored elected officials and fellow citizens of Washington State.

"The state of our state is stable: The economy is holding, although not growing as rapidly as we would like; government is maintaining, though not expanding, vital programs; unemployment has stabilized and even declined, though many people are going back to work for lower salaries than they earned in the past; and the timber industry has restructured into a leaner, more efficient operation and seems to have leveled off in its employment. Things are stable but stability has never been good enough for the people of this state. People want progress.

"A year ago I delivered my first address before you as a rookie governor. It was a speech filled with optimism and with priorities. Those priorities remain today: A clean and safe environment; the best possible educational system; jobs for the unemployed and underemployed; and stable growth for our economy. I have spent a great deal of time in the past year talking with the people who pay the bills for government--the taxpayers. They share the goals which I have outlined, but they also had another message: Get rid of waste and duplication in government. Governors in the past have spent the majority of their time formulating policy and talking to the Legislature and the people. But when it came time to implement policy, they turned it over to state employees and left them to their own devices.

"Our approach has been different. My experience in the private sector taught me that you don't make policy decisions until you really understand how the business runs. I've spent countless hours over the past year dropping in on agency offices unannounced, talking with people who are responsible for carrying out policy and delivering services to the people of this state, and talking to the managers I have selected to run these agencies. I have instructed the managers to make these agencies as lean and effective as they can, and the results so far have been impressive. The Department of Labor and Industries was long thought to be totally unmanageable, but Dick Davis has done an outstanding job bringing that agency under control. By tightening up eligibility requirements in vocational rehabilitation to prevent abuse, the department is projecting a savings of 175 million dollars over an 18-month period. Bud Shinpoch applied business techniques from the private sector to the Department of Revenue and saved more than a million dollars in operating costs. Now he's working for the same kind of efficient operation in the Department of Social and Health Services. His proposal is to reduce the number of supervisors from about 2,862 to about 1,532, putting an additional 1,330 people at the service-delivery level where they are desperately needed.

"Our state productivity program has blossomed under new enlightened management. For example, the Department of Labor and Industries had received a total of only 15 suggestions in two years. In 1985, the department received 255 suggestions that will produce a savings of about \$750,000. That experience shows what a tremendous resource we have in our state employees. When given proper support and challenged by leaders who really care about improving state services, they do quality work. Yet we have a long way to go in giving proper support to employees at the service delivery level, employees who carry excessive workloads and lack adequate clerical and word processing support. Bringing efficiency to state government requires a broad approach. The lines of communication between the people and decision-makers in state government are clogged. To fix the problem will take action akin to open-heart surgery.

"State government consists of more than 400 agencies, boards and commissions. Since 1982, more than 50 new boards, commissions and agencies have been established. The trend has been to create a new board, commission or agency for every new program. Attempts to control the growth have failed. Sunset review was established to try to eliminate unneeded commissions and agencies, yet growth continued. Taken as a whole, this hodgepodge, defies rational management, creates confusion in people's minds and results in duplication of effort. Then there is the question of authority and responsibility.

"When people elected a governor in November of 1984, they thought they were picking someone to run government. What they got was a Governor who is responsible for less than half the money and less than half of the state employees. Of the nearly 100 separately budgeted agencies, only 35 report directly to the Governor. Most of the rest report to a commission. Our high school civics classes taught us that there were three branches of government: The Executive, the Judicial and the Legislative. Today government has a fourth branch: The Commission. Commissions are composed of people who make major decisions about the life of our citizens, yet you never have the opportunity to vote for them or, probably, even to know who they are. A major difference between a commission and the Governor is that if the people aren't satisfied with the job the Governor does, you can fire him--as the third Governor in five years. I'm proof of that--but you can't fire a commission.

"The problems I have outlined with the operation of government must be solved before the people will be willing to trust us with new initiatives. My goal by the end of the year is to be able to look each citizen in the eye and tell them: Like everything else, Government is not perfect, but we are doing a good job with your tax dollars.

"The heart of my legislative program this year is a package of bills to reshape state government. It took nearly 100 years for government to get in its current condition. We can't change it in a single session but we will begin the process. Given the problems, our goals are clear:

1. To create a streamlined and responsive state government that is accountable to the public.
 2. To improve citizen accessibility and understanding of state government.
 3. To enhance the effectiveness of existing agency operations and procedures.
- Given these goals, we will focus our efforts on the following objectives:
1. We will reduce the number of agencies through consolidations along functional lines.
 2. We will ensure that key functions of state government are performed by agencies managed by executives appointed by the Governor.
 3. We will give line managers greater administrative authority and a greater role in decisions.

"Harry Truman had a sign on his desk that said: 'The Buck Stops Here.' I like that idea and think the people want to know where the buck stops in this state. It is true that the ultimate responsibility for any operation of state government rests with the Governor. In turn, the Governor must build and lead a team that is able to delegate responsibility and is willing to live with the consequences. There will be mistakes...but there can be tremendous accomplishments. The challenge of a good manager is to accept the blame for the mistakes and to share the credit for the accomplishments.

"Now, let's get to the specifics. Government reorganization is not a single-session project. It is an unending process, but we must have a strong beginning this year--a beginning that accomplishes the goals I outlined a moment ago. I am recommending to the Legislature that the Governor be given direct responsibility for the administration of the Department of Transportation, the Department of Game and the Department of Parks and Recreation. This would include appointing the director of these agencies. In each case, the commissions would be retained, but their role would be focused on policy issues and serving as a link with constituencies actively involved with the areas.

"While I am recommending that the responsibility for the selection of the director go immediately to the Governor, I am also recommending that a process be established to review the statutes pertaining to each of the three areas and the 1987 session of the Legislature would be charged with passing legislation to clear up any conflicts between the commissions and the directors.

"In addition to requesting a clear line of authority to these agencies, I intend to propose several other major changes. Twenty-four state agencies have less than 10 fulltime employees. In such cases, administrative overhead consumes a disproportionate share of the agency's budget. When economic times get tough and across-the-board cuts are made, the small agencies do not have the flexibility to absorb a 10 percent cut without serious damage to the program.

"To begin with, I will be asking for the elimination of at least 10 boards and commissions. These are commissions that have either outlived their usefulness, that have never been utilized or that duplicate other entities in government.

"Next, I propose the merger of certain functions of state government to provide more flexibility. I will propose that the Department of Emergency Management, the Office of Archaeology and Historic Preservation and the Fire Protection Board be eliminated as separate government agencies and their functions transferred to the Department of Community Development. Also, that the Board of Accountancy, the Cemetery Board and the Board of Pharmacy be transferred to the Department of Licensing; and that the Commission for Vocational Education be allowed to terminate through the Sunset process, and that a new State Board for Vocational Education, substantially reduced in size, be established with the Governor as chairman and the Superintendent of Public Instruction and the State Community College Director as members.

"We will start by tackling the obvious issues this session, while continuing to pull together more information about how elements of government can be made more efficient. There will be those who will oppose these efforts. They will try to use scare tactics. They will talk about politics creeping into government and they will say the commissions are needed in their current role as a protection. My response to that is this: Do we really need to protect government from the people?

"Today we have annual legislative sessions, monthly legislative meetings, professional legislative staffs, open meetings, an aggressive press corps and public access to information. These are things that did not exist when commissions were first formed. I hope the members of this Legislature will have courage to look harshly on the arguments of the special interests when they come in opposition to these changes in government. These are bold steps, but they are only the beginning in what promises to be a long battle to bring the organization of government into the Twentieth Century. I am confident that this Legislature will join with me in an effort to make government more efficient and accountable to the people. After these first steps are taken, I will work with the Legislature to keep going and take even more action than I am offering today. It took nearly 100 years for government to get in the shape it is in today. We won't turn it around in one 60-day legislative session. I intend to pursue government reorganization methodically until the job is done. We will take on the task in manageable pieces.

"Government reorganization is a critical issue this session, but there are other issues that must be addressed. Legislative leaders and I have worked long and hard to achieve a workable agreement on financing efforts to protect and improve water quality throughout this state, and have developed a responsible compromise. It is imperative that the water quality financing plan be approved this session. We also have a comparable worth agreement for your ratification. Our

supplemental budget provides money for street kids, for respite care for the elderly, for education of the handicapped and for day care assistance for low-income families. Safe, affordable day care has become a necessity in thousands of single-parent and two-income families, and I will ask you to approve several measures which were recommended by the statewide day care task force.

"Two other governors and I worked all of last year to achieve a solution to our three states being the only repositories in the nation for low-level nuclear waste. Before it adjourned last month, Congress passed the bill which we had presented to it. I will send you legislation to implement our state's responsibility for policing this new national system. In the past year, there has been great concern over what state government is doing to help in-state businesses grow and prosper. I share that concern. Several departments have been working for months to implement a simplified business licensing system, and I have included funds in the supplemental budget to continue this process. We also have tried to expedite state reviews necessary for permits and we have brought agencies together through the economic development cabinet to help cut red tape.

"As I look back over the past year, my greatest frustration as Governor has been the state's inability to provide adequate resources necessary to make substantial improvements in education. Education--both the common schools and higher education--has more responsibility for the future well-being of our people and communities than any other part of state government. In the past year, I have spent one day a month in the primary and secondary schools. I am acutely aware of the commitment to learning that exists throughout this state. I am equally aware of the continuing problems that exist, ranging from levy equity and restrictive state funding, to school employee salaries and the tremendous building needs in communities such as Selah and Bremerton.

"In condensing my school experiences over the past year into a brief summary, I am impressed with:

1. The complexity of the teaching process. There are many different levels of learning going on in a single classroom. As a result, the teaching process also becomes a management process. Teachers must motivate children to learn and to be creative, using many of the same techniques a manager would use to motivate his employees.

2. The diversity of the school system, which delivers many services to the communities, all the way from food and health resources to transportation and education. The schools also play a vital role in the socialization of our young--the learning and development of ideas, instincts and social skills--skills that will guide students through life.

3. The enthusiasm each community has for their children having a positive experience in the school system. They like students who are challenging and hard-working, and they like teachers who challenge their students, who teach creatively and who include the patrons of the school system into the development of new curriculum. This all adds up to a good school system.

"Throughout this state we have good school systems. If you doubt it, go see for yourself. Ultimately, however, our success is going to rely on our ability to attract and retain quality teachers. It will also rely on our ability to get children off to a positive start. Therefore, I've included funds in the supplemental budget for the early childhood education program, to give those most at risk a fighting chance when they are starting out.

"Finally, I am proposing legislation to make the appointment of the State School Board a Governor's appointment with ratification by the Senate. The current system of appointing members of the State Board is so obscure and removed from the people of this state that few understand it. It is my hope that this change will lead to a more intense and visible discussion about the future of education in this state. We have an equally great challenge in higher education. Our major universities are in danger of losing hard-won ground both in their programs and facilities. The need for additional resources must be addressed, at the same time that we look at the questions of who goes where, who pays for what and what they get for their money. A vital and prosperous future relies on answering these questions and meeting these needs. There is much more that should be done. The problem is that today, in this era of limited resources, there are simply not the resources at hand to

begin major new initiatives in education. The people of this state are going to have to make some hard decisions about how much commitment they are going to put into the educational system.

"I have outlined an agenda for this legislative session. It will be a short, 60-day session. If we accomplish the goals I have outlined, this will be one of the most productive sessions in the history of the state. With reorganization and water quality, we are taking major initiatives that will affect the people of this state for generations. To do less is a commitment to the status quo.... We have a great number of challenges ahead of us. We have an even greater number of opportunities. As a government, we must be lean, efficient and flexible. As a people, we must be understanding, compassionate and willing to break new ground.

"I hope this session can be the beginning of something very special in this state—not politics as usual, but government as it can be.

"Thank you."

(Applause)

The President instructed the escort committee to escort Governor Gardner from the House Chamber to his office.

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

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

MOTION

On motion of Mr. J. King, the Joint Session was dissolved.

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

The Speaker instructed the committee to escort President of the Senate John Cherberg, President Pro Tempore H. A. "Barney" Goltz, Vice President Pro Tempore A. L. "Slim" Rasmussen and Majority Leader R. Ted Bottiger from the House Chambers.

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

MOTION

On motion of Mr. J. King, the House adjourned until 1:00 p.m., Wednesday, January 15, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

THIRD DAY

AFTERNOON SESSION

House Chamber, Olympia, Wash., Wednesday, January 15, 1986

The House was called to order at 1:00 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Bond, Brooks, Sayan, Smitherman, West and Wineberry. Representatives Bond, Brooks, Sayan, West and Wineberry were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Keaton and Kevin Williams. Prayer was offered by Reverend H. Raymond Banks, Pastor of the Olympia Free Methodist Church.

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

SPEAKER'S PRIVILEGE

The Speaker recognized within the bar of the House, the 1985 Lakefair Queen and appointed Representatives Belcher, Silver and Braddock to escort her to the rostrum.

The Speaker introduced Lakefair Queen Molly Elizabeth Roe and she briefly addressed the House.

The Speaker instructed the committee to escort Queen Molly Roe from the House Chambers.

MESSAGE FROM THE SENATE

January 14, 1986

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 3018,
SECOND SUBSTITUTE SENATE BILL NO. 3188,
SUBSTITUTE SENATE BILL NO. 3255,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3306,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1434 by Representatives Jacobsen, Appelwick, Holland, Cole, Wineberry, Sommers, Valle, Armstrong, O'Brien, Niemi, D. Nelson, Locke, Lux, Leonard, Fisher, Rust, Brekke and Ebersole

AN ACT Relating to school districts; adding a new section to chapter 28A.57 RCW; and creating a new section.

Referred to Committee on Education.

HB 1435 by Representatives Sayan, R. King, Allen, May, Basich, Rayburn, Winsley, Lux, Baugher, McMullen, Van Luven, Fisch, Taylor, Hankins, Long, Ebersole and P. King

AN ACT Relating to veteran's disability pass; and amending RCW 43.51.055.

Referred to Committee on Environmental Affairs.

HB 1436 by Representatives Sayan, R. King, Winsley, Schoon, Baugher, Todd and Dellwo

AN ACT Relating to apprenticeship programs; and amending RCW 49.04.070.

Referred to Committee on Commerce & Labor.

HB 1437 by Representatives Jacobsen, R. King, Sayan, McMullen, Vekich, Basich, Lux and D. Nelson

AN ACT Relating to additional benefits; amending RCW 50.22.112; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1438 by Representatives Niemi, J. King, Appelwick, Wineberry, Locke, D. Nelson, Jacobsen, Fisher, Wang, Fisch, Valle and Scott

AN ACT Relating to public health; adding a new chapter to Title 70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Social & Health Services.

HB 1439 by Representative Sayan

AN ACT Relating to city utilities; and amending RCW 35.21.420.

Referred to Committee on Local Government.

HB 1440 by Representatives R. King, Prince, Miller, J. Williams and P. King

AN ACT Relating to the sales taxation of watercraft; and amending RCW 82.08.0266.

Referred to Committee on Ways & Means.

HB 1441 by Representatives Appelwick, Hastings and P. King

AN ACT Relating to unclaimed property; and amending RCW 63.29.180.

Referred to Committee on Ways & Means.

HB 1442 by Representatives Leonard, Lundquist, Sutherland, Belcher, Cole, Baugher, Lewis, Rayburn, Basich, Doty and Unsoeld

AN ACT Relating to oil and gas leases on state lands; amending RCW 79.14.020; and declaring an emergency.

Referred to Committee on Natural Resources.

HB 1443 by Representatives Leonard, Allen, Cole, Day, Scott, Long, Lux, Rayburn, Crane, Dellwo, Lewis and P. King

AN ACT Relating to juvenile sex offenders' treatment; creating new sections; and making an appropriation.

Referred to Committee on Social & Health Services.

HB 1444 by Representatives Haugen, Jacobsen, S. Wilson, Zellinsky, Hargrove, L. Smith, May, Cole and Leonard

AN ACT Relating to educational employment labor relations; amending RCW 41.59-.020 and 41.59.120; and adding a new section to chapter 41.59 RCW.

Referred to Committee on Commerce & Labor.

HB 1445 by Representatives L. Smith, Hargrove, May, Day, B. Williams, Holland, Haugen, Allen, Bond, Bristow, Brooks, Fuhrman, Sutherland, Tanner, Dobbs, Lux, Sanders, Jacobsen, Brough, Barnes, Tilly, G. Nelson, Barrett, S. Wilson, Betrozoff, Chandler, Van Luven, Hankins, Nealey, J. Williams, Padden, Walker, Miller, C. Smith, Crane, Patrick and Isaacson

AN ACT Relating to school smoking areas; and adding a new section to chapter 28A.58 RCW.

Referred to Committee on Education.

HB 1446 by Representatives Vekich, Tilly, Madsen, Vander Stoep, Zellinsky, Sayan, Smitherman and S. Wilson

AN ACT Relating to the excise taxation of the production and sale of plantation Christmas trees; amending RCW 82.04.050 and 82.04.100; and reenacting and amending RCW 82.04.330.

Referred to Committee on Ways & Means.

HB 1447 by Representatives Haugen, Brough, Patrick, Bristow and P. King

AN ACT Relating to public works contracts; amending RCW 39.04.010, 39.04.020, 39.04.050, and 39.04.070; and repealing RCW 39.04.090.

Referred to Committee on Local Government.

HB 1448 by Representatives Hine, G. Nelson, J. King, Long, Scott, Grimm, Smitherman, Allen, Taylor, Peery, May, K. Wilson, McMullen, Dellwo, P. King, Winsley and Haugen

AN ACT Relating to water quality services; amending RCW 35.42.080 and 56.08.070; reenacting and amending RCW 35.23.352; adding a new section to chapter 19.86 RCW; adding a new section to chapter 35.92 RCW; adding a new section to chapter 35.94 RCW; adding a new section to chapter 36.34 RCW; adding a new chapter to Title 70 RCW; and declaring an emergency.

Referred to Committee on Local Government.

HB 1449 by Representatives Haugen, Nutley, Bristow, Hine, Dellwo, Allen, Long, West, Silver, J. King, Barrett, Miller, P. King and May

AN ACT Relating to the construction and procurement by cities, towns, and counties of resource recovery facilities and solid waste handling systems and plants; amending RCW 35.21.120 and 36.58.040; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.58 RCW; and creating new sections.

Referred to Committee on Local Government.

HB 1450 by Representative Baugher

AN ACT Relating to motor vehicle equipment standards; amending RCW 46.37.310, 46.37.380, 46.37.420, 46.37.430, 46.37.440, 46.37.510, 46.37.530, and 46.37.535; and reenacting and amending RCW 46.37.320.

Referred to Committee on Transportation.

HB 1451 by Representatives Appelwick, Padden and P. King

AN ACT Relating to investment securities; amending RCW 62A.8-102, 62A.8-103, 62A.8-104, 62A.8-105, 62A.8-106, 62A.8-107, 62A.8-201, 62A.8-202, 62A.8-203, 62A.8-204, 62A.8-205, 62A.8-206, 62A.8-207, 62A.8-208, 62A.8-301, 62A.8-302, 62A.8-303, 62A.8-304, 62A.8-305, 62A.8-306, 62A.8-307, 62A.8-308, 62A.8-309, 62A.8-310, 62A.8-311, 62A.8-312, 62A.8-313, 62A.8-314, 62A.8-315, 62A.8-316, 62A.8-317, 62A.8-318, 62A.8-319, 62A.8-320, 62A.8-401, 62A.8-402, 62A.8-403, 62A.8-404, 62A.8-405, 62A.8-406, 62A.9-103, 62A.9-105, 62A.9-203, 62A.9-302, 62A.9-304, 62A.9-305, 62A.9-309, 62A.9-312, 62A.1-201, 62A.5-114, and 23A.08.190; adding a new section to chapter 23A.08 RCW; and adding new sections to Article 8 of Title 62A RCW.

Referred to Committee on Judiciary.

HB 1452 by Representatives R. King, Ballard and P. King

AN ACT Relating to attorneys' fees in industrial insurance cases; and amending RCW 51.52.120.

Referred to Committee on Commerce & Labor.

HB 1453 by Representatives Zellinsky, Hargrove, Schmidt, Haugen, Sutherland, Bristow and Ebersole

AN ACT Relating to elections for park and recreation district commissioners; and amending RCW 36.69.090.

Referred to Committee on Local Government.

HB 1454 by Representatives Zellinsky, Schmidt, Haugen, Smitherman, Schoon, Thomas, Brough, Vekich, Lundquist, S. Wilson, McMullen and May

AN ACT Relating to state support for operation of the state ferry system; and adding new sections to chapter 47.60 RCW.

Referred to Committee on Transportation.

HB 1455 by Representatives Unsoeld, Allen, Rust, Isaacson, Jacobsen, Brekke, Todd, May, Lux, P. King and Ebersole

AN ACT Relating to lead solder; amending RCW 19.27.060; and adding a new section to chapter 19.27 RCW.

Referred to Committee on State Government.

HB 1456 by Representatives Zellinsky, Schmidt, J. Williams, Haugen, Barrett, Bristow, Thomas, Braddock, Waik, Kremen, McMullen, Miller, B. Williams, C. Smith, Van Luven, Taylor, Isaacson, Schoon, Hankins, May, Winsley and Ebersole

AN ACT Relating to medical liability; and adding new sections to chapter 74.09 RCW.

Referred to Committee on Judiciary.

HB 1457 by Representatives Dellwo, Allen, Hine, Hankins, Fisch, Isaacson, Basich, Tilly, Sayan, Barrett, Lux, Van Luven and P. King

AN ACT Relating to health insurance; amending RCW 41.04.180; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 1458 by Representatives Zellinsky, Haugen, Fisch, Hargrove, Schmidt, Bristow, P. King and Unsoeld

AN ACT Relating to local boards of health and the department of social and health services enforcing laws relating to public water supply systems; adding a new section to chapter 34.12 RCW; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Local Government.

HB 1459 by Representative Armstrong

AN ACT Relating to implied consent warnings in cases of driving while intoxicated; and amending RCW 46.20.308 and 46.61.517.

Referred to Committee on Judiciary.

HB 1460 by Representatives Haugen, Zellinsky, Appelwick, S. Wilson, Ebersole, McMullen, May, Cole, Leonard and P. King

AN ACT Relating to class P licenses; and amending RCW 66.24.550.

Referred to Committee on Commerce & Labor.

HB 1461 by Representatives Madsen, McMullen, Grimm, Smitherman, Wang, Fisher, Ebersole, P. King, Hine and Winsley

AN ACT Relating to small business; adding new sections to chapter 43.31 RCW; and repealing RCW 28B.30.530 and 28B.30.533.

Referred to Committee on Trade & Economic Development.

HB 1462 by Representatives Lux, Winsley, Nutley, Holland, Locke, Zellinsky, Grimm, Dellwo, Van Luven, P. King, Addison, Crane, Fisch, Leonard, D. Nelson, Cole, Unsoeld, Fisher, Tilly, Allen, R. King, Wineberry, Wang, Vekich and Rayburn

AN ACT Relating to nursing home insurance; adding a new chapter to Title 48 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 1463 by Representatives Leonard, Appelwick, Cole, Scott, Crane, Lux, Day, Dellwo, Rayburn, Winsley and P. King; by request of Board of Pharmacy

AN ACT Relating to controlled substances; and amending RCW 69.50.101, 69.50.201, 69.50.204, 69.50.206, 69.50.208, 69.50.210, 69.50.212, 69.50.304, and 69.50.505.

Referred to Committee on Social & Health Services.

HB 1464 by Representatives Patrick, Brough and Padden

AN ACT Relating to bigamy; reenacting and amending RCW 9A.04.080; and amending RCW 9A.64.010.

Referred to Committee on Judiciary.

HB 1465 by Representatives Patrick, Walker, Van Luven and Doty

AN ACT Relating to curfew for juveniles; adding a new chapter to Title 13 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1466 by Representatives Patrick, Walker and Van Luven

AN ACT Relating to children without supervision; amending RCW 13.04.030 and 13.04.040; and adding a new chapter to Title 13 RCW.

Referred to Committee on Judiciary.

HB 1467 by Representatives S. Wilson, Haugen, Schmidt, Walk, Lewis, Zellinsky, Tilly, Vander Stoep, G. Nelson, P. King and Long

AN ACT Relating to funding for the prosecution and adjudication of serious traffic offenses; amending RCW 66.08.180; adding new sections to chapter 46.64 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1468 by Representatives Leonard, Lewis, Appelwick, Cole, Crane, Scott, Rayburn, Lux, Day, Nutley, Dellwo, P. King and Winsley; by request of Board of Pharmacy

AN ACT Relating to controlled substances; and amending RCW 69.50.302.

Referred to Committee on Social & Health Services.

HB 1469 by Representatives Barnes, Hine and Ballard

AN ACT Relating to water districts; amending RCW 57.12.010 and 57.12.030; and adding a new section to chapter 57.12 RCW.

Referred to Committee on Local Government.

HB 1470 by Representative Prince

AN ACT Relating to tow truck operators; and amending RCW 46.55.030 and 46.55.090.

Referred to Committee on Transportation.

HB 1471 by Representatives Barnes, Valle, Hine and Addison

AN ACT Relating to the speed limit in school zones; and amending RCW 46.61.440.

Referred to Committee on Transportation.

HB 1472 by Representatives Vekich, Madsen, Chandler, Kremen, Nealey, Baugher, Peery, McMullen, Miller, C. Smith, Rayburn, Padden, Isaacson, Doty and P. King

AN ACT Relating to agricultural marketing; creating a new section; adding a new section to chapter 43.23 RCW; and adding a new section to chapter 47.42 RCW.

Referred to Committee on Agriculture.

HB 1473 by Representatives Fisher and Barnes; by request of Public Disclosure Commission

AN ACT Relating to public disclosure; and amending RCW 42.17.030, 42.17.090, and 42.17.405.

Referred to Committee on Constitution, Elections & Ethics.

HB 1474 by Representatives West, P. King, S. Wilson, Wang, Vander Stoep, Barrett and Schmidt

AN ACT Relating to class HH licenses for hotels; adding a new section to chapter 66.24 RCW; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1475 by Representatives West, Valle, Schoon, Brooks, Barrett, Haugen, Patrick and Long

AN ACT Relating to tobacco; amending RCW 26.28.080; adding a new section to chapter 69.40 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1476 by Representatives Allen, Brough, Patrick and May

AN ACT Relating to education; amending RCW 28A.41.130 and 28A.41.140; and providing an effective date.

Referred to Committee on Education.

HB 1477 by Representative Allen

AN ACT Relating to education; amending RCW 28A.57.200; and providing an effective date.

Referred to Committee on Education.

HB 1478 by Representatives Allen, Winsley and P. King

AN ACT Relating to licensing; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1479 by Representatives Leonard, Crane, Cole, Dellwo, Lewis, Lux, Appelwick, Winsley, Allen, Scott, Jacobsen, Braddock and P. King

AN ACT Relating to drug treatment centers; and amending RCW 69.54.030.

Referred to Committee on Social & Health Services.

HB 1480 by Representative Appelwick

AN ACT Relating to the collection of the sales tax on sales made through vending machines; and amending RCW 82.08.050 and 82.08.080.

Referred to Committee on Ways & Means.

HB 1481 by Representatives Fisher, Scott, Sommers, Wang, D. Nelson, Walker, Vander Stoep, Wineberry and Leonard

AN ACT Relating to the sunset termination and repeal of the public disclosure commission, the powers and duties of the commission, and of the programs administered or enforced by the commission; and repealing RCW 43.131.269 and 43.131.270.

Referred to Committee on Constitution, Elections & Ethics.

HB 1482 by Representatives Walk, J. Williams, Zellinsky, Schmidt and P. King; by request of Department of Licensing

AN ACT Relating to watercraft; and adding a new section to chapter 88.02 RCW.

Referred to Committee on Transportation.

HB 1483 by Representatives Wineberry, Baugher and Rayburn; by request of Department of Licensing

AN ACT Relating to special license plates; and repealing RCW 46.16.370.

Referred to Committee on Transportation.

HB 1484 by Representatives Peery, Brough, Nutley, May, Haugen, Sutherland, Rayburn, Baugher and P. King

AN ACT Relating to park districts; amending RCW 35.61.010, 35.61.020, and 35.61.030; adding a new section to chapter 35.61 RCW; adding a new section to chapter 36.68 RCW; and adding a new section to chapter 36.69 RCW.

Referred to Committee on Local Government.

HB 1485 by Representatives Peery, Lundquist, Sutherland, Hargrove, Walk, L. Smith, Tanner and P. King

AN ACT Relating to special fuel taxation; and adding a new section to chapter 82.38 RCW.

Referred to Committee on Transportation.

HB 1486 by Representatives Peery, Nealey, Brooks, Baugher, Ballard, Chandler, Vekich, Doty, Madsen, Bristow, Rayburn, Jacobsen, Kremen, Tilly, Lux, Smitherman, Tanner, Prince, Sutherland, Dellwo, Vander Stoep, Sayan, Lewis, S. Wilson and Fisch

AN ACT Relating to the fairs commission; and repealing RCW 43.131.273 and 43.131.274.

Referred to Committee on Agriculture.

HB 1487 by Representatives Madsen, Grimm and Silver

AN ACT Relating to state information systems; amending RCW 43.19.500, 43.19.1923, and 43.105.080; adding a new section to chapter 43.19 RCW; creating new sections; providing an expiration date; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1488 by Representatives Valle, Betrozoff, P. King, May, Armstrong, Peery, Kremen, Day and Rayburn

AN ACT Relating to trade development services; adding a new section to chapter 43.31 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1489 by Representatives Wang, Patrick, Ebersole and P. King

AN ACT Relating to the regulation of professions and occupations; amending RCW 18.120.010, 18.120.030, 18.120.040, and 43.41.110; reenacting and amending RCW 18.120.020; adding a new section to chapter 18.120 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1490 by Representatives Baugher, R. King, Chandler, Wang, Ballard, Lux, Patrick and Rayburn; by request of Joint Select Committee on Industrial Insurance

AN ACT Relating to reimbursement of industrial insurance payments; and amending RCW 51.32.240.

Referred to Committee on Commerce & Labor.

HJM 30 by Representatives Barnes, Addison, Sanders, Ballard, C. Smith, Bond, Van Luvan, J. Williams, Hastings, Patrick and Isaacson

Requesting Congress to amend the Constitution to require a balanced budget.

Referred to Committee on Ways & Means.

HJR 53 by Representatives Barnes, Hine and Ballard

Changing the school bond levy approval requirements to equal the school operating levy approval requirements.

Referred to Committee on Education.

SB 3018 by Senators Gaspard, Zimmerman, McDermott and Conner; by Legislative Budget Committee request

Adopting life-cycle costing in construction design of public facilities.

Referred to Committee on Ways & Means.

2SSB 3188 by Committee on Ways & Means (originally sponsored by Senators Granlund, Halsan and Johnson)

Providing reimbursement of institutional care facilities employees for cost attributable to resident or patient assault.

Referred to Committee on State Government.

SSB 3255 by Committee on Commerce & Labor (originally sponsored by Senators Moore and Sellar)

Regulating contracts with sales representatives.

Referred to Committee on Commerce & Labor.

ESSB 3306 by Committee on Judiciary (originally sponsored by Senators Newhouse, Talmadge, Owen, Bauer, Rasmussen, Vognild, Deccio and Lee)

Requiring liability insurance as a condition for licensing a motor vehicle.

Referred to Committee on Financial Institutions & Insurance.

MOTION

On motion of Mr. J. King, the bills, memorials and resolutions listed on today's agenda were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

January 14, 1986

HB 681 Prime Sponsor, Representatives Valle: Establishing an annual "governor's award of excellence" for outstanding achievement in hazardous or solid waste management. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brække, Brough, Isaacson, Jacobsen, R. King, May, Nutley and Valle.

Absent: Representatives Bond, Isaacson, Lewis and Lux.

Passed to Committee on Rules for second reading.

January 14, 1986

HB 1350 Prime Sponsor, Representatives Sommers: Providing for annual adjustment to higher education tuition fees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Basich, Hastings, Miller, D. Nelson, G. Nelson, Prince, Silver and K. Wilson.

Absent: Representatives Belcher, Unsoeld and Wineberry.

Passed to Committee on Rules for second reading.

January 14, 1986

HB 1353 Prime Sponsor, Representatives Rayburn: Modifying requirements for approval of plats in irrigation districts. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 26 after "district by" strike "ordinance or resolution" and insert "resolution, bylaw, or rule of general applicability"

Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Ballard, Bristow, Brooks, Chandler, Doty, Madsen, Nealey and Peery.

Absent: Representatives Ballard and Kremen.

Passed to Committee on Rules for second reading.

January 13, 1986

HB 1379 Prime Sponsor, Representatives Grimm: Adopting provisions on water quality. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 22 after "appropriation." insert the following "Moneys deposited in the account shall not be used to pay principal or interest on bonded indebtedness."

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brække, Hine, J. King, Locke, Madsen, Niemi, Rust, Sayan, Smitherman and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Hastings, Long, G. Nelson, Silver, Tilly, Vander Stoep and B. Williams.

Voting nay: Representatives Bristow, Hastings, Holland, Long, G. Nelson, Sanders, Silver, L. Smith, Taylor, Tilly, Vander Stoep and B. Williams.

Passed to Committee on Rules for second reading.

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

THIRD READING

SENATE CONCURRENT RESOLUTION NO. 125, by Senators Bottiger, Fleming, Hayner and Sellar

Establishing cutoff dates for 1986 regular session of the legislature.

The resolution was read the third time and placed on final passage.

Mr. J. King spoke in favor of the resolution, and Ms. Silver opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on the final passage of Senate Concurrent Resolution No. 125, and the resolution was adopted by the following vote: Yeas, 50; nays, 42; absent, 1; excused, 5.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Scott, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Zellinsky, and Mr. Speaker - 50.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Williams J, Wilson S, Winsley - 42.

Absent: Representative Smitherman - 1.

Excused: Representatives Bond, Brooks, Sayan, West, Wineberry - 5.

Senate Concurrent Resolution No. 125, having received the constitutional majority, was declared adopted.

The House advanced to the eighth order of business.

RESOLUTION

HFR 94 HOUSE FLOOR RESOLUTION NO. 86-94, by Representatives J. King and Barrett

BE IT RESOLVED, That the permanent Rules of the House of Representatives, Forty-Ninth Legislature, as set forth in House Floor Resolution No. 85-8 be amended to read as follows and be so adopted:

HOUSE RULE NO.

- | | |
|---------|---|
| RULE 1 | Definitions |
| RULE 2 | Chief Clerk to Call to Order |
| RULE 3 | Election of (Speaker, Speaker Pro Tempore, Chief Clerk, Assistant Chief Clerk, and Sergeant at Arms) <u>Officers</u> |
| RULE 4 | Powers and Duties of the Speaker |
| RULE 5 | Chief Clerk and Sergeant at Arms |
| RULE 6 | Duties of Employees |
| RULE 7 | Admittance to the Floor |
| RULE 8 | Absentees and Courtesy |
| RULE 9 | Bills, Memorials and Resolutions -- Introductions |
| RULE 10 | Amendatory Bills -- Form |
| RULE 11 | Reading of Bills |
| RULE 12 | Amendments |
| RULE 13 | Final Passage |
| RULE 14 | Hour of Meeting, Roll Call and Quorum |
| RULE 15 | Daily Calendar and Order of Business |
| RULE 16 | Motions |
| RULE 17 | Members Right to Debate |
| RULE 18 | Rules of Debate |
| RULE 19 | Ending of Debate-- <u>Previous question</u> |

RULE 20	Voting
RULE 21	(Method of Voting) Reconsideration
RULE 22	Call of the House
RULE 23	Appeal from Decision of Chair
RULE 24	Committee and Membership
RULE 25	Duties of Committees
RULE 26	Free Conference Committee Report
RULE 27	<u>Vetoed Bills</u>
RULE ((27)) 28	Suspension of Compensation
RULE ((28)) 29	Standing Rules Amendment
RULE ((29)) 30	Smoking
RULE ((30)) 31	Parliamentary Rules
RULE ((31)) 32	Rules to Apply for Assembly

DEFINITIONS

RULE 1. "Absent" means an unexcused failure to attend.

"Assembly" means the two-year term during which the members as a body may act.

"Session" means a constitutional gathering of the assembly in accordance with Article 2 § 12 of the State Constitution.

"Committee" means any standing or select committee of the house as so designated by rule or resolution.

~~("Measure" means terminology used to describe a bill, joint memorial or joint resolution:)~~

"Bill" means bill, joint memorial, joint resolution, or concurrent resolution unless the context indicates otherwise.

CHIEF CLERK TO CALL TO ORDER

RULE 2. It shall be the duty of the chief clerk of the previous assembly to call the assembly to order and to conduct the proceedings (~~generally~~) until a speaker is chosen.

ELECTION OF ~~((SPEAKER, SPEAKER PRO TEMPORE, CHIEF CLERK, ASSISTANT CHIEF CLERK, AND SERGEANT AT ARMS))~~ OFFICERS

RULE 3. The house shall elect the following officers at the commencement of each assembly: Its presiding officer, who shall be styled speaker of the house(:); a speaker pro tempore, who shall serve in absence or in case of the inability of the speaker(:); a chief clerk of the house(:); an assistant chief clerk of the house; and a sergeant at arms. Such officers shall hold office during all sessions until the convening of the succeeding assembly: PROVIDED, HOWEVER, That any of these offices may be declared vacant by the vote of a constitutional majority of the house, the members voting viva voce and their votes shall be entered on the journal. If any office is declared vacant, the house shall fill such vacant office as hereinafter provided.

In all elections by the house a constitutional majority shall be required, the members shall vote viva voce and their votes shall be entered on the journal. (Art II § 27)

POWERS AND DUTIES OF THE SPEAKER

RULE 4. The speaker shall have the following powers and duties:

(A) The speaker shall take the chair and call the house to order precisely at the hour appointed for meeting(:) and(:) if a quorum be present, shall cause the journal of the preceding day to be read and shall proceed with the order of business.

(B) The speaker shall preserve order and decorum, and in case of any disturbance or disorderly conduct within the chamber or legislative area, shall order the sergeant at arms to suppress the same(:) and may order the sergeant at arms to remove any person creating any disturbance within the house chamber or legislative area.

(C) The speaker may speak to points of order in preference to other members, arising from the seat for that purpose, and shall decide all questions of order subject to an appeal to the house by any member, on which appeal no member shall speak more than once without leave of the house.

(D) The speaker shall ~~(-in open session:)~~ sign all ~~((measures, acts and floor resolutions))~~ bills in open session. (Art II § 32)

(E) The speaker shall sign all writs, warrants and subpoenas issued by order of the house, all of which shall be attested to by the chief clerk.

(F) The speaker shall have the right to name any member to perform the duties of the chair, but such substitution shall ~~((not))~~ neither extend beyond adjournment(:) nor authorize the representative so substituted to sign any documents requiring the signature of the speaker.

(G) In appointing the committee members to standing committees, the speaker shall name members in the same ratio as the membership of the respective parties in the house. Committee members ~~((with))~~ shall be selected by each party's caucus. The majority party caucus ~~((with))~~ shall select all committee chairs.

Members of the rules committee will be selected in the same manner and same ratio as provided above, and the speaker ~~((with))~~ shall serve as the chair of the rules committee.

Other committee memberships ~~((with))~~ shall be selected by the respective caucuses, unless otherwise provided by law, on a basis of statutory and geographical representation; otherwise, the same ratio between the parties will prevail in the ~~((caucus election))~~ selection of other committee members.

Patronage will be divided proportionately by the party caucuses, following as closely as possible the ratio between the parties.

(H) The speaker shall have charge of and see that all officers, attaches(;) and clerks perform their respective duties.

(I) The speaker pro tempore shall exercise the duties, powers and prerogatives of the speaker in the event of the speaker's death, illness, removal(;) or inability to act(;) until the speaker's successor shall be elected.

CHIEF CLERK AND SERGEANT AT ARMS

RULE 5. The chief clerk and sergeant at arms shall perform the usual duties pertaining to their offices, and ~~(they)~~ each shall hold office until ~~(their)~~ a successor has been elected.

The chief clerk shall employ, upon the recommendation of the employment committee and subject to the approval of the speaker, all other house employees; ~~((and))~~ the hours of work and assignments of all house employees shall be under ~~(his)~~ the chief clerk's directions and instructions, and they may be dismissed by the chief clerk with the approval of the speaker. The speaker shall sign and the chief clerk shall countersign all payrolls and vouchers for all expenses of the house and appropriately transmit the same ~~((as is appropriate))~~. The assistant chief clerk shall exercise the duties, powers and prerogatives of the chief clerk in the event of the chief clerk's death, illness, removal or inability to act until the chief clerk's successor shall be elected.

The sergeant at arms shall supervise all employees assigned to the sergeant at arms' office.

DUTIES OF EMPLOYEES

RULE 6. ~~((The staff))~~ Employees of the house shall perform such duties as ~~((usually pertain to their respective positions in legislative bodies under the direction of the speaker, and such other duties as the house may impose upon them))~~ are assigned to them by the chief clerk. Under no circumstances shall the compensation of any employee be increased for past services.

No house employee shall seek to influence the passage or rejection of proposed legislation.

ADMITTANCE TO THE FLOOR

RULE 7. It shall be the general policy of the house to keep the chamber clear as follows:

(A) Except as ~~((is))~~ provided otherwise in subsection (B) of this rule, the following persons shall be entitled to admittance to the third and fourth floor of the house chamber (excluding the galleries):

1. Senate officers and members of the senate.
2. Persons in the exercise of official duty directly connected with the business of the house.
3. Reporters who have been designated by the speaker and who have received press cards of admittance, subject to revocation.
4. Former members of the legislature not advocating any pending or proposed legislation, upon presentation of cards of admittance issued by the speaker and subject to revocation.
5. The immediate family of members, upon presentation of cards of admittance issued by the speaker or speaker pro tempore and subject to revocation, may be admitted when the house is not in session.
6. Other persons, upon presentation of cards of admittance issued by the speaker and subject to revocation, may be admitted except for one-half hour prior to the convening of each day's session and for one-half hour immediately following adjournment each day the house is in session.

(B) No lobbyist, Washington state employee or public official shall be admitted to the house chamber either when the house is ~~((convened into its daily))~~ in session or one-half hour immediately prior to convening and one-half hour following the ~~((convening))~~ adjournment of its daily session, except with the consent of the speaker.

(C) Lobbying in the house chamber or in any committee room or lounge room is prohibited ~~((at all times))~~ when the house or committee is in session unless expressly permitted by the house or committee. Anyone violating this rule will forfeit his or her right to be admitted to the house chamber or any of its committee rooms.

ABSENTEES AND COURTESY

RULE 8. No member shall be absent from the service of the house without leave from the speaker. When the house is in session, only the speaker shall recognize visitors and former members.

BILLS, MEMORIALS AND RESOLUTIONS -- INTRODUCTIONS

RULE 9. Any member ~~((member elect or committee may introduce a bill, memorial or resolution commencing thirty days before a session, to and including the final day of that session))~~ desiring to introduce a bill shall file the same with the chief clerk. Bills filed by 12:00 (noon) shall be introduced on the next working day, in the order filed; PROVIDED, That if such introduction is within the last ten days of a regular session, it cannot be considered without a

direct vote of two-thirds (2/3) of all the members elected to each house with such vote recorded and entered upon the journal (Art. II § 36).

Any member or member-elect may prefile a bill with the chief clerk commencing thirty (30) days before any session. Prefiled bills shall be introduced on the first legislative day.

~~((Introductions shall be filed with the chief clerk and))~~ All bills shall be endorsed with a statement of the title and the name of the member(s) or members(-or committee) introducing the same. ~~((Any member desiring to introduce a measure on or after the opening day of any session, shall file the same with the chief clerk not later than 12:00 (noon), on the day before the next convening session, and which measure shall be numbered and read on the next convening day, in the order filed.))~~ The chief clerk shall attach to all ~~((introductions))~~ bills a substantial cover bearing ~~((only))~~ the title and sponsors and shall number each ~~((introduction))~~ bill in the order filed. All ~~((measures))~~ bills shall be printed unless otherwise ordered by the house.

Any ~~((measure))~~ bill introduced at any session during the assembly shall be eligible for action at all subsequent sessions during the assembly.

AMENDATORY BILLS -- FORM

RULE 10. Bills ~~((introduced in the house of representatives))~~ intended to amend existing statutes shall have the words underlined which are amendatory to such existing statutes. Any matter to be deleted from the existing statutes shall be indicated by lining out such matter with a broken line and enclosing the lined out material within double parentheses~~((and))~~. No bill shall be printed or acted upon until the provisions of this rule ~~((shall))~~ have been complied with.

New sections need not be underlined but shall be designated "NEW SECTION." ~~((in upper case type and such designation shall be underlined))~~.

READING OF BILLS

RULE 11. Every ~~((measure))~~ bill shall be read on three separate days: PROVIDED, That ~~((when only five (5) days remain before a session must end by law or three (3) days remain before))~~ on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a ~~((measure))~~ bill must be reported from the house ~~((of origin or opposite house))~~ as established by concurrent resolution this rule may be suspended by a majority vote.

(A) First Reading. The first reading of a ~~((measure))~~ bill shall be by title only, unless a majority of the members present demand a reading in full.

After the first reading the ~~((measure))~~ bill shall be referred to an appropriate committee:~~((PROVIDED, That house floor resolutions shall initially be referred to the rules committee))~~.

Upon being reported ~~((back by))~~ out of committee, all ~~((measures))~~ bills shall ~~((go))~~ be referred to the rules committee.

The rules committee may, by majority vote, refer any bill in its possession to a committee for further consideration. Such referral shall be reported to the house and entered in the journal under the fifth order of business.

(B) Second Reading. Upon second reading, the bill number and short title and the last line of the bill shall be read unless a majority of the members present shall demand its reading in full. The bill shall be subject to amendment section by section. No bill(s) shall be considered ~~((on))~~ for second reading unless a calendar of bills for second reading and copies of any amendment made by a committee have been distributed to each member no later than 8:00 p.m. on the second day preceding such consideration unless otherwise ~~((provided))~~ directed by the rules committee. No amendment shall be considered by the house until it ~~((shall have))~~ has been sent to the chief clerk's desk in writing, distributed to the desk of each member and read by the clerk. All amendments adopted ~~((on the))~~ during second reading shall be securely fastened to the original bill. All amendments rejected by the house shall be passed to the minute clerk, and the journal shall show the disposition of such amendments.

When no further amendments shall be offered, the speaker shall declare the bill has passed its second reading.

(C) Substitute Bills. When a committee reports a substitute for an original bill(s) with the recommendation that the substitute bill do pass, it shall be in order to read the substitute the first time and have the same printed.

A motion for the substitution shall not be in order until the second reading of the original bill.

(D) ~~((Recommitment of Bill. No amendments to a bill shall be received on its third reading but it may be referred or recommitted for the purpose of amendment:))~~

~~((F))~~ Third Reading. Only the last line of ~~((the))~~ bills shall be read on third reading ~~((shall be read))~~ unless a majority of the members present demand ~~((its))~~ a reading in full. No amendments to a bill shall be received on third reading but it may be referred or recommitted for the purpose of amendment.

(E) Floor Resolutions. Floor resolutions shall be filed with the chief clerk who shall transmit them to the rules committee. The rules committee may adopt floor resolutions by a sixty per cent majority vote of its entire membership or may, by a majority vote of its members, place them on the motions calendar for consideration by the house.

AMENDMENTS

RULE 12. The right of any member to offer amendments to proposed legislation shall not be limited except as follows:

(A) Amendments to be Offered in Proper Form. The chief clerk shall ~~((furnish members with an appropriate))~~ establish the proper form for amendments and all amendments offered shall bear the name of the member who offers the same, as well as the number and section of the bill to be amended.

(B) Committee Amendments. ~~((An amendment to a bill made by a committee shall be in writing and fastened to the original copy of the committee report.))~~

When a bill is before the house on second reading, amendments adopted by committees and recommended to the house shall be acted upon by the house in the same manner as amendments that may be offered from the floor.

(C) Senate Amendments to House Bills. A house bill, passed by the senate with amendment or amendments which shall change the scope and object of the bill, upon being received in the house, shall be referred to appropriate committee and shall take the same course as for original bills unless a motion to non-concur is adopted prior to the bill being referred to committee.

(D) Amendments to be Germane. No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment; and no bill or resolution shall at any time be amended by annexing thereto or incorporating therein any other bill or resolution pending before the house.

(E) Scope and Object Not To Be Changed. No amendment to any bill shall be allowed which shall change the scope and object of the bill. (Art. II § 38)

(F) No Amendment by Reference. No act shall ever be revised or amended without being set forth at full length. (Art. II § 37)

(G) Title Amendments. All amendments to the title of a bill, which do not amend the subject matter statement may be adopted by a single motion.

FINAL PASSAGE

RULE 13. Rules relating to bills on final passage are as follows:

(A) Recommitment before Final Passage. A ~~((measure))~~ bill may be recommitted at any time before its final passage.

(B) Final Passage. No bill shall become a law unless on its final passage the vote be taken by yeas and nays, the names of the members voting for and against the same be entered on the journal of each house, and a majority of the members elected to each house be recorded thereon as voting in its favor. ~~((See also Constitution.))~~ Art. II § 22.)

(C) Bills Passed—Certification. When a bill ~~((shall pass))~~ passes, it shall be certified to by the chief clerk, said certification to show the date of its passage together with the vote thereon.

HOOR OF MEETING, ROLL CALL AND QUORUM

RULE 14. ~~((The house shall begin business as soon as a quorum appears. The rules relating to the acquisition of a quorum appear below.))~~

(A) Hour of Meeting. The speaker shall call the house to order each day of sitting at 11:00 A.M., unless the house shall have adjourned to some other hour.

(B) Roll Call and Quorum. Before proceeding ~~((to))~~ with business, the roll of the members shall be called and the names of those absent or excused shall be entered on the journal. A majority of all the members elected must be present to constitute a quorum for the transaction of business. In the absence of a quorum, seven members with the speaker, or eight members in the speaker's absence, having chosen a speaker pro tempore, shall be authorized to demand a call of the house and may compel the attendance of absent members in the manner provided in Rule 22(B). For the purpose of determining ~~((whether))~~ if a quorum be present, the speaker shall count all members present, whether voting or not. (Art. II § 8.)

(C) ~~((Interruption of Roll Call—When once begun, the roll call may not be interrupted.~~

~~((B)))~~ The house shall adjourn not later than 10:00 P.M. of each working day. This rule may be suspended by a majority vote.

DAILY CALENDAR AND ORDER OF BUSINESS

RULE 15. The rules relating to the daily calendar and order of business are as follows:

(A) Daily Calendar. The rules committee shall have charge of the daily calendar of the house and shall direct the chief clerk of the order in which the business of the house shall be transacted: PROVIDED, That:

(1) A bill in the rules committee may be placed on the calendar by the affirmative vote of a majority of all members of the house.

(2) Messages from the senate, governor ~~((or senate))~~ or ~~((any communication from any))~~ other state ~~((officer))~~ officials may be read at any time.

(B) Order of Business. Business shall be disposed of in the following order:

First: Roll call, presentation of colors, prayer and approval of the journal of the preceding day.

Second: Introduction of visiting dignitaries.

Third: Messages from the senate, governor and other state officials.

Fourth: Introduction and first reading of bills, memorials, joint resolutions and concurrent resolutions.

Fifth: Committee reports.

Sixth: Second reading of bills.

Seventh: Third reading of bills.

Eighth: Floor resolutions and motions.

Ninth: Presentation of petitions, memorials and remonstrances addressed to the Legislature.

Tenth: Introduction of visitors and other business to be considered.

Eleventh: Announcements.

The order of business may be changed by a majority vote of those present.

(C) Unfinished Business. The unfinished business at which the house was engaged preceding adjournment shall not be taken up until reached in regular order, unless the previous question on such unfinished business has been ordered prior to said adjournment.

MOTIONS

RULE 16. Rules relating to motions are as follows:

(A) Motions to be Entertained or Debated. No motion shall be entertained or debated until announced by the speaker(;) and every motion shall be deemed to have been seconded.

((#)) A motion shall be reduced to writing and read by the clerk, if desired by the speaker or any member, before it shall be debated(;) and by the consent of the house may be withdrawn before amendment or action.

(B) Motions in Order During Debate. When a motion has been made and seconded and stated by the chair, the following motions are in order, in the rank named:

(1) Privileged motions:

Adjourn

Adjourn to a time certain

Recess to a time certain

((Reconsideration)) Reconsider

Demand for division

Question of privilege

Orders of the day

(2) Subsidiary motions:

First rank: Question of consideration

Second rank: To lay on the table

Third rank: For the previous question

Fourth rank: To postpone to a day certain

To commit or recommit

To postpone indefinitely

Fifth rank: To amend

(3) Incidental motions:

Points of order and appeal

Method of consideration

((Suspend)) Suspension of the rules

Reading papers

Withdraw a motion

Division of a question

(C) The Effect of Postponement—Motions to Postpone or Commit. No motion to postpone to a day certain, to commit, to postpone indefinitely(;) being decided(;) shall again be allowed on the same day and at the same stage of the proceedings(~~and~~). When a question has been postponed indefinitely, it shall not again be introduced during the session. The motion to postpone indefinitely may be made at any stage of the bill except when on first reading.

(D) Motion Decided Without Debate. A motion to adjourn, to ((take a)) recess, to lay on the table and ((a)) to call for the previous question shall be decided without debate.

All incidental ((questions of order arising after a motion is made for any of the questions named in this rule and pending such motion;)) motions shall be decided(~~whether on appeal or otherwise~~) without debate, except that members may speak to points of order and appeal as provided in Rule 23.

A motion for suspension of the rules shall not be debatable(;) except(~~however~~) that the mover of the motion may briefly explain the purpose of the motion(;) and one member may briefly state the opposition to the motion.

(E) Motion to Adjourn. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house; but this rule shall not authorize any member to move for adjournment when another member has the floor.

MEMBERS RIGHT TO DEBATE

RULE 17. The methods by which a member may exercise his or her right to debate are as follows:

(A) Recognition of ((Speaker)) Member. When any member (~~(is about)~~) desires to speak in debate or deliver any matter to the house, the member shall rise and respectfully address the speaker~~((:)) and pause until recognized((: shall confine all remarks to the question under debate, and avoid personalities; and no member shall impugn the motive of any member's vote or argument))~~.

(B) Order of Speaking. When two or more members arise at once, the speaker shall name the one who is to speak.

(C) ~~((Right of Member to Speak))~~ Limitation of Debate. No member shall speak longer than ten (10) minutes without consent of the house: PROVIDED, That ~~((when only five (5) days remain before a session must end by law or three (3) days remain before)) on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a ((measure)) bill must be reported from the house ((of origin or opposite house)) as established by concurrent resolution, no member shall speak more than three (3) minutes without the consent of the house.~~

No member shall speak more than twice on the same question without leave of the house: PROVIDED, That the chair of the committee or the mover of the question may close debate ~~((so long as the act)) if it is consistent with Rule 19((B)) (Previous Question).~~

RULES OF DEBATE

RULE 18. The rules for debate in the house are as follows:

(A) Question of Privilege. Any member may rise to a question of privilege and explain a personal matter, by leave of the speaker, but the member shall not discuss any pending question in such explanations.

(B) Withdrawal of Motion, Bill, Etc. After a motion is stated by the speaker~~((:))~~ or a bill, memorial, resolution, petition or remonstrance is read by the clerk, it shall be deemed to be in possession of the house, but may be withdrawn by consent of the house at any time before decision or amendment.

(C) Reading of a Paper. When the reading of any paper is called for~~((:))~~ and is objected to by any member, it shall be determined by a vote of the house.

(D) Distribution of Materials. Any materials of any nature distributed to the members' desks on the floor shall be subject to approval by the speaker and shall bear the name of at least one member granting permission for the distribution. This shall not apply to materials normally distributed by the chief clerk.

(D) Order of Questions. All questions, whether in committee or in the house, shall be propounded in the order in which they are named~~((:))~~ except that in filling blanks, the largest sum and the longest time shall be put first.

(E) Division of Points of Debate. Any member may call for a division of a question which shall be divided if it embraces subjects so distinct that one being taken away a substantive proposition shall remain for the decision of the house; but a motion to strike out and to insert shall not be divided. The rejection of a motion to strike out and to insert one proposition shall not prevent a motion to strike out and to insert a different proposition.

(F) Decorum of Members. While the speaker is putting the question, no member shall walk across or out of the house; nor when a member is speaking shall any member entertain private discourse or pass between the speaking member and the rostrum.

(G) Remarks Confined. A member shall confine all remarks to the question under debate and avoid personalities. No member shall impugn the motive of any member's vote or argument.

(H) Exception to Words Spoken in Debate. If any member be called to order for words spoken in debate, the person calling the member to order shall repeat the words excepted to and they shall be taken down in writing at the clerk's table. No member shall be held in answer or be subject to the censure of the house for words spoken in debate if any other member has spoken before exception to them shall have been taken.

~~((H))~~ (I) Transgression of Rules--Appeal. If any member, in speaking or otherwise, transgresses the rules of the house the speaker shall, or any member may, call the member to order, in which case the member so called to order shall immediately sit down unless permitted to explain; and the house shall, if appealed to, decide the case without debate; if there be no appeal, the decision of the chair shall be submitted to.

If the decision be in favor of the member called to order, the member shall be at liberty to proceed; if otherwise, and the case shall require it, the member shall be liable to the censure of the house.

ENDING OF DEBATE -- PREVIOUS QUESTION

RULE 19. ~~((The rules for ending debate are as follows:))~~

(A) Putting of Question. Question shall be put in this form, to-wit: "As many as are in favor of (as the question shall be) say 'Aye,'" and after the affirmative vote is expressed, "as many as are opposed say 'No.'"

~~((B) Previous Question.))~~ The previous question ~~((upon))~~ may be ordered on all recognized motions or amendments which are debatable ~~((may be ordered))~~ by a two-thirds (2/3) vote of the members present ~~(and shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED, HOWEVER, That one of the sponsors of a bill, memorial, or resolution, or the chair of the committee, when the measure is on final passage or when the motion to postpone indefinitely is pending, may have the privilege of closing debate after the previous question has been ordered).~~

~~((C) Putting the Motion Ending Debate.))~~ The previous question is not debatable and cannot be amended.

The previous question shall be put in this form: "Representative demands the previous question. As many as are in favor of ordering the previous question will say 'Aye'; as many as are opposed will say 'No'."

The results of the motion are as follows: If determined in the negative, the consideration goes on as if the motion had never been made; if decided in the affirmative ~~(the presiding officer, without debate, proceeds to put the question))~~ it shall have the effect of cutting off all debate and bringing the house to a direct vote upon the motion or amendment on which it has been ordered: PROVIDED, HOWEVER, That when a bill is on final passage or when the motion to postpone indefinitely is pending, one of the sponsors of the bill or the chair of the committee may have the privilege of closing debate after the previous question has been ordered.

If an adjournment is had after the previous question is ordered, the motion or proposition on which the previous question was ordered shall be put to the house immediately following the approval of the journal on the next working day, thus making the main question privileged over all other business, whether new or unfinished.

~~((B) Motion to Adjourn. A motion to adjourn shall always be in order, except when the house is voting or is working under the call of the house, but this rule shall not authorize any member to move an adjournment when another member has the floor.))~~

VOTING

RULE 20. (A) Putting of Question. The speaker shall put the question in the following form: "The question before the house is (state the question). As many as are in favor say 'Aye'; and after the affirmative vote is expressed, "as many as are opposed say 'No'."

(B) All Members to Vote. Every member who was in the house when the question was put shall vote unless, for special reasons, excused by the house.

All motions to excuse a member shall be made before the house divides or before the call for yeas and nays is commenced; and any member requesting to be excused from voting may make a brief and verbal statement of the reasons for making such request, and the question shall then be taken without further debate.

~~((A) Voting within Bar Only.))~~ Upon a division and count of the house on the question, only members at their desks within the bar of the house shall be counted.

~~((B))~~ (C) Change of Vote ~~((Private interest.))~~ When the electric roll call machine is used, no member shall be allowed to vote or change a vote after the speaker has locked the roll call machine. When ~~((the))~~ an oral roll call is ~~((used))~~ taken, no member shall be allowed to vote or change a vote after the result has been announced.

(D) Private Interest. No member shall vote on any question in ~~((the event of))~~ which that member is immediately or particularly interested ~~(or in any case when that member is not within the bar of the house before the last name was called, unless by unanimous consent; and when any member shall ask leave to vote, the speaker shall propound the question: "Were you within the bar of the house when the last name was called?")~~.

"A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon." ~~((See also Constitution.))~~ Art. II § 30.)

(METHOD OF VOTING

RULE 21. (A) Clerk's Desk During Voting.)) (E) Interruption of Roll Call. Once begun, the roll call may not be interrupted. No member or other person shall visit or remain ((by)) at the clerk's desk while the yeas and nays are being called.

~~((B))~~ (F) Yeas and Nays--Recorded Votes. Upon the final passage of any ~~((measure))~~ bill, the vote shall be taken by yeas and nays and shall be recorded by the electric voting system: PROVIDED, HOWEVER, That an oral roll call shall be ordered when demanded by one-sixth (1/6) of the members present. (Art. II § 21.)

The speaker may vote last when the yeas and nays are called.

When the vote is by electric voting machine or by oral roll call on any question, it shall be entered upon the journal of the house. A recorded vote may be compelled by one-sixth (1/6) of the members present.

~~((C))~~ (G) Tie Vote, Question Loses. In case of an equal division, the question shall be lost.

(H) Division. If the speaker is in doubt, or if division is called for and is supported by at least seventeen members, the house shall divide and a recorded vote shall be taken.

RECONSIDERATION

~~((P))~~ RULE 21. Reconsideration. Notice of a motion for reconsideration on the final passage of bills ~~((may))~~ shall be made ~~((only))~~ on the day the vote to be reconsidered was ~~((made))~~ taken and before the house has voted to transmit the bill to the senate.

~~((The motion must be made by a member who voted on the prevailing side and may be acted upon on a succeeding day. PROVIDED, That the))~~ Reconsideration of the ~~((vote by which a bill passed or failed))~~ votes on the final passage of bills must be taken on the next working day after such vote was taken: PROVIDED ~~((FURTHER))~~, That ~~((when only five (5) days remain before a session must end by law or three (3) days remain before))~~ on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a ~~((measure))~~ bill must be reported from the house ~~((of origin or opposite house))~~ as established by concurrent resolution, then reconsideration of votes on the final passage of ~~((measures))~~ bills must be taken on the same day as the original ~~((date))~~ vote was taken.

Any member who voted on the prevailing side may move for reconsideration or give notice thereof.

A motion to reconsider can be decided only once when decided in the negative.

When a motion to reconsider has been carried, its effect shall be to place the original question before the house in the exact position it occupied before it was voted upon.

~~((E) Veto Bills—No Reconsideration—The veto message of the governor accompanying any bill passed by the legislature, together with the bill vetoed, shall be read in the house. It shall then be in order to proceed to the reconsideration of the bill, refer it, lay it on the table, or postpone its consideration to a day certain.~~

~~The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.~~

~~In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house.~~

~~Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.~~

~~Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the session, after which they shall be filed with the secretary of state.))~~

CALL OF THE HOUSE

RULE 22. One-sixth (1/6) of the members present may demand a call of the house at any time before the house has divided or the voting has commenced by yeas and nays.

(A) Doors to be Closed. ~~((A))~~ When call of the house ~~((being))~~ has been ordered, the sergeant at arms shall close and lock the doors, and no member shall be allowed to leave the chamber: PROVIDED, That the rules committee shall be allowed to meet, upon request of the speaker, while the house stands at ease: AND PROVIDED FURTHER, That the speaker may permit members to use such portions of the fourth floor as may be properly secured.

(B) Sergeant at Arms to Bring in the Absentees. The clerk shall immediately call a roll of the members and note the absentees, whose names shall be read and entered upon the journal in such manner as to show who are ~~((absent with leave))~~ excused and who are absent without leave.

The clerk shall furnish the sergeant at arms with a list of those who are absent without leave, and the sergeant at arms shall proceed to bring in such absentees; but arrests of members for absence shall not be made unless ordered by a majority of the members present.

(C) House Under Call ~~((Raising Call))~~. While the house is under a call, no business shall be transacted except to receive and act on the report of the sergeant at arms; and no other motion shall be in order except a motion to proceed with business under the call of the house ~~((a motion to suspend further proceedings under the call of the house.))~~ or a motion to excuse absentees ~~((any of which motions shall be determined by viva voce vote unless a roll call is demanded by one-sixth (1/6) of the members present))~~. The motion to ~~((suspend further proceedings under the call or to))~~ excuse absent members shall not be adopted unless a majority of the members elected vote in favor thereof.

(D) Call of House Raised when Absentees Return. When the sergeant at arms shall make a report showing that all who were absent without leave are present, the call of the house may be dispensed with ~~((or the house may proceed under the call, on a majority vote of the members elected, with its regular business))~~.

APPEAL FROM DECISION OF CHAIR

RULE 23. The decision of the chair may be appealed from by any member, on which appeal no member shall speak more than once unless by leave of the house. In all cases of appeal, the question shall be: "Shall the decision of the chair stand as the judgment of the house?"

COMMITTEE AND MEMBERSHIP

RULE 24. The standing committees of the house and the number of members that shall serve on each committee shall be as follows:

1. Agriculture	11
2. Commerce & Labor	14
3. Constitution, Elections & Ethics	11
4. Education	19
5. Energy & Utilities	15
6. Environmental Affairs	15
7. Financial Institutions & Insurance	14
8. Higher Education	15
9. Judiciary	18
10. Local Government	15
11. Natural Resources	20
12. Rules	17
13. Social & Health Services	17
14. State Government	13
15. Trade & Economic Development	24
16. Transportation	26
17. Ways & Means	26

DUTIES OF COMMITTEES

RULE 25. House committees shall operate as follows:

(A) Notice of Committee Meeting. The chief clerk shall make public the time, place and subjects to be discussed at committee meetings. All public hearings held by committees shall be scheduled at least five (5) days in advance and shall be given adequate publicity: PROVIDED, That only adequate publicity, as determined by the Speaker with regard to the circumstances, including but not limited to (:) the time remaining, the nature of the subject (:) and the number of prior hearings on the subject, shall be required when fifteen (15) days or less remain before a session must end ~~(by law)~~ as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution.

(B) Committee Quorum. A majority of any committee shall constitute a quorum for the transaction of business.

(C) Session Meetings. No committee shall sit while the house is in session without special leave of the speaker.

(D) Duties of Standing Committees.

(1) Standing committees shall act upon all referred bills, memorials and resolutions. Only such bills as are included on the written notice of a committee meeting may be considered at that meeting except upon the vote of a majority of the entire membership of the committee to consider another bill.

(2) A majority recommendation of a committee must be signed by a majority of the entire membership of the committee in a regularly called meeting before a bill, memorial or resolution may be reported out: PROVIDED, That a majority of the members elected to the house may require a committee to report a bill back to the house during the order of business at which it may be considered. Majority recommendations of a committee can only be "do pass", "do pass as amended" (:) or that "the ~~(attached)~~ substitute be substituted therefor and that the substitute bill do pass."

(3) Minority reports (:) "do not pass" or "without recommendation" (:) may be submitted with the majority report. Members of the committee not concurring in the majority report may prepare a written minority report containing a different recommendation, which shall be signed by those members of the committee subscribing thereto.

(4) All committee reports shall be spread upon the journal. The journal of the house shall contain an exact copy of all committee reports, together with the names of the members signing such reports.

(5) Every vote to report a ~~(measure)~~ bill out of committee shall be taken by the yeas and nays, and the names of the members voting for and against, as well as the names of members absent, shall be recorded on the committee report and spread upon the journal. Any member may call for a recorded vote, ~~(including)~~ which shall include the names of absent members, on any substantive question before the committee. A copy of all recorded committee votes shall be kept by the chief clerk and shall be available for public inspection.

(6) All bills having a direct negative revenue impact or a direct appropriation of fifty thousand dollars (\$50,000) or more shall be referred to the ways and means committee or transportation committee as appropriate before their final passage.

(7) No standing committee shall vote ~~(on any issue)~~ by secret written ballot on any issue.

(8) During its consideration of or vote on any bill, resolution or memorial, the deliberations of any standing committee of the house of representatives shall be open to the public.

FREE CONFERENCE COMMITTEE REPORT

RULE 26. No floor vote may be taken on any free conference report within twenty-four hours of its placement on each member's desk, unless the free conference committee made no changes in the bill as it was last acted upon by the house.

VETOED BILLS

RULE 27. Veto messages of the governor shall be read in the house and entered upon the journal. It shall then be in order to proceed to reconsider the bill, refer it, lay it on the table, or postpone its consideration to a day certain.

The merits of the bill may be debated before the vote is taken, but the vote on a vetoed bill cannot be reconsidered.

In case of a bill containing several sections or items, one or more of which has been objected to by the governor, each section or item so objected to shall be voted upon separately by the house.

Action by the house upon all vetoed bills shall be endorsed upon the bill and certified by the speaker.

Vetoed bills originating in the house, which have not been passed notwithstanding the veto of the governor, shall remain in the custody of the officers of the house until the close of the assembly, after which they shall be filed with the secretary of state.

SUSPENSION OF COMPENSATION

RULE ((27)) 28. (1) Any member of the house of representatives convicted and sentenced for any felony punishable by death or by imprisonment in a Washington state penal institution shall, as of the time of sentencing, be denied the legislative salary for future service and be denied per diem, compensation for expenses, ~~(and)~~ office space facilities and assistance. Any member convicted of a felony and sentenced therefor under any federal law or the law of any other state shall, as of the time of sentencing, be similarly denied such salary, per diem, expenses, facilities(;) and assistance if either (a) such crime would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution, or (b) the conduct resulting in the conviction and sentencing would also constitute a crime punishable under the laws of Washington by death or by imprisonment in a state penal institution.

(2) At any time, the house may vote by a constitutional majority to restore the salary, per diem, expenses, facilities, and assistance denied a member under subsection (1). If the conviction of a member is reversed, then the salary, per diem, and expense amounts denied the member since his sentencing shall be forthwith paid to him, and the member shall thereafter have the rights and privileges of other members.

STANDING RULES AMENDMENT

RULE ((28)) 29. Any standing rule or order of the house may be rescinded or changed by a majority vote of the members elected: PROVIDED, That the proposed change or changes be submitted at least one day in advance in writing to the members together with notice of the consideration thereof ~~((at least one day in advance))~~.

Any standing rule of order or business may be suspended temporarily by a two-thirds (2/3) vote of the members present: PROVIDED, That ~~((when only five days remain before a session must end by law or three (3) days remain before))~~ on and after the fifth day prior to the day of adjournment sine die of any session, as determined pursuant to Article II, Section 12 of the state Constitution, or concurrent resolution, or on and after the third day prior to the day a ((measure)) bill must be reported from the house ((of origin or opposite house)) as established by concurrent resolution, bill reading may be advanced by majority vote. (Rule 11)

SMOKING

RULE ((29)) 30. Smoking of cigarettes, pipes(;) or cigars shall not be permitted at any public meeting of any committee of the house of representatives or within the House Chamber. "No smoking" signs shall be posted in all committee rooms of the house of representatives.

PARLIAMENTARY RULES

RULE ((30)) 31. The rules of parliamentary practice comprised in Reed's Parliamentary Rules shall govern all cases in which they are not inconsistent with the standing rules and orders of the house.

RULES TO APPLY FOR ASSEMBLY

RULE ((31)) 32. The permanent house rules adopted at the beginning of the assembly are to govern all acts of the house during the course of the assembly unless amended or repealed.

On motion of Mr. J. King, House Resolution No. 86-94 was adopted.

The House reverted to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 205, by Committee on Ways & Means (originally sponsored by Representatives Lux, Winsley and Zellinsky; by Department of Licensing request)

Authorizing a limited offering exemption to the securities act.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 205 and the bill passed the House by the following vote: Yeas, 92; absent, 1; excused, 5.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representative Smitherman - 1.

Excused: Representatives Bond, Brooks, Sayan, West, Wineberry - 5.

Substitute House Bill No. 205, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

SUBSTITUTE HOUSE BILL NO. 243, by Committee on Natural Resources (originally sponsored by Representatives Hargrove, Lundquist and Haugen)

Authorizing a voluntary food fish or shellfish license suspension program in conservation crisis.

The bill was read the third time and placed on final passage.

Representatives Hargrove and Lundquist spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 243 and the bill passed the House by the following vote: Yeas, 91; absent, 2; excused, 5.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Smitherman, Valle - 2.

Excused: Representatives Bond, Brooks, Sayan, West, Wineberry - 5.

Substitute House Bill No. 243, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 392, by Representatives Baugher, Belcher, O'Brien and Hankins; by Department of General Administration request

Repealing the laws requiring the purchase by the state of fuel produced in this state.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 392 and the bill passed the House by the following vote: Yeas, 92; absent, 1; excused, 5.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Waik, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representative Smitherman - 1.

Excused: Representatives Bond, Brooks, Sayan, West, Wineberry - 5.

House Bill No. 392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Mr. Smitherman appeared at the bar of the House.

HOUSE BILL NO. 464, by Representatives Patrick, Sutherland, Sanders, Leonard, Isaacson, Sayan, Dobbs, Haugen, Lundquist, J. Williams, van Dyke and Cole

Restricting the sale of wildlife skins and furs at auction.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 464 and the bill passed the House by the following vote: Yeas, 91; absent, 2; excused, 5.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, and Mr. Speaker - 91.

Absent: Representatives Walk, Zellinsky - 2.

Excused: Representatives Bond, Brooks, Sayan, West, Wineberry - 5.

House Bill No. 464, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 495, by Committee on Judiciary (originally sponsored by Representatives Dellwo, Armstrong, Lewis, Scott, Tilly, Locke, Niemi, Lux, Hargrove and Belcher)

Authorizing retrocession of jurisdiction over certain Indian land.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 495 and the bill passed the House by the following vote: Yeas, 90; nays, 2; absent, 1; excused, 5.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smitherman, Sommers, Sutherland, Tanner, Taylor,

Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Miller, van Dyke - 2.

Absent: Representative Smith L - 1.

Excused: Representatives Bond, Brooks, Sayan, West, Wineberry - 5.

Engrossed Substitute House Bill No. 495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 594, by Committee on Social & Health Services (originally sponsored by Representatives Tanner, Long and Sayan)

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

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 594 and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fuhrman, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Bond, Brooks, Sayan, West, Wineberry - 5.

Substitute House Bill No. 594, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 879, by Committee on Ways & Means (originally sponsored by Representatives Armstrong, Dellwo, Patrick and P. King)

Revising laws against drunk driving.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute House Bill No. 879 and the bill passed the House by the following vote: Yeas, 86; nays, 7; excused, 5.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Betrozoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Valle, van Dyke, Van Luven, Vander Stoep, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Belcher, Fisch, Fisher, Niemi, Nutley, Unsoeld, Vekich - 7.

Excused: Representatives Bond, Brooks, Sayan, West, Wineberry - 5.

Engrossed Second Substitute House Bill No. 879, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182, by Committee on Transportation (originally sponsored by Representatives J. King, S. Wilson, Haugen, Fisher, Gallagher, O'Brien, K. Wilson, McMullen, Hankins, Betzoff, Schoon, Jacobsen, Miller, Isaacson and Tilly; by Washington Traffic Safety Commission request)

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

The bill was read the third time and placed on final passage.

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

POINT OF INQUIRY

Mr. J. King yielded to question by Mr. Padden.

Mr. Padden: "Representative King, in section 1(5) of this act, it indicates that during the period of July 1, 1985 to January 1, 1986 a person violating this section may be issued a written warning of the violation. I wonder if this bill shouldn't go back to the committee and correct the obvious error in time?"

Mr. J. King: "I'm glad you raised that point, Representative Padden. I should have addressed that. The practice in this body has been, in the past, when we have minor changes that we let the other body across the way address those concerns. All the dates in that bill would be moved back exactly one year. Thank you for raising that concern; that's the practice we are following."

Representatives Vekich and Fuhrman spoke against passage of the bill and Representatives Ballard and S. Wilson spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1182 and the bill passed the House by the following vote: Yeas, 71; nays, 22; excused, 5.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Cole, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Isaacson, Jacobsen, King J. King P. King R. Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, May, McMullen, Miller, Nelson D. Nelson G. Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Schmidt, Schoon, Scott, Silver, Smitherman, Sommers, Sutherland, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Walker, Wang, Williams J. Wilson K. Wilson S. Winsley, Zellinsky, and Mr. Speaker - 71.

Voting nay: Representatives Addison, Barnes, Bristow, Brough, Chandler, Crane, Dobbs, Fuhrman, Hastings, Holland, Madsen, Nealey, Padden, Patrick, Sanders, Smith C, Smith L, Tanner, van Dyke, Vekich, Walk, Williams B - 22.

Excused: Representatives Bond, Brooks, Sayan, West, Wineberry - 5.

Engrossed Substitute House Bill No. 1182, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT MEMORIAL NO. 17, by Representatives K. Wilson, Lundquist, D. Nelson, Thomas, R. King, Hankins, Haugen, Sutherland and Isaacson

Requesting federal funds for treaty fish management.

The memorial was read the third time and placed on final passage.

Representatives K. Wilson and Lundquist spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 17, and the memorial received the required two-thirds majority, by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P. King R. Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D. Nelson G. Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner,

Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Bond, Brooks, Sayan, West, Wineberry - 5.

House Joint Memorial No. 17, having received the constitutional two-thirds majority, was declared passed.

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 25, by Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Fisher, Fisch, Leonard and Hargrove)

Providing for the alteration of counties.

The resolution was read the third time and placed on final passage.

Ms. Fisher spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Joint Resolution No. 25, and the resolution passed the House by the following vote: Yeas, 84; nays, 9; excused, 5.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Baugher, Dobbs, Fuhrman, Hastings, Lundquist, Prince, Rayburn, Thomas, van Dyke - 9.

Excused: Representatives Bond, Brooks, Sayan, West, Wineberry - 5.

Engrossed Substitute House Joint Resolution No. 25, having received the constitutional majority, was declared passed.

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

SECOND READING

HOUSE BILL NO. 6, by Representatives Sommers, B, Williams, G, Nelson, Brekke, Schoon, Tanner, Sayan and Fuhrman; by Legislative Budget Committee request

Adopting life-cycle costing in construction design of public facilities.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendment, see Journal, 1st Day, January 13, 1986.)

On motion of Ms. Sommers, the committee amendment was adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 6 and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Bond, Brooks, Sayan, West, Wineberry - 5.

Engrossed House Bill No. 6, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 37, by Representatives D. Nelson, Brough, Rust, Allen, Unsoeld, R. King, P. King, Fisch, McMullen and Lux

Authorizing above-ground tanks for recycling used oil.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 37 was substituted for Engrossed House Bill No. 37, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 37 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 37 and the bill passed the House by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Bond, Brooks, Sayan, West, Wineberry - 5.

Substitute House Bill No. 37, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Sayan appeared at the bar of the House.

HOUSE BILL NO. 136, by Representatives Unsoeld, Isaacson, Rust, Allen, Barnes, Valle, Jacobsen, Brekke, Lux, Patrick, R. King, Leonard, May and Belcher

Controlling dangerous wastes that had household uses.

The bill was read the second time. On motion of Ms. Rust, Second Substitute House Bill No. 136 was substituted for House Bill No. 136, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 136 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 136 and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Fisch - 1.

Excused: Representatives Bond, Brooks, West, Wineberry - 4.

Second Substitute House Bill No. 136, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 719, by Representatives Todd, Crane, Belcher, O'Brien, Baugher, Walk, Peery, Cole, R. King and Brekke

Requiring installation of smoke detectors in college dormitories.

The bill was read the second time. On motion of Mr. Jacobsen, Substitute House Bill No. 719 was substituted for House Bill No. 719, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 719 was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 719 and the bill passed the House by the following vote: Yeas, 93; absent, 1; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representative Brekke - 1.

Excused: Representatives Bond, Brooks, West, Wineberry - 4.

Substitute House Bill No. 719, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1096, by Representatives L. Smith, Schoon, Hastings, Schmidt, Bond, Ballard and Isaacson

Modifying provisions relating to surface mining permits and fees.

The bill was read the second time. On motion of Mr. Sutherland, Substitute House Bill No. 1096 was substituted for House Bill No. 1096, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1096 was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives L. Smith and Sutherland spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1096 and the bill passed the House by the following vote: Yeas, 93; nays, 1; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative King R - 1.

Excused: Representatives Bond, Brooks, West, Wineberry - 4.

Substitute House Bill No. 1096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1177, by Committee on Environmental Affairs (originally sponsored by Representative Lux)

Providing public access to records of hazardous waste handlers.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For amendment, see Journal, 1st Day, January 13, 1986.)

On motion of Ms. Rust, the committee amendment was adopted.

The bill was ordered engrossed. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1177 and the bill passed the House by the following vote: Yeas, 93; nays, 1; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representative Baugher - 1.

Excused: Representatives Bond, Brooks, West, Wineberry - 4.

Engrossed Substitute House Bill No. 1177, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. J. King, the House adjourned until 1:30 p.m., Friday, January 17, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FIFTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Wash., Friday, January 17, 1986

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Ballard, Basich, Bond, Dobbs, Thomas and West. Representatives Ballard, Basich, Bond, Thomas and West were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Katie Martin and Jennifer Yank. Prayer was offered by Reverend H. Raymond Banks, Pastor of the Olympia Free Methodist Church.

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

MESSAGES FROM THE SENATE

January 15, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3416,
REENGROSSED SUBSTITUTE SENATE BILL NO. 3498,
SUBSTITUTE SENATE BILL NO. 3595,
ENGROSSED SUBSTITUTE SENATE BILL NO. 4320,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

January 16, 1986

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 3011,
SENATE BILL NO. 3030,
SUBSTITUTE SENATE BILL NO. 3048,
SENATE BILL NO. 3093,
REENGROSSED SUBSTITUTE SENATE BILL NO. 3160,
ENGROSSED SUBSTITUTE SENATE BILL NO. 4128,
SENATE BILL NO. 4291,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

January 16, 1986

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 125,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1491 by Representatives Haugen and Allen

AN ACT Relating to municipal bidding requirements; amending RCW 35.22.620, 35.22.650, 39.04.010, 39.04.020, 39.04.050, 39.04.070, and 35.23.352; and adding a new section to chapter 35.23 RCW.

Referred to Committee on Local Government.

HB 1492 by Representatives Haugen, Allen, May, Schoon, P. King and Winsley

AN ACT Relating to boundary review boards; and amending RCW 36.93.070, 36.93-090, 36.93.100, 36.93.110, 36.93.120, 36.93.130, 36.93.150, and 36.93.160.

Referred to Committee on Local Government.

HB 1493 by Representatives Rayburn and Baugher

AN ACT Relating to signs for motorist service businesses; and amending RCW 47.42-.046 and 47.42.047.

Referred to Committee on Transportation.

HB 1494 by Representatives Rayburn, Brekke, Tilly, Nutley, Scott, Leonard, Wang, P. King and Winsley

AN ACT Relating to the hospital volunteer visitor program; adding new sections to chapter 70.05 RCW; and making an appropriation.

Referred to Committee on Social & Health Services.

HB 1495 by Representative Brekke

AN ACT Relating to health care assistants; and amending RCW 18.135.060.

Referred to Committee on Social & Health Services.

HB 1496 by Representatives Appelwick, Patrick and P. King; by request of Horse Racing Commission

AN ACT Relating to horse racing; and amending RCW 67.16.175.

Referred to Committee on Commerce & Labor.

HB 1497 by Representatives Scott, Thomas, Crane, Armstrong, Lewis, P. King, Zellinsky, Hargrove, May, Schoon and Winsley

AN ACT Relating to juveniles; amending RCW 13.32A.250 and 13.34.165; creating a new section; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1498 by Representatives Crane, Thomas, Haugen, Lewis, Armstrong, P. King, G. Nelson, Zellinsky, Hargrove, Brough, Padden and Todd

AN ACT Relating to juveniles; amending RCW 13.04.030, 13.32A.100, 13.32A.170, 13.32A.190, and 13.32A.050; adding new sections to chapter 13.32A RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1499 by Representatives Zellinsky, Patrick, Armstrong, Hargrove and Tanner

AN ACT Relating to alcohol breath testing; and amending RCW 9.41.098, 46.61.502, 46.61.504, 46.61.506, 46.20.308, and 88.02.---

Referred to Committee on Judiciary.

HB 1500 by Representatives Lewis, Day, Winsley, Leonard, Dellwo, Armstrong, Tanner, Doty, Lux, D. Nelson, Jacobsen, Taylor, C. Smith, Rayburn and P. King

AN ACT Relating to public broadcasting; adding a new section to chapter 43.41 RCW; and making an appropriation.

Referred to Committee on Ways & Means.

HB 1501 by Representatives Vekich, Zellinsky, Smitherman, Hargrove, Schmidt, Brough, Haugen, Allen, McMullen, Schoon, Lundquist, Sayan, Tilly, Fisch, Thomas, Patrick, S. Wilson, J. Williams, C. Smith, Walker and May

AN ACT Relating to the Washington state ferry system; adding a new section to chapter 47.04 RCW; and creating new sections.

Referred to Committee on Transportation.

HB 1502 by Representatives Cole, Leonard, Belcher, Brekke, Valle, D. Nelson, Appelwick, Rust and Jacobsen

AN ACT Relating to corporal punishment; and adding a new section to chapter 28A-.58 RCW.

Referred to Committee on Education.

HB 1503 by Representatives Cole, Allen, Leonard, Miller, Unsoeld, Long, D. Nelson, Lux, Taylor, Haugen, Jacobsen, Silver, Holland, Belcher, Brekke and Dellwo

AN ACT Relating to land areas along the Pacific Ocean; amending RCW 35.21.230, 43.51.680, 79.94.340, 79.94.350, 79.94.360, and 79.94.380; creating a new section; and repealing RCW 79.94.370.

Referred to Committee on Environmental Affairs.

HB 1504 by Representatives Hine, Barnes, G. Nelson, Hargrove, Schmidt, Fisch, Sutherland and Zellinsky

AN ACT Relating to moorage collection; and amending RCW 53.08.310 and 53.08.320.

Referred to Committee on Local Government.

HB 1505 by Representatives Smitherman, Wineberry, Hargrove, Brekke, McMullen, Schoon, Unsoeld, J. King, Jacobsen, B. Williams, D. Nelson, Zellinsky, Tanner, Ballard, S. Wilson, Fisher, Kremen, Braddock, Peery, Long, Silver, Addison, Brough, May, Doty, Wang, P. King, Todd and Niemi

AN ACT Relating to voluntary grant diversion; creating new sections; and making an appropriation.

Referred to Committee on Trade & Economic Development.

HB 1506 by Representative Grimm

AN ACT Relating to forest protection; and amending RCW 76.04.--- and 76.04.--.

Referred to Committee on Ways & Means.

HB 1507 by Representatives Rust, Appelwick and Unsoeld

AN ACT Relating to the donation of rights in forest lands for conservation purposes; and amending RCW 84.33.140.

Referred to Committee on Ways & Means.

HB 1508 by Representatives P. King, Winsley and Wang

AN ACT Relating to basic education contact time; and amending RCW 28A.41.140.

Referred to Committee on Education.

HB 1509 by Representatives Lux, Winsley and P. King; by request of State Treasurer

AN ACT Relating to deposit of public funds; and amending RCW 39.58.135 and 39.58.040.

Referred to Committee on Financial Institutions & Insurance.

HB 1510 by Representatives Belcher, Hankins, P. King and Ebersole; by request of State Treasurer

AN ACT Relating to the state school equalization fund; reenacting and amending RCW 82.44.150; and repealing RCW 28A.46.010.

Referred to Committee on Ways & Means.

HB 1511 by Representatives Belcher, Hankins and Ebersole; by request of State Treasurer

AN ACT Relating to state warrants; and amending 43.08.062.

Referred to Committee on State Government.

HB 1512 by Representatives Brekke, Armstrong and Ballard; by request of Department of Social and Health Services

AN ACT Relating to eligibility determinations for medical care programs; adding a new section to chapter 74.09 RCW; and declaring an emergency.

Referred to Committee on Social & Health Services.

HB 1513 by Representatives Brekke, West, Day, Armstrong, Taylor, Addison, P. King, Ebersole and Isaacson; by request of Department of Social and Health Services

AN ACT Relating to investigation of persons being considered for employment with the department of social and health services; amending RCW 26.44.070; adding a new section to chapter 43.20A RCW; and adding a new section to chapter 41.06 RCW.

Referred to Committee on Social & Health Services.

HB 1514 by Representatives Brekke, Lewis, Day, Armstrong, Padden, Ballard, Silver, Walker, Tanner, P. King, Ebersole and Winsley; by request of Department of Social and Health Services

AN ACT Relating to sentencing; amending RCW 9.94A.122 and 9.94A.120; creating new sections; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1515 by Representatives Armstrong, Day, Brekke, Lewis, Padden, Ballard and P. King; by request of Department of Social and Health Services

AN ACT Relating to criminal actions under chapter 74.09 RCW; reenacting and amending RCW 9A.04.080; and adding a new section to chapter 74.09 RCW.

Referred to Committee on Judiciary.

HB 1516 by Representatives Appelwick, Hastings and Long

AN ACT Relating to the state property tax levy; and amending RCW 84.48.110, 84.48.120, and 84.56.290.

Referred to Committee on Ways & Means.

HB 1517 by Representatives Appelwick and Hastings

AN ACT Relating to estate taxation; and amending RCW 83.100.050 and 83.100.080.

Referred to Committee on Ways & Means.

HB 1518 by Representatives Walk, Schmidt and Gallagher; by request of Department of Licensing

AN ACT Relating to notice of the implied consent law; and repealing RCW 46.20.092.

Referred to Committee on Transportation.

HB 1519 by Representatives Walk, Schmidt and Gallagher; by request of Department of Licensing

AN ACT Relating to driver training schools; and amending RCW 46.82.280 and 46.82.320.

Referred to Committee on Transportation.

HB 1520 by Representatives Sommers, Prince, Silver, Holland and Ebersole

AN ACT Relating to regional universities' and The Evergreen State College's extension departments; and amending RCW 28B.35.380 and 28B.40.380.

Referred to Committee on Higher Education.

HB 1521 by Representatives Grimm, Tilly, Long and P. King; by request of State Treasurer

AN ACT Relating to local government; adding a new chapter to Title 43 RCW; adding a new section to chapter 36.29 RCW; and making an appropriation.

Referred to Committee on Ways & Means.

HB 1522 by Representatives Sommers, Grimm, Bristow, G. Nelson, B. Williams, Jacobsen, Niemi, Tanner, Madsen, Allen, Smitherman, Sanders, May, Schoon, Miller, Ebersole, Isaacson and Brekke

AN ACT Relating to higher education; providing equal research opportunities at the research institutions; creating a new section; and making an appropriation.

Referred to Committee on Ways & Means.

HB 1523 by Representatives Sanders, Sutherland, Isaacson, Lundquist, S. Wilson, Cole and Leonard

AN ACT Relating to game and game fish licenses; and amending RCW 77.32.005.

Referred to Committee on Natural Resources

bk HB 1524 by Representatives P. King, G. Nelson, Appelwick, Miller and Padden

AN ACT Relating to judgment liens; and amending RCW 4.56.200.

Referred to Committee on Judiciary.

HB 1525 by Representatives Ebersole, Bristow, Taylor, Silver, Dellwo, Fisher, Tanner, Fisch, Betrozoff, Winsley, Padden, Day, Long, B. Williams, Fuhrman, Smitherman, Barrett, Miller, P. King, Hankins, G. Nelson and Isaacson

AN ACT Relating to sales and use tax deferrals for industrial energy conservation projects conducted by persons under valid agreement with the United States Bonneville Power Administration to participate in its industrial energy conservation-modernization program, which projects are commenced prior to December 31, 1988; adding a new chapter to Title 82 RCW; providing an expiration date; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 1526 by Representatives S. Wilson and Haugen

AN ACT Relating to wildstock shellfish harvesting; and adding a new chapter to Title 75 RCW.

Referred to Committee on Natural Resources.

HB 1527 by Representatives Haugen, S. Wilson, McMullen, Kremen, Braddock and K. Wilson

AN ACT Relating to Puget Sound whiting; amending RCW 75.30.050; and adding new sections to chapter 75.30 RCW.

Referred to Committee on Natural Resources.

HB 1528 by Representatives Appelwick, Jacobsen, Fisher and Barnes

AN ACT Relating to reporting of campaign contribution pledges; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 1529 by Representatives Braddock, Ebersole, Allen, Smitherman, J. King, Jacobsen, Miller, Brough, Grimm, P. King and Niemi

AN ACT Relating to the tuition endowment fund; authorizing the sale of bonds; and adding new sections to chapter 28B.80 RCW.

Referred to Committee on Higher Education.

HB 1530 by Representatives Jacobsen, D. Nelson, Niemi, Vekich, Unsoeld, Lux, Sayan, Fisher, Sommers, Todd, Wineberry, Appelwick, Locke, Fisch, Grimm, Madsen, Leonard, Basich, R. King and Wang

AN ACT Relating to private business entities receiving public assistance; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1531 by Representatives Kremen, S. Wilson, Lux, Armstrong, Long, P. King and Day; by request of Attorney General

AN ACT Relating to protection for vulnerable adults; and adding new sections to chapter 74.34 RCW.

Referred to Committee on Judiciary.

HB 1532 by Representatives Brekke, B. Williams, Dellwo, P. King and O'Brien

AN ACT Relating to psychologists; amending RCW 18.83.020, 18.83.035, 18.83.050, 18.83.080, 18.83.100, 18.83.130, 18.83.190, and 18.83.200; adding a new section to chapter 18.83 RCW; and repealing RCW 43.131.323.

Referred to Committee on Social & Health Services.

HB 1533 by Representatives Brekke, Tilly, Sommers and B. Williams

AN ACT Relating to veterans' care; and adding a new section to chapter 72.36 RCW.

Referred to Committee on Social & Health Services.

HB 1534 by Representatives Doty, Lundquist, Zellinsky, Schmidt and Lewis

AN ACT Relating to riding in trailers; and amending RCW 46.61.625.

Referred to Committee on Transportation.

HB 1535 by Representatives Sanders, Belcher, Hankins, Baugher, Sutherland, Taylor and Walker

AN ACT Relating to a McNeil Island study; creating new sections; and making an appropriation.

Referred to Committee on State Government.

HB 1536 by Representatives Sanders, Belcher, Hankins, Baugher, Isaacson, Vekich, G. Nelson and Taylor

AN ACT Relating to the training of state employees; and adding a new section to chapter 41.04 RCW.

Referred to Committee on State Government.

HB 1537 by Representatives Rust, Sanders, Todd, Allen, Jacobsen, Brough, Cole, Wang and Isaacson

AN ACT Relating to endangered species; amending RCW 77.08.010, 77.12.020, 77.21.010, 77.16.040, and 77.16.120; adding a new chapter to Title 77 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 1538 by Representatives Rust, Allen, Todd, Brough, Jacobsen, Cole, Wang and Isaacson

AN ACT Relating to endangered species; adding a new chapter to Title 79 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 1539 by Representatives Smitherman, Wang, Thomas, Fisher, Dellwo, Walker, Winsley, Gallagher, Brough, Schoon, Ebersole, Braddock, Doty and P. King

AN ACT Relating to community college tuition waivers; and repealing section 3, chapter 50, Laws of 1984 (uncodified).

Referred to Committee on Higher Education.

HB 1540 by Representatives Nutley, Allen and Bristow

AN ACT Relating to solid waste management; and adding a new section to chapter 70.95 RCW.

Referred to Committee on Environmental Affairs.

HB 1541 by Representatives Hargrove, Grimm, McMullen, Fisch, Vekich, Basich, L. Smith, Sayan, B. Williams, Smitherman, Sutherland, Day, Bristow, Tanner, Peery, Braddock, Haugen, Schoon, Lundquist, Thomas, Doty, Dobbs, Taylor, Fuhrman, Walker, May, Miller, Ebersole and Todd

AN ACT Relating to excise taxes for manufacturers in distressed counties; adding a new chapter to Title 82 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1542 by Representatives Rust, Brough, Unsoeld, Allen, Nutley and Sommers

AN ACT Relating to enforcement procedures for water quality discharge permits; amending RCW 90.48.460; adding new sections to chapter 90.48 RCW; creating new sections; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 1543 by Representatives Baugher, Hastings, Chandler, van Dyke, Lewis, Brooks, Rayburn, Sayan, Bristow, Braddock, Dellwo, Isaacson, Hankins, Nealey and Doty

AN ACT Relating to the composition of the horse racing commission; and amending RCW 67.16.012.

Referred to Committee on Commerce & Labor.

HB 1544 by Representatives Nealey, Belcher, Unsoeld, Prince, Betrozoff, Taylor and Todd

AN ACT Relating to teachers' retirement systems contributions; amending RCW 41.32-.775; and creating a new section.

Referred to Committee on Ways & Means.

HB 1545 by Representatives Baugher, Rayburn, Vekich, Bristow, Doty, Nealey, Sutherland, Sayan and Todd

AN ACT Relating to hydraulic permits; amending RCW 75.20.100, 43.21B.005, and 75.20.050; adding new sections to chapter 75.20 RCW; and prescribing penalties.

Referred to Committee on Agriculture.

HB 1546 by Representative Lux

AN ACT Relating to applications for industrial insurance compensation; and adding a new section to chapter 51.28 RCW.

Referred to Committee on Commerce & Labor.

HB 1547 by Representatives Lux, D. Nelson and McMullen

AN ACT Relating to medical aid billings submitted to the department of labor and industries; adding a new section to chapter 51.36 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1548 by Representative Lux

AN ACT Relating to reinsurance for employers self-insured under industrial insurance; and amending RCW 51.14.020 and 51.14.160.

Referred to Committee on Commerce & Labor.

HB 1549 by Representatives Lux and Rust

AN ACT Relating to air pollution; amending RCW 70.94.030; and adding a new section to chapter 70.94 RCW.

Referred to Committee on Environmental Affairs.

HB 1550 by Representative Lux

AN ACT Relating to state parks; amending RCW 43.51.060; and adding a new section to chapter 43.51 RCW.

Referred to Committee on Environmental Affairs.

HB 1551 by Representatives Lux and Taylor

AN ACT Relating to state parks; and adding a new section to chapter 43.51 RCW.

Referred to Committee on Environmental Affairs.

HB 1552 by Representatives Dellwo, Day, Taylor, Padden, Silver, Walk, C. Smith, May and Tanner

AN ACT Relating to directional signs; and adding a new section to chapter 47.42 RCW.

Referred to Committee on Transportation.

- HB 1553 by Representatives van Dyke, Fuhrman, Sutherland, Sanders, Dobbs, Walker, Kremen, C. Smith and Isaacson
AN ACT Relating to motor vehicles; and amending RCW 46.12.380.
Referred to Committee on Transportation.
- HB 1554 by Representatives van Dyke, Thomas, Brough, Walker, Sutherland, Schmidt and J. Williams
AN ACT Relating to roadway lane usage; and amending RCW 46.61.100.
Referred to Committee on Transportation.
- HB 1555 by Representatives Belcher, Niemi, Leonard, Allen, Haugen, Locke, Cole, Sayan, Unsoeld, Brough and Wang
AN ACT Relating to certification programs for minority and women's business enterprises; and adding a new section to chapter 39.19 RCW.
Referred to Committee on State Government.
- HB 1556 by Representatives Walk, Schmidt, Zellinsky, Haugen, Vekich, S. Wilson, Fisch, McMullen, Brough, Valle, Smitherman, Schoon, Lundquist, Thomas, J. Williams and Dellwo
AN ACT Relating to management of the department of transportation; amending RCW 47.01.081; adding new sections to chapter 47.01 RCW; adding a new section to chapter 47.60 RCW; and adding a new section to chapter 47.68 RCW.
Referred to Committee on Transportation.
- HB 1557 by Representatives Smitherman, Thomas, Day, May, B. Williams, Sanders, Kremen, Walker, Schoon, Dobbs, Doty, van Dyke, Hargrove, C. Smith, Silver, Tanner, Schmidt, McMullen and Jacobsen
AN ACT Relating to regulatory fairness; amending RCW 19.85.030, 19.85.040, and 34.04.070; adding a new section to chapter 19.85 RCW; adding new sections to chapter 34.04 RCW; adding a new section to chapter 43.31 RCW; and making an appropriation.
Referred to Committee on State Government.
- HB 1558 by Representatives Miller, Haugen, Barrett, G. Nelson, Hine, Bristow and Smitherman
AN ACT Relating to the public utility tax on the business of sewerage collection; amending RCW 82.16.010; and providing an effective date.
Referred to Committee on Ways & Means.
- HB 1559 by Representatives Fisher and Miller
AN ACT Relating to precinct election officers; amending RCW 29.45.010, 29.45.020, and 29.45.040; adding a new section to chapter 29.01 RCW; repealing RCW 29.04.055; and providing an effective date.
Referred to Committee on Constitution, Elections & Ethics.
- HB 1560 by Representatives Winsley, Braddock, Tanner, Dellwo, Ballard, Day, Doty, Isaacson, Todd, Sutherland, Bond, Chandler, Tilly, C. Smith, Hargrove, May, Long, Silver, Fuhrman and Brough
AN ACT Relating to child support; and adding a new section to chapter 26.18 RCW.
Referred to Committee on Judiciary.
- HB 1561 by Representatives Scott, Patrick, Armstrong, Long, Silver, Wang and P. King
AN ACT Relating to gunshot wounds; adding a new section to chapter 9.41 RCW; and prescribing penalties.
Referred to Committee on Judiciary.
- HB 1562 by Representatives Niemi, Armstrong and Unsoeld; by request of Attorney General

AN ACT Relating to landlord and tenant; setting notice of termination provisions for tenants who are military personnel; authorizing the attorney general's Consumer Protection Act powers to be exercised for activities subject to the landlord tenant acts; amending RCW 59.18.200; adding a new section to chapter 59.18 RCW; and adding a new section to chapter 59.20 RCW.

Referred to Committee on Judiciary.

HB 1563 by Representatives Rust, Tilly and Unsoeld

AN ACT Relating to winter recreational facilities; and amending RCW 43.51.300 and 43.51.340.

Referred to Committee on Environmental Affairs.

HB 1564 by Representatives Haugen, Hine, Barnes, Allen, Brough, Long and Tanner

AN ACT Relating to protests of proposed local improvement districts; and amending RCW 56.20.020 and 56.20.030.

Referred to Committee on Local Government.

HB 1565 by Representatives Valle, S. Wilson, Dellwo, Lux, Crane, Sutherland, Winsley, Addison and Unsoeld

AN ACT Relating to the selection of bond counsel by state or local government; adding a new chapter to Title 39 RCW; creating a new section; and repealing RCW 28B.07.120 and 43.180.090.

Referred to Committee on Ways & Means.

HB 1566 by Representatives Haugen, S. Wilson, Long, Scott, P. King, Allen, R. King, G. Nelson and Unsoeld

AN ACT Relating to the election of public utility district commissioners; amending RCW 54.12.010, 54.40.010, 54.40.050, and 54.40.070; and repealing RCW 54.40.060.

Referred to Committee on Local Government.

HB 1567 by Representatives Tanner, Appelwick, Miller, Wang and P. King

AN ACT Relating to the state folk song; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government.

HB 1568 by Representatives Vekich and Nealey; by request of Department of Ecology

AN ACT Relating to authority for conditioning ground water permits; and amending RCW 90.44.060.

Referred to Committee on Agriculture.

HB 1569 by Representatives Unsoeld and Long; by request of Utilities and Transportation Commission

AN ACT Relating to penalty assessments made by the utilities and transportation commission; and amending RCW 80.04.405.

Referred to Committee on Energy & Utilities.

HB 1570 by Representative Unsoeld; by request of Utilities and Transportation Commission

AN ACT Relating to the hear and read rule in tariff or rate matters; and adding a new section to chapter 34.12 RCW.

Referred to Committee on Energy & Utilities.

HB 1571 by Representatives Jacobsen, Long and Unsoeld; by request of Utilities and Transportation Commission

AN ACT Relating to special jurisdictional proceedings of the utilities and transportation commission; amending RCW 81.04.510; and adding a new section to chapter 80.04 RCW.

Referred to Committee on Energy & Utilities.

- HB 1572** by Representatives Todd, Long and Unsoeld; by request of Utilities and Transportation Commission
 AN ACT Relating to special proceedings of the utilities and transportation commission; and repealing RCW 80.04.165 and 81.04.165.
 Referred to Committee on Energy & Utilities.
- HB 1573** by Representatives Todd and Unsoeld; by request of Utilities and Transportation Commission
 AN ACT Relating to special proceedings of the utilities and transportation commission; and amending RCW 80.04.180 and 81.04.180.
 Referred to Committee on Energy & Utilities.
- HB 1574** by Representative Walk; by request of Utilities and Transportation Commission
 AN ACT Relating to penalty assessments made by the utilities and transportation commission; and amending RCW 81.04.405.
 Referred to Committee on Transportation.
- HB 1575** by Representatives Ebersole, Cole, Winsley, Vekich, Miller, Baugher, Rayburn, Allen, Walker, Dellwo, Wang, Unsoeld and Todd
 AN ACT Relating to the retail sale of motor vehicle fuels; and adding a new chapter to Title 19 RCW.
 Referred to Committee on Trade & Economic Development.
- HB 1576** by Representatives Niemi, Locke, Appelwick, Baugher, Rayburn, Cole, Allen, Winsley, Walker, P. King, Unsoeld and Todd
 AN ACT Relating to retail sale of motor vehicle fuel; adding a new chapter to Title 19 RCW; and making an appropriation.
 Referred to Committee on Trade & Economic Development.
- HB 1577** by Representatives Braddock, Winsley, Rayburn, Vekich, Miller, Baugher, Cole, Allen, Walker, Unsoeld and Todd
 AN ACT Relating to retail trading practices in the sale of motor vehicle fuels; amending RCW 19.100.010; adding a new chapter to Title 19 RCW; prescribing penalties; providing an effective date; and declaring an emergency.
 Referred to Committee on Trade & Economic Development.
- HB 1578** by Representatives K. Wilson, Baugher, Allen, Unsoeld, Rayburn and Todd
 AN ACT Relating to retail sales of motor vehicle fuel; and adding a new chapter to Title 19 RCW.
 Referred to Committee on Trade & Economic Development.
- HB 1579** by Representatives Bristow, Braddock, Haugen, Hargrove and Fuhrman
 AN ACT Relating to community social services; adding a new chapter to Title 74 RCW; adding a new section to chapter 43.20A RCW; creating a new section; and declaring an emergency.
 Referred to Committee on Social & Health Services.
- HB 1580** by Representatives Bristow, Fuhrman, Niemi, Armstrong, Valle, Hargrove, Appelwick, Crane, Sutherland, Lux and P. King
 AN ACT Relating to limitations on criminal actions; and reenacting and amending RCW 9A.04.080.
 Referred to Committee on Judiciary.
- HJR 54** by Representatives Hankins, Belcher, Isaacson, Brough, B. Williams, Miller, Peery, Silver, Prince, Allen, Nealey and van Dyke
 Authorizing the governor to reorganize the executive branch.
 Referred to Committee on State Government.

SB 3011 by Senator Lee

Requiring uniform fees for copies of public records.

Referred to Committee on State Government.

SB 3030 by Senators McDermott, Gaspard, Zimmerman, Conner and von Reichbauer; by Legislative Budget Committee request

Enhancing accountability for publicly owned vehicles.

Referred to Committee on Transportation.

SSB 3048 by Committee on Financial Institutions (originally sponsored by Senator Moore)

Modifying the state advisory committee on securities.

Referred to Committee on Financial Institutions & Insurance.

SB 3093 by Senators Talmadge, Newhouse, Halsan, McCaslin, Hayner and Metcalf

Revising provisions relating to theft.

Referred to Committee on Judiciary.

ReESSB 3160 by Committee on Education (originally sponsored by Senator Warnke)

Providing for school employee suggestion awards.

Referred to Committee on Education.

ESSB 3416 by Committee on Financial Institutions (originally sponsored by Senators Moore, Rasmussen, Halsan, Warnke and McDonald)

Providing penalties for persons writing drafts or checks and having insufficient funds.

Referred to Committee on Financial Institutions & Insurance.

ReESSB 3498 by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Bender, Vognild and Stratton)

Regulating recreational water contact facilities.

Referred to Committee on Social & Health Services.

SSB 3595 by Committee on Judiciary (originally sponsored by Senators Talmadge, McCaslin, Pullen, Moore, Barr, Rasmussen and Lee)

Establishing the crime of robbery of controlled substance.

Referred to Committee on Judiciary.

ESSB 4128 by Committee on Human Services & Corrections (originally sponsored by Senator McCaslin; by Corrections Standards Board request)

Revising the authority of the corrections standards board.

Referred to Committee on Social & Health Services.

SB 4291 by Senators Lee and Zimmerman

Authorizing a plan to promote small businesses in certain areas of the state.

Referred to Committee on Trade & Economic Development.

SSB 4320 by Committee on Ways & Means (originally sponsored by Senators McManus, Newhouse, Owen, Conner and Moore)

Establishing procedure for submission by state agencies of capital project proposals.

Referred to Committee on Ways & Means.

MOTION

On motion of Mr. Appelwick, the bills and the resolution listed on today's agenda were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

January 15, 1986

SHB 41 Prime Sponsor, Committee on Financial Institutions & Insurance: Authorizing the commissioner to establish reasonable minimum standards in vehicle, property, and casualty insurance policies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Barrett, Crane, Dellwo, Holland, Nutley, Prince and Winsley.

Voting nay: Representatives Addison and P. King.

Absent: Representatives Grimm, Locke and West.

Passed to Committee on Rules for second reading.

January 15, 1986

HB 43 Prime Sponsor, Representative Lux: Requiring insurers to file their annual statement convention blank. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Nutley, Prince and Winsley.

Absent: Representatives Grimm, Locke and West.

Passed to Committee on Rules for second reading.

January 17, 1986

HB 338 Prime Sponsor, Representative Sayan: Authorizing self-insurance of forest industry associations for industrial insurance. Reported by Committee on Rules
 Referred to Committee on Commerce & Labor.

January 15, 1986

HB 1331 Prime Sponsor, Representative Ehlers: Establishing a citizens' commission on salaries for elected officials. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barrett, Day, Madsen, Miller, Nealey, Sommers and Walker.

MINORITY recommendation: Do not pass. Signed by Representative Barnes.

Voting nay: Representatives Barnes and Fisch.

Absent: Representatives Day and Sommers.

Passed to Committee on Rules for second reading.

January 15, 1986

HB 1348 Prime Sponsor, Representative Fisher: Altering procedures for applying for and casting certain ballots. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Fisch, Madsen, Miller, Nealey, Sommers and Walker.

Absent: Representative Day.

Passed to Committee on Rules for second reading.

January 15, 1986

HB 1377 Prime Sponsor, Representative Wang: Modifying the employments covered by workers compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Passed to Committee on Rules for second reading.

January 15, 1986

HB 1378 Prime Sponsor, Representative Wang: Prohibiting specified control of language by liquor control board. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Passed to Committee on Rules for second reading.

January 14, 1986

HB 1380 Prime Sponsor, Representative Rayburn: Revising appropriations for prenatal care for low-income women. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Brekke, Bristow, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Basich, Bristow, Hastings, Rust and Tilly.

Passed to Committee on Rules for second reading.

January 16, 1986

HB 1390 Prime Sponsor, Representative Jacobsen: Providing a waiver of non-resident tuition for students in the regional education program for deaf students. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:
On page 2, line 2 after "students" insert ", subject to federal funding of such programs"

Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Basich, Belcher, Hastings, Miller, D. Nelson, G. Nelson, Prince, Silver, Unsoeld, Vander Stoep, K. Wilson and Wineberry.

Referred to Committee on Ways & Means.

January 14, 1986

HB 1419 Prime Sponsor, Representative Locke: Authorizing limits on voter-approved increases to the 106% levy lid. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Brekke, Bristow, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Basich, Bristow, Hastings, Rust and Tilly.

Passed to Committee on Rules for second reading.

January 16, 1986

HCR 18 Prime Sponsor, Representative Basich: Establishing Pacific fisheries task force. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; Basich, Belcher, Fuhrman, Hankins, Hargrove, Lundquist, McMullen, D. Nelson, Sanders, Sayan, Thomas, van Dyke and J. Williams.

Absent: Representatives Dobbs, Leonard and S. Wilson.

Passed to Committee on Rules for second reading.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 125.

SECOND READING

HOUSE BILL NO. 343, by Representatives D. Nelson, Barnes, Todd, Isaacson, R. King, Long and Wang

Requiring manufacturers to disclose products with formaldehyde.

The bill was read the second time. On motion of Mr. D. Nelson, Substitute House Bill No. 343 was substituted for House Bill No. 343, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 343 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 681, by Representatives Valle, Rust, Allen and Isaacson

Establishing an annual "governor's award of excellence" for outstanding achievement in hazardous or solid waste management.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 681 was substituted for House Bill No. 681, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 681 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 764, by Representatives Belcher, Hankins, Walk and Taylor

Exempting applications for public employment from public disclosure requirement.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1353, by Representatives Rayburn, Vekich, Hastings and Tilly

Modifying requirements for approval of plats in irrigation districts.

The bill was read the second time.

The Speaker assumed the Chair.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, by Committee on Commerce & Labor (originally sponsored by Representatives R. King, Fisch, Miller, Wang, Winsley, Allen, Fisher, O'Brien, P. King, Sayan, Basich, McMullen, Lux, Brekke and Rayburn)

Providing collective bargaining for institutions of higher education.

The bill was read the third time and placed on final passage.

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

MOTION

Mr. Barrett moved that Engrossed Substitute House Bill No. 32 be rereferred to Committee on Ways & Means.

Representatives Barrett and Tilly spoke in favor of the motion and Mr. J. King spoke against it.

Mr. Padden demanded an electric roll call on the motion, and the demand was sustained.

Representatives G. Nelson, Vander Stoep and Long spoke in favor of the motion, and Mr. Sayan spoke against it.

ROLL CALL

The Clerk called the roll on the motion to rerefer Engrossed Substitute House Bill No. 32 to Committee on Ways & Means, and the motion was lost by the following vote: Yeas, 39; nays, 53; absent, 1; excused, 5.

Voting yea: Representatives Addison, Allen, Barnes, Barrett, Betzoff, Brooks, Brough, Chandler, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Williams J, Wilson S - 39.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 53.

Absent: Representative Dobbs - 1.

Excused: Representatives Ballard, Basich, Bond, Thomas, West - 5.

The Speaker stated the question before the House to be Engrossed Substitute House Bill No. 32 on final passage.

Representatives Barnes and Taylor spoke against passage of the bill.

POINT OF INQUIRY

Mr. Grimm yielded to question by Mr. Vander Stoep.

Mr. Vander Stoep: "Representative Grimm, last year in the budget passed by this House and Senate and signed by the Governor, the Legislature set a policy of giving pay raises at the two research institutions to those people who had specific merit and market difficulties in keeping their jobs. We gave the institutions that flexibility in terms of giving those salary increases. If this bill is passed into law do you expect the institutions will still have that same flexibility?"

Mr. Grimm: "Perhaps the best answer to your question is that the provisions of Engrossed Substitute House Bill 32 include a requirement that all collective bargaining agreements contain a clause stating that salary adjustments funded from general funds must be consistent with what is set in appropriation and any subsequent modifications."

Representatives Vander Stoep, G. Nelson and Prince spoke against passage of the bill, and Representatives Sayan and Jacobsen spoke in favor of it.

Representatives Taylor, Barnes and G. Nelson again opposed passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 32, and the bill passed the House by the following vote: Yeas, 54; nays, 38; absent, 1; excused, 5.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barrett, Baugher, Belcher, Braddock, Brekke, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Hankins, Hargrove, Hine, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 54.

Voting nay: Representatives Addison, Barnes, Betzoff, Bristow, Brooks, Brough, Chandler, Doty, Fuhrman, Grimm, Hastings, Haugen, Holland, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers, Taylor, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Williams J, Wilson S, Zellinsky - 38.

Absent: Representative Dobbs - 1.

Excused: Representatives Ballard, Basich, Bond, Thomas, West - 5.

Engrossed Substitute House Bill No. 32, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House reverted to the sixth order of business.

The Speaker called on Mr. O'Brien to preside.

SECOND READING

HOUSE BILL NO. 1353:

The House resumed consideration of the bill on second reading.

Committee on Agriculture recommendation: Majority, do pass as amended. (For amendment, see Journal, 3rd Day, January 15, 1986.)

On motion of Ms. Rayburn, the committee amendment was adopted.

Mr. Isaacson moved adoption of the following amendment:

On page 1, line 26 following "be," strike "required" and insert "recommended" and after "by" strike "ordinance or"

Representative Isaacson spoke in favor of the amendment, and Representatives Rayburn and Vekich spoke against it.

Mr. Isaacson spoke again in favor of the amendment.

The amendment was not adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1350, by Representatives Sommers, Prince, D. Nelson, Jacobsen, Unsoeld, Miller, Brough, Wineberry, Holland, P. King, Nealey and Hine

Providing for annual adjustment to higher education tuition fees.

The bill was read the second time.

Mr. Grimm moved adoption of the following amendment:

On page 1, after line 15 insert: "the change from the biennial tuition fee adjustment to an annual tuition fee adjustment shall not reduce the amount of revenue to the state general fund."

POINT OF INQUIRY

Mr. Grimm yielded to question by Mr. G. Nelson.

Mr. G. Nelson: "Representative Grimm, I want to make sure that with this language you do not include, as far as a reduction, in the time value or interest that would be obtained by virtue of the tuition having been paid for the full biennium?"

Mr. Grimm: "Everything has been included."

The amendment was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

Representative Lux was excused.

HOUSE JOINT MEMORIAL NO. 26, by Representatives D. Nelson, Belcher, Lux, Cole, Allen, Leonard, Valle, Brekke, P. King, Unsoeld, Jacobsen, Rust, Locke, Niemi, Wang, Wineberry, Armstrong, Ebersole, Todd, Fisher, Tanner and O'Brien

Urging Congress to negotiate a verifiable test ban treaty and to stop nuclear weapons testing.

The memorial was read the second time.

Mr. Fuhrman moved adoption of the following amendment:

On page 2, line 11 after "well" insert "; and that the United States refuse to trade with, give foreign aid to, or allow taxpayer dollars to be allocated through the Import/Export Bank to any nation not fully complying with the Multinational Verifiable Test Ban treaty"

Mr. Fuhrman spoke in favor of the amendment, and Mr. D. Nelson spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Fuhrman to House Joint Memorial No. 26, and the amendment was not adopted by the following vote: Yeas, 39; nays, 52; absent, 1; excused, 6.

Voting yea: Representatives Addison, Allen, Barnes, Barrett, Betzoff, Brough, Chandler, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G. Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C. Smith L. Taylor, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B. Williams J. Wilson S. Winsley - 39.

Voting nay: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J. King P. King R. Kremen, Leonard, Locke, Madsen, McMullen, Nelson D. Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K. Wineberry, Zellinsky, and Mr. Speaker - 52.

Absent: Representative Dobbs - 1.

Excused: Representatives Ballard, Basich, Bond, Lux, Thomas, West - 6.

Mr. Van Luven moved adoption of the following amendment:

On page 2, line 11 after "well." insert "Furthermore, your Memorialists recognize the significance of the Strategic Defense Initiative Program in neutralizing the potential devastation of offensive nuclear weapons and in promoting the peace and security of both the Free World and Soviet Bloc Nations. We respectfully pray that the United States would proceed with the nonnuclear Strategic Defense Initiative System."

Mr. Van Luven spoke in favor of the amendment and Mr. D. Nelson spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Van Luven to House Joint Memorial No. 26, and the amendment was not adopted by the following vote: Yeas, 40; nays, 51; absent, 1; excused, 6.

Voting yea: Representatives Addison, Barnes, Barrett, Betzoff, Brooks, Brough, Chandler, Doty, Fuhrman, Hankins, Hargrove, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G. Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C. Smith L. Taylor, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B. Williams J. Wilson S. Winsley - 40.

Voting nay: Representatives Allen, Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Jacobsen, King J. King P. King R. Kremen, Leonard, Locke, Madsen, McMullen, Nelson D. Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K. Wineberry, Zellinsky, and Mr. Speaker - 51.

Absent: Representative Dobbs - 1.

Excused: Representatives Ballard, Basich, Bond, Lux, Thomas, West - 6.

House Joint Memorial No. 26 was passed to Committee on Rules for third reading.

MOTION

On motion of Mr. Appelwick, the House adjourned until 11:00 a.m., Monday, January 20, 1986.

WAYNE EHLERS, Speaker

DENNIS L. Heck, Chief Clerk

EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, January 20, 1986

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Addison and Tanner. Representative Tanner was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Brian Bayer and Billie Joe Thomas. Prayer was offered by Reverend Jed Minton, Christian Life Center of Port Orchard.

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

MESSAGE FROM THE SENATE

January 17, 1986

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 3020,
SENATE BILL NO. 3021,
SUBSTITUTE SENATE BILL NO. 3112,
SENATE BILL NO. 3397.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

HB 1581 by Representatives R. King, J. King, Wang, Chandler, Patrick and Fisch

AN ACT Relating to industrial insurance; and amending RCW 51.32.055.

Referred to Committee on Commerce & Labor.

HB 1582 by Representatives Sommers, G. Nelson, D. Nelson, Allen, Silver, K. Wilson, P. King and May

AN ACT Relating to the office of higher education; and adding a new section to chapter 28B.10 RCW.

Referred to Committee on Higher Education.

HB 1583 by Representatives Sommers, Grimm, Tilly, Hastings, Braddock, Appelwick, Niemi and Long

AN ACT Relating to use tax collection; and amending RCW 82.12.040.

Referred to Committee on Ways & Means.

HB 1584 by Representatives Kremen, Brough, Braddock, Fisher, Allen, P. King, Isaacson, Schoon and May

AN ACT Relating to decreased speed limits; and amending RCW 47.24.020.

Referred to Committee on Transportation.

HB 1585 by Representatives Locke, Tilly and Armstrong

AN ACT Relating to consumer antitrust remedy; and amending RCW 19.86.090.

Referred to Committee on Judiciary.

HB 1586 by Representatives Armstrong, Appelwick, Fisch, Padden, Brough, Sanders, Isaacson and P. King

AN ACT Relating to service of process; and amending RCW 9A.52.090.

Referred to Committee on Judiciary.

HB 1587 by Representatives Kremen, Allen, Braddock, Zellinsky, Schoon, Thomas, Tanner, McMullen, Silver, Smitherman, May, Peery, Scott, Lundquist, J. King, C. Smith, Long, Van Luven, Winsley, J. Williams and Doty

AN ACT Relating to port district sponsored trade expansion projects; amending RCW 42.17.310 and 42.30.110; and adding a new chapter to Title 53 RCW.

Referred to Committee on Trade & Economic Development.

HB 1588 by Representatives Fisch, Belcher, Tilly, Locke, Hine, Jacobsen, P. King, Ballard, Allen, Winsley, Basich and Lux; by request of Secretary of State

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

Referred to Committee on State Government.

HB 1589 by Representatives Cole, Patrick, Wang, Miller, Jacobsen, Vekich, Basich, Brough, Schoon, May and Todd; by request of Employment Security Department

AN ACT Relating to the treatment of tips as wages for unemployment insurance purposes; amending RCW 50.04.320; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1590 by Representatives Fisch, Patrick and Wang; by request of Employment Security Department

AN ACT Relating to unemployment insurance coverage of corporate officers; amending RCW 50.04.165; creating a new section; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1591 by Representatives Wang, Sayan and Fisch; by request of Employment Security Department

AN ACT Relating to corporate bonding requirements for unemployment compensation; adding a new section to chapter 50.24 RCW; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1592 by Representatives Wang, Patrick, Sayan and P. King; by request of Employment Security Department

AN ACT Relating to employers qualified for experience rating under unemployment insurance law; amending RCW 50.29.010; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 1593 by Representatives Day, Smitherman, Lewis, Winsley, R. King, J. King, Patrick, Wang, Bond and Chandler

AN ACT Relating to health care facilities; and adding a new chapter to Title 70 RCW.

Referred to Committee on Social & Health Services.

HB 1594 by Representatives Valle, B. Williams, Baugher, Winsley, Kremen, Sutherland, K. Wilson, Crane, Smitherman, P. King, Fisch, Wang, Dellwo, S. Wilson, Van Luven, Schoon and May

AN ACT Relating to state government; and adding a new section to chapter 39.29 RCW.

Referred to Committee on State Government.

HB 1595 by Representatives Crane, Fisch, Smitherman, Valle, Zellinsky, P. King, Todd, Kremen, Ebersole, Tilly, K. Wilson, Baugher, Appelwick and Rayburn

AN ACT Relating to the mental competence of criminal defendants; amending RCW 71.05.280 and 71.05.290; adding new sections to chapter 10.77 RCW; repealing RCW 10.77.010, 10.77.020, 10.77.030, 10.77.040, 10.77.050, 10.77.060, 10.77.070, 10.77.080, 10.77.090, 10.77.100, 10.77.110, 10.77.120, 10.77.130, 10.77.140, 10.77.150, 10.77.160, 10.77.163, 10.77.165,

10.77.170, 10.77.180, 10.77.190, 10.77.200, 10.77.210, 10.77.220, 10.77.230, 10.77.240, 10.77.250, 10.77.900, 10.77.910, 10.77.920, 10.77.930, and 9A.12.010; and providing an effective date.

Referred to Committee on Judiciary.

HB 1596 by Representatives Crane, Wang, Valle, Ebersole, Smitherman, Todd, Dellwo, Winsley and Sanders

AN ACT Relating to impoundment by towing companies; and amending RCW 46.55.120.

Referred to Committee on Transportation.

HB 1597 by Representatives Crane, Kremen, Valle, Zellinsky, Smitherman, P. King, Fisch and Dellwo

AN ACT Relating to prison work programs; adding a new section to chapter 43.19 RCW; and creating new sections.

Referred to Committee on Social & Health Services.

HB 1598 by Representatives Valle, Crane, Kremen, Smitherman, P. King, Hargrove, Zellinsky, Bristow, Scott, Todd, Wang, Ebersole, Winsley, Basich, Brough and May

AN ACT Relating to sexual offender treatment programs; amending RCW 9.94A.120 and 9.94A.122; creating new sections; providing effective dates; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1599 by Representatives Dellwo, Tilly, Sutherland, Nealey and Lux

AN ACT Relating to snowmobiles; and amending RCW 46.10.030, 46.10.040, and 46.10.220.

Referred to Committee on Environmental Affairs.

HB 1600 by Representatives Brekke, Lewis, Ballard, Scott, Patrick and Walker; by request of Department of Social and Health Services

AN ACT Relating to alternatives to state residential schools; and amending RCW 72.33.125.

Referred to Committee on Social & Health Services.

HB 1601 by Representatives Brekke, Scott, Braddock, Dellwo and Brough; by request of Department of Social and Health Services

AN ACT Relating to chore services; amending RCW 74.08.541; and declaring an emergency.

Referred to Committee on Social & Health Services.

HB 1602 by Representatives Sayan and Lundquist

AN ACT Relating to public timber sales and property tax; and amending RCW 84.33.078.

Referred to Committee on Natural Resources.

HB 1603 by Representatives P. King, Patrick, Wang, Brough, G. Nelson, Fisher and Fisch

AN ACT Relating to certification of process servers; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1604 by Representatives Nutley, Isaacson and Haugen

AN ACT Relating to collection of assessments; and reenacting and amending RCW 84.64.050.

Referred to Committee on Local Government.

HB 1605 by Representatives Braddock, J. King, Ballard, Holland, Niemi and May

AN ACT Relating to managed health care competition; providing exemptions for hospitals from the state certificate of need program; and providing for the study, monitoring, analysis, and development of competitive care; amending RCW 70.38.015, 70.38.025, 70.38.045, 70.38.065, 70.38.085, and 70.38.105; adding new sections to chapter 70.38 RCW; adding a new section to chapter 70.39 RCW; and repealing RCW 70.38.111.

Referred to Committee on Social & Health Services.

HB 1606 by Representatives Braddock, Taylor, Fisch, Patrick, Brough, Lux and May

AN ACT Relating to motor vehicle liability insurance; amending RCW 46.52.030; reenacting and amending RCW 46.63.020; adding a new chapter to Title 46 RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1607 by Representatives Sommers and Prince

AN ACT Relating to negotiations by community college academic personnel; and amending RCW 28B.52.035.

Referred to Committee on Ways & Means.

HB 1608 by Representatives Sayan, Sommers, Fisch, Rayburn, Allen, Haugen, May and Basich

AN ACT Relating to port district office qualifications; and amending RCW 53.12.020.

Referred to Committee on Local Government.

HB 1609 by Representatives Niemi, Ballard, Leonard, Brooks and P. King

AN ACT Relating to respiratory care; amending RCW 18.130.040; reenacting and amending RCW 18.120.020; adding a new chapter to Title 18 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Social & Health Services.

HB 1610 by Representative Wang

AN ACT Relating to auctions; amending RCW 35.21.690 and 36.71.070; adding a new chapter to Title 19 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1611 by Representatives Braddock, Tilly, Belcher, Walk and Silver; by request of Office of Financial Management

AN ACT Relating to state travel allowances; and amending RCW 43.03.050.

Referred to Committee on State Government.

HB 1612 by Representatives Wang, R. King, Allen, Lux, Belcher, Fisher, Fisch, Wineberry, Vekich, Niemi, Locke, Sayan and Cole

AN ACT Relating to unemployment compensation coverage of agricultural employment; and amending RCW 50.04.155.

Referred to Committee on Commerce & Labor.

HB 1613 by Representatives Walk, Schmidt and Dellwo; by request of Department of Licensing

AN ACT Relating to vessel dealers and manufacturers; adding a new chapter to Title 88 RCW; repealing RCW 88.02.060; and prescribing penalties.

Referred to Committee on Transportation.

HB 1614 by Representatives Long and Armstrong; by request of Department of Licensing

AN ACT Relating to prerequisites for the issuance of vehicle licenses; and amending section 2, chapter 424, Laws of 1985 (uncodified).

Referred to Committee on Transportation.

HB 1615 by Representatives Nutley, Brough, Unsoeld, Allen and Rust

AN ACT Relating to solid waste planning; and amending RCW 70.95.080.

Referred to Committee on Local Government.

HB 1616 by Representatives Patrick, G. Nelson, Padden, Van Luven, Walker, Doty, Schoon and Betzoff

AN ACT Relating to curfews for juveniles; adding a new chapter to Title 13 RCW; creating a new section; prescribing penalties; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1617 by Representatives Sayan, Belcher, Long, Sanders, Baugher, Hine, Smitherman, O'Brien, Grimm, Tilly, Crane, P. King and Betzoff

AN ACT Relating to participation and communication on public issues as part of the centennial observance by organizations and citizens; adding new sections to chapter 43.63A RCW; and providing an expiration date.

Referred to Committee on State Government.

HB 1618 by Representatives Appelwick, Armstrong, G. Nelson and P. King

AN ACT Relating to parenting; amending RCW 26.09.060, 26.09.200, and 26.09.260; adding new sections to chapter 26.09 RCW; repealing RCW 26.09.190; and providing an effective date.

Referred to Committee on Judiciary.

HB 1619 by Representatives Walk and Van Luven

AN ACT Relating to department of transportation participation in storm water management; amending RCW 35.67.025, 35.92.021, 36.89.085, 36.94.145, 56.08.012, 86.15.160, 86.15.176, and 90.03.500; adding new sections to chapter 90.03 RCW; and repealing RCW 90.03.510.

Referred to Committee on Transportation.

HB 1620 by Representatives Armstrong and P. King

AN ACT Relating to antenuptial debts; and amending RCW 26.16.200.

Referred to Committee on Judiciary.

HB 1621 by Representatives Cole, Armstrong, Belcher, Appelwick and P. King

AN ACT Relating to family support; adding new sections to chapter 11.52 RCW; and repealing RCW 11.52.010, 11.52.012, 11.52.014, 11.52.016, 11.52.020, 11.52.022, 11.52.024, 11.52.030, 11.52.040, and 11.52.050.

Referred to Committee on Judiciary.

HB 1622 by Representatives Sayan and Grimm

AN ACT Relating to flooding; and amending RCW 86.26.007, 86.26.040, 86.26.050, 86.26.100, and 86.26.105.

Referred to Committee on Local Government.

HB 1623 by Representatives Walk, Fisch, Hargrove, Schmidt and Isaacson

AN ACT Relating to the disposition of motor vehicle revenues; and repealing RCW 46.68.080.

Referred to Committee on Transportation.

HB 1624 by Representatives Peery, Ebersole, Taylor, Cole, Appelwick, P. King, Basich, Brough, Schoon and May

AN ACT Relating to school levies; amending RCW 84.52.053 and 84.52.054; and providing an effective date.

Referred to Committee on Education.

HB 1625 by Representatives Fisher, Barnes and Todd

AN ACT Relating to the protection of information required to be filed with public agencies; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Constitution, Elections & Ethics.

HB 1626 by Representatives Belcher, Brooks, Brekke, Lewis, J. King, Wineberry, Wang, Unsoeld, Hankins, Lux, Allen, Leonard, Todd, Jacobsen, Brough, Cole, Sayan, O'Brien, K. Wilson, D. Nelson, Basich and Armstrong

AN ACT Relating to school-based health clinics; adding a new chapter to Title 70 RCW; creating a new section; and making an appropriation.

Referred to Committee on Social & Health Services.

HB 1627 by Representatives Jacobsen, Long, D. Nelson, Nealey, Unsoeld and Todd

AN ACT Relating to consumer disclosures about long distance telecommunication services; adding new sections to chapter 19.130 RCW; and creating new sections.

Referred to Committee on Energy & Utilities.

HB 1628 by Representatives Belcher, Madsen and Patrick; by request of Criminal Justice Training Commission

AN ACT Relating to the criminal justice training commission; and repealing RCW 43.101.850.

Referred to Committee on State Government.

HJR 55 by Representatives Peery, Taylor, Ebersole, Cole, Schoon and May

Specifying the time period for levies for renovation and construction of school facilities.

Referred to Committee on Education.

SB 3020 by Senators Barr and Goltz

Authorizing expenditures for commodities education programs.

Referred to Committee on Agriculture.

SB 3021 by Senator Barr

Modifying the fee paid by a married couple or family when filing a water rights statement.

Referred to Committee on Agriculture.

SSB 3112 by Committee on Energy & Utilities (originally sponsored by Senators Williams, Benitz, Halsan, Stratton, Owen, Kreidler and Bailey)

Revising provisions relating to cogeneration facilities.

Referred to Committee on Energy & Utilities.

SB 3397 by Senators Stratton, Vognild, Metcalf and Owen

Revising provisions relating to reimbursements for illegally killed wildlife.

Referred to Committee on Natural Resources.

REPORTS OF STANDING COMMITTEES

January 15, 1986

HB 557 Prime Sponsor, Representative Haugen: Specifying powers of certain special districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Referred to Committee on Rules for second reading.

January 17, 1986

HB 1341 Prime Sponsor, Representatives Belcher: Authorizing state employee relocation assistance. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Todd, van Dyke, Vekich and Walk.

Absent: Representative Taylor.

Referred to Committee on Rules for second reading.

January 17, 1986

HB 1345 Prime Sponsor, Representatives Belcher: Transferring the legislative information system from the code reviser to a newly created legislative systems committee. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Todd, van Dyke, Vekich and Walk.

Absent: Representative Taylor.

Referred to Committee on Rules for second reading.

January 17, 1986

EHB 1350 Prime Sponsor, Representative Sommers: Relating to tuition fees. Reported by Committee on Rules

Referred to Committee on Ways & Means.

January 16, 1986

HB 1351 Prime Sponsor, Representatives Holland: Authorizing sale of the Metropolitan Tract of the University of Washington. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chair; Allen, Basich, Belcher, Hastings, Miller, D. Nelson, G. Nelson, Silver, Unsoeld, Vander Stoep and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Jacobsen, Vice Chair; Prince and Wineberry.

Passed to Committee on Rules for second reading.

January 17, 1986

HB 1462 Prime Sponsor, Representatives Lux: Establishing regulations to govern the sale of nursing home insurance policies. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Grimm, Holland, P. King, Locke, Nutley, Prince and Winsley.

Absent: Representatives P. King, Prince and West.

Passed to Committee on Rules for second reading.

January 17, 1986

HB 1490 Prime Sponsor, Representatives Baugher: Modifying reimbursements for certain industrial insurance payments. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representative R. King.

Passed to Committee on Rules for second reading.

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

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 86-97, by Representatives Armstrong, Sommers, Addison, Appelwick, Valle, G. Nelson, Locke, Lux, B. Williams and J. Williams

WHEREAS, Nine year old Billy Joe Thomas, a Cub Scout from Pack 70, Seattle, worked daily six-hour shifts and twelve hours a day on weekends to sell tickets to a regional scout show; and

WHEREAS, Billy Joe Thomas did sell eight hundred tickets, winning the grand prize of a trip for two to Disneyland; and

WHEREAS, Billy Joe Thomas saw a program on TV about dying children and decided to give his prize to two children from Children's Orthopedic Hospital and Medical Center in Seattle; and

WHEREAS, Billy Joe Thomas has shown us the true meaning of sacrifice and concern, and he recently earned the God and Country Scouting award and has been recommended for the Boy Scouts of America Medal of Merit; and

WHEREAS, Billy Joe Thomas has received national and international recognition for his compassion for children with life-threatening diseases; and

WHEREAS, Billy Joe Thomas has demonstrated the true code of Scouting; and

WHEREAS, An anonymous donor sent Billy Joe Thomas and his parents on a trip to Disneyland; and

WHEREAS, Governor Booth Gardner, Mayor Charles Royer and King County Executive Randy Revelle have each proclaimed a Billy Joe Thomas Day;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of this Forty-Ninth Legislature honor the public service of Billy Joe Thomas, his humanitarian generosity and his dedication to scouting; and

BE IT FURTHER RESOLVED, That copies of this Resolution be prepared by the Chief Clerk of the House of Representatives and be transmitted to Billy Joe Thomas and his parents, Raymond and Laura Thomas.

Mr. Armstrong moved adoption of the resolution. Representatives Armstrong, Tilly and B. Williams spoke in favor of the resolution and it was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) recognized Billy Joe Thomas and appointed Representatives Sommers and Armstrong to escort him to the rostrum.

The Speaker introduced Billy Joe Thomas and he briefly addressed the House.

The Speaker instructed the escort committee to escort Billy Joe Thomas from the House Chambers.

HOUSE FLOOR RESOLUTION NO. 86-95, by Representatives Kremen and Braddock

WHEREAS, The United States Department of Education has chosen only one hundred three public high schools in the nation for a Senior High Recognition of Excellence Award; and

WHEREAS, Blaine High School, with an enrollment of only three hundred forty-two students, has received national recognition for winning an excellence in education award; and

WHEREAS, The selection process for this outstanding award was based upon an initial screening by the State Superintendent of Public Instruction; and

WHEREAS, The application was then examined by the United States Department of Education and included extensive visits to Blaine High School; and

WHEREAS, The criteria for this award was based on fourteen areas including, but not limited to: Academic goals, student expectations and discipline, student achievement and teacher efficiency; and

WHEREAS, Representatives from Blaine High School received the National Recognition of Excellence Award in a White House Ceremony in October, 1985;

NOW, THEREFORE, BE IT RESOLVED, That the members of the House of Representatives highly commend the students, faculty and administration of Blaine High School for receipt of this prestigious Senior High School Recognition of Excellence Award; and

BE IT FURTHER RESOLVED, That Blaine School District No. 503; Robert S. Gilden, Blaine School District Superintendent; and the Community of Blaine, Washington are to be congratulated for their continuing commitment to academic excellence; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Robert S. Gilden, Blaine School District Superintendent.

On motion of Mr. Kremen, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 86-99, by Representatives Wineberry, Belcher, J. King, Tilly, Wang, O'Brien, Locke, Niemi, Appelwick, Fuhrman, Vekich, Brough, Long, Hankins, Walk, Sommers, Brekke, Hargrove, Rayburn, Todd, Silver, Fisher, Braddock, Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Betrozoff, Bond, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Ehlers, Fisch, Gallagher, Grimm, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, P. King, R. King, Kremen, Leonard, Lewis, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, D. Nelson, G. Nelson, Nutley, Padden, Patrick, Peery, Prince, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, C. Smith, L. Smith, Smitherman, Sutherland, Tanner, Taylor, Thomas, Unsoeld, Valle, Vander Stoep, van Dyke, Van Luven, Walker, West, B. Williams, J. Williams, K. Wilson, S. Wilson, Winsley and Zellinsky

WHEREAS, January 20, 1986, will be the first simultaneous observance of Doctor Martin Luther King, Jr.'s birthday as both a federal holiday and a Washington State legal holiday;

WHEREAS, We, the members of the House of Representatives, as we gather together, are honored to pay tribute to the fifty-seventh anniversary of the Reverend Doctor Martin Luther King, Jr., who set an example of leadership and selfless conduct for all of us to follow; and

WHEREAS, The Reverend Martin Luther King, Jr., demonstrated his love of mankind by devoting his life to fighting poverty, prejudice and racial intolerance and by endeavoring to help all human beings live in freedom and with dignity; and

WHEREAS, Doctor King was internationally acclaimed and awarded the Nobel Peace Prize in recognition of his leadership in and dedication to achieving economic, educational and social equality for all persons; and

WHEREAS, This Nobel Laureate by his memory continually reminds us to fulfill his dream, a dream depicting a world of human equality; and

WHEREAS, This great American champion of the oppressed was assassinated while espousing his principles of pacifism and the assassination deeply grieved every citizen of this nation; and

WHEREAS, The Congress of the United States has honored Doctor King by creating a permanent federal holiday to commemorate the anniversary of his birth on the 15th day of January of each year; and

WHEREAS, The Washington State Legislature has established Doctor King's birthday as a school holiday, and has seen fit to honor this man as has the Congress and other states by declaring his birthday a legal, paid state holiday;

NOW, THEREFORE, BE IT RESOLVED, That on this day, we, the members of the House of Representatives of the State of Washington, pause in our endeavors to pay homage to one of America's most honorable and honored citizens, the Reverend Doctor Martin Luther King, Jr., in order to call to the attention of the residents of this state Doctor King's wisdom and accomplishments and to rededicate ourselves to the pursuit of his principles; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives transmit a copy of this Resolution to the various organizations throughout the state which are dedicated to the achievement of racial equality.

Mr. Wineberry moved adoption of the resolution. Representatives Wineberry and Tilly spoke in favor of the resolution, and it was adopted.

MOTION

On motion of Mr. J. King, the House adjourned until 1:15 p.m., Tuesday, January 21, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

NINTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Wash., Tuesday, January 21, 1986

The House was called to order at 1:15 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Barrett, Brekke, Dobbs, Doty, Isaacson, Sayan, L. Smith and J. Williams. Representatives Brekke, Isaacson and Sayan were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shawna Maloy and Jennifer Hawkins. Prayer was offered by Reverend Richard Hart, First Baptist Church of Olympia.

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

MESSAGE FROM THE SENATE

January 20, 1986

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 3287,

SENATE BILL NO. 3352,

ENGROSSED SUBSTITUTE SENATE BILL NO. 3520,

SUBSTITUTE SENATE BILL NO. 3590,

SENATE BILL NO. 3910,

ENGROSSED SUBSTITUTE SENATE BILL NO. 4315,

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 126,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

MESSAGE FROM SECRETARY OF STATE

January 13, 1986

The Honorable Wayne Ehlers
Speaker of the House of Representatives
Legislature of the State of Washington
Olympia, Washington

Mr. Speaker:

We herewith respectfully transmit for your consideration a copy of Initiative to the Legislature Number 90, originally filed with this office on July 22, 1985. On January 3, 1986, the sponsors of the proposed initiative filed 13,482 signature petition sheets in support of the measure. We have completed our preliminary canvass of these petitions and have determined that they contain 211,313 signatures.

Accordingly, pursuant to the provisions of Article 2, section 1 of the State Constitution, we are provisionally certifying Initiative to the Legislature Number 90 to you at this time. We expect to complete the random sample verification of signatures no later than January 24, 1986, and we will provide the Legislature with a final certification as soon as possible thereafter.

IN WITNESS WHEREOF, I have set my hand and affixed the Seal of the State of Washington, this 13th day of January, 1986.

(Seal) Ralph Munro, Secretary of State.

Initiative 90 was referred to Committee on Natural Resources.

INTRODUCTIONS AND FIRST READING

HB 1629 by Representatives Haugen, S. Wilson, P. King and Silver

AN ACT Relating to community economic revitalization; and amending RCW 43.160.074.

Referred to Committee on Transportation.

HB 1630 by Representatives Lux, Barrett and Nutley; by request of Insurance Commissioner

AN ACT Relating to health care service contractors; amending RCW 48.44.020, 48.44.030, 48.44.080, 48.44.145, 48.44.290, 48.44.300, 48.44.310, and 48.44.350; reenacting and amending RCW 48.44.010; and adding new sections to chapter 48.44 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1631 by Representatives Braddock, Tilly, B. Williams and Brekke; by request of Department of Social and Health Services

AN ACT Relating to nursing home cost reimbursement; and amending RCW 74.46.360.

Referred to Committee on Ways & Means.

HB 1632 by Representatives Todd, G. Nelson, Tilly, O'Brien and Walker

AN ACT Relating to auctioneers and auction companies; amending RCW 18.11.050, 18.11.060, 18.11.070, 18.11.100, 18.11.130, 18.11.140, 18.11.150, 18.11.160, 18.11.170, 18.11.180, 18.11.190, 18.11.200, and 18.11.210; adding new sections to chapter 18.11 RCW; creating a new section; repealing RCW 18.11.080, 18.11.090, 18.11.110, 18.11.120, 18.11.900, 18.11.910, 18.12.010, 18.12.020, 18.12.030, 18.12.040, 18.12.050, 18.12.060, 18.12.070, 18.12.080, 18.12.090, 18.12.100, 18.12.110, 18.12.120, 18.12.130, 18.12.140, 18.12.150, 18.12.160, 18.12.170, 18.12.180, 18.12.190, 18.12.200, and 18.12.900; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1633 by Representative Appelwick

AN ACT Relating to taxation of timber harvested by public entities; and amending RCW 84.33.035 and 84.33.073.

Referred to Committee on Ways & Means.

HB 1634 by Representatives Belcher, Sayan, Lundquist, K. Wilson, L. Smith, Sutherland and Smitherman

AN ACT Relating to public lands; amending RCW 79.24.580; and adding a new section to chapter 43.79 RCW.

Referred to Committee on Natural Resources.

HB 1635 by Representatives Wang, Hankins, Belcher, O'Brien, Allen, Hine, Jacobsen, Cole, Brekke, Brough, Miller, R. King, P. King, Armstrong, Locke, Wineberry and Todd; by request of Governor Gardner

AN ACT Relating to day care for the children of state employees; and creating new sections.

Referred to Committee on State Government.

HB 1636 by Representatives Sommers and Tilly; by request of Department of Retirement Systems

AN ACT Relating to retirement from public service; amending RCW 41.40.235, 41.26.120, and 41.26.125; adding a new section to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1637 by Representatives Baugher, Rayburn, Jacobsen, McMullen, Haugen, Zellinsky, Dellwo, Smitherman, Taylor, Day, Lewis, Braddock, Nealey, Unsoeld, P. King, J. Williams, Silver and Todd.

AN ACT Relating to emergency information services; and adding a new section to chapter 43.17 RCW.

Referred to Committee on Energy & Utilities.

HB 1638 by Representatives Appelwick, Zellinsky, Jacobsen, Addison, Valle, Walk and Schmidt

AN ACT Relating to vehicle sales; amending RCW 46.70.005, 46.70.011, 46.70.021, 46.70.031, 46.70.041, 46.70.061, 46.70.070, 46.70.075, 46.70.083, 46.70.090, 46.70.101, 46.70.102, 46.70.120, 46.70.170, 46.70.180, 46.70.190, 46.70.200, 46.70.210, and 46.70.260; adding new

sections to chapter 46.70 RCW; adding new sections to chapter 43.131 RCW; repealing RCW 46.70.081, 46.70.082, 46.70.005, 46.70.011, 46.70.021, 46.70.---, 46.70.---, 46.70.---, 46.70.031, 46.70.041, 46.70.042, 46.70.051, 46.70.061, 46.70.070, 46.70.075, 46.70.083, 46.70.085, 46.70.090, 46.70.101, 46.70.102, 46.70.---, 46.70.111, 46.70.120, 46.70.130, 46.70.135, 46.70.140, 46.70.150, 46.70.160, 46.70.170, 46.70.180, 46.70.183, 46.70.190, 46.70.200, 46.70.210, 46.70.220, 46.70.230, 46.70.240, 46.70.250, 46.70.260, 46.70.270, 46.70.290, 46.70.300, 46.70.900, 46.70.910, and 46.70.920; and prescribing penalties.

Referred to Committee on Transportation.

HB 1639 by Representatives Niemi and Padden

AN ACT Relating to judicial retirement; amending RCW 2.10.220; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1640 by Representatives Unsoeld, Ebersole, Winsley, Belcher, Nutley and P. King

AN ACT Relating to educational employees' tax deferred annuities; and amending RCW 28A.58.560.

Referred to Committee on Ways & Means.

HB 1641 by Representatives Armstrong and May

AN ACT Relating to escrow; and amending RCW 18.44.050.

Referred to Committee on Commerce & Labor.

HB 1642 by Representatives Walk, Sutherland, Fisher, P. King and Gallagher

AN ACT Relating to the marine transportation benefit area; amending RCW 82.44.020, 84.52.010, 84.52.043, 47.60.543, 46.68.030, 46.68.035, 46.68.100, 82.14.050, and 82.14.060; reenacting and amending RCW 46.68.030; adding a new section to chapter 82.14 RCW; adding a new section to chapter 84.55 RCW; creating a new chapter in Title 36 RCW; creating new sections; repealing RCW 47.60.530 and 47.60.540; and providing effective dates.

Referred to Committee on Transportation.

HB 1643 by Representatives D. Nelson, Allen, Rust, Brough and Lux

AN ACT Relating to used oil recycling; adding new sections to chapter 19.114 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 1644 by Representatives Miller, Jacobsen, Allen, Unsoeld, Hankins and P. King

AN ACT Relating to higher education tuition and fees; and reenacting and amending RCW 28B.15.100.

Referred to Committee on Higher Education.

HB 1645 by Representatives Nutley, May, Leonard, Winsley, Hine, Rayburn and Barrett

AN ACT Relating to stop signs; and amending RCW 46.61.435.

Referred to Committee on Transportation.

HB 1646 by Representatives Smitherman, Schmidt, Vekich, Zellinsky, Sayan, Fisch and Gallagher

AN ACT Relating to sales and use tax exemptions for motor vehicle and special fuels; reenacting and amending RCW 82.08.0255 and 82.12.0256; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1647 by Representatives Fisher, Sommers, Scott, Vander Sloep, Wineberry, Wang, Unsoeld, Miller, Walker, R. King, G. Nelson, P. King and Long

AN ACT Relating to the sunset termination and repeal of the public disclosure commission, of the powers and duties of the commission, and of the programs administered or enforced by the commission; and repealing RCW 43.131.269 and 43.131.270.

Referred to Committee on Constitution, Elections & Ethics.

- HB 1648** by Representatives Appelwick, Allen, Wang and Jacobsen
AN ACT Relating to school employees' salaries; and amending RCW 28A.58.095.
Referred to Committee on Ways & Means.
- HB 1649** by Representatives Padden, Dellwo, Day, Fisch and Taylor
AN ACT Relating to counties; amending RCW 36.32.010; and adding new sections to chapter 36.32 RCW.
Referred to Committee on Local Government.
- HB 1650** by Representatives Todd, Isaacson, Long, Fuhrman, Unsoeld, Baugher, Sayan, Belcher, Miller, Wang, Sutherland, R. King, Dellwo, Nealey, J. Williams, Smitherman, Hargrove, Lux, Tanner, Brekke, Fisher, Cole, Hankins, Hine, D. Nelson, Ebersole, Madsen, Vander Stoep, Sommers, Wineberry, Rayburn, K. Wilson, Prince, Jacobsen, P. King, Valle and Winsley
AN ACT Relating to privacy; adding a new section to chapter 80.04 RCW; creating a new section; and prescribing penalties.
Referred to Committee on Constitution, Elections & Ethics.
- HB 1651** by Representatives Brekke, Cole and Rust
AN ACT Relating to health care professionals; and adding a new section to chapter 71.05 RCW.
Referred to Committee on Social & Health Services.
- HB 1652** by Representatives Sommers and Tilly; by request of Department of Retirement Systems
AN ACT Relating to public retirement disability benefits; and amending RCW 46.20.041.
Referred to Committee on Constitution, Elections & Ethics.
- HB 1653** by Representative Bristow
AN ACT Relating to game farms; amending RCW 77.08.010, 77.08.030, 77.12.030, 77.16.020, 77.32.010, 77.32.211, 82.08.0294, and 82.12.0294; adding a new section to chapter 46.16 RCW; adding a new chapter to Title 15 RCW; repealing RCW 77.12.570, 77.12.580, 77.12.590, and 77.12.600; and prescribing penalties.
Referred to Committee on Agriculture.
- HB 1654** by Representatives Haugen and May
AN ACT Relating to local government debt computation; amending RCW 39.36.030; and adding a new section to chapter 39.36 RCW.
Referred to Committee on Local Government.
- HB 1655** by Representatives Unsoeld, Miller, D. Nelson, Allen, Long, Madsen, Sutherland, Jacobsen, Todd, Gallagher, Armstrong, Cole, Peery, Barnes, Wang and P. King; by request of Governor Gardner
AN ACT Relating to low-level radioactive waste disposal; amending RCW 43.200.080 and 70.98.085; adding new sections to chapter 43.200 RCW; making appropriations; and declaring an emergency.
Referred to Committee on Energy & Utilities.
- HB 1656** by Representatives Unsoeld, Hankins, Belcher, O'Brien, Hine, Jacobsen, Cole, Brekke, Miller, Long, Allen, Day, Dellwo, Wang, Leonard, Winsley, R. King, Locke, Lux, Wineberry and Todd; by request of Governor Gardner
AN ACT Relating to day care for state employees; adding a new section to chapter 41.04 RCW; and creating a new section.
Referred to Committee on State Government.
- HB 1657** by Representatives Wang and Silver; by request of Board of Accountancy

AN ACT Relating to accountancy; amending RCW 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.065, 18.04.105, 18.04.185, 18.04.195, 18.04.205, 18.04.215, 18.04.295, 18.04.305, 18.04.320, 18.04.335, 18.04.345, 18.04.350, 18.04.380, 18.04.390, 18.04.405, 18.04.901, and 18.04.920; decodifying RCW 18.04.930, 18.04.931, 18.04.932, 18.04.933, and 18.04.934; declaring an emergency; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1658 by Representatives Hargrove, Chandler, Smitherman and P. King; by request of State Library

AN ACT Relating to the state library commission; and amending RCW 27.04.030.

Referred to Committee on State Government.

HB 1659 by Representatives Appelwick, Tilly and P. King; by request of Office of Financial Management

AN ACT Relating to tort claims against the state; amending RCW 4.92.010, 4.92.020, 4.92.030, 4.92.040, 4.92.060, 4.92.070, 4.92.100, 4.92.110, 4.92.160, 4.92.170, and 77.12.280; and repealing RCW 4.92.131.

Referred to Committee on State Government.

HB 1660 by Representatives Ebersole, Holland, Cole, Betzoff, Locke, Walker, Wang, P. King, Long, Silver, Lux, Wineberry and Addison

AN ACT Relating to development and implementation grants for prevention, intervention, and alternative programs for alienated youth; adding a new section to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Education.

HB 1661 by Representatives Walk, Schmidt, Fisher, Sutherland, Isaacson, Baugher, Rayburn, Dellwo, Bristow, Peery, S. Wilson, Hargrove, Bond, Hine, Scott, Madsen, Haugen, Basich, Vekich, K. Wilson, Braddock, Zellinsky, Taylor, Hankins and Schoon

AN ACT Relating to motor vehicle and special fuel tax payments; amending RCW 82.36.010, 82.36.030, 82.36.040, 82.38.160, and 82.38.170; and adding a new section to chapter 82.36 RCW.

Referred to Committee on Transportation.

HB 1662 by Representatives Hankins, Haugen, Isaacson, Baugher, Ballard, Ebersole, C. Smith, Rayburn, Sanders, Belcher, Sutherland, van Dyke, Peery, Walker, Thomas, Brooks, Allen, Brough, Walk, Taylor and Winsley

AN ACT Relating to authorizing fire protection districts to participate in the provision of hazardous materials response teams; and adding a new section to chapter 52.12 RCW.

Referred to Committee on Local Government.

HB 1663 by Representatives Walk, Wang, R. King, Sayan and Fisch

AN ACT Relating to prevailing wages on public works contracts; and amending RCW 39.12.020.

Referred to Committee on Commerce & Labor.

HB 1664 by Representatives Crane, Fisher, Fisch, Brough, Todd, Leonard, D. Nelson, Rayburn, Baugher, Doty and P. King

AN ACT Relating to voter registration; and amending RCW 29.10.050.

Referred to Committee on Constitution, Elections & Ethics.

HB 1665 by Representatives Todd, Winsley, Lux and Crane

AN ACT Relating to the prohibition of precomputed interest; amending RCW 19.52.020, 19.52.080, 31.08.160, 31.08.170, 63.14.010, 63.14.040, 63.14.110, and 63.14.158; creating a new section; and repealing RCW 63.14.080.

Referred to Committee on Financial Institutions & Insurance.

HB 1666 by Representatives Isaacson, Hankins, Day, S. Wilson, Baugher, Padden, Rayburn, D. Nelson, Hastings, Bond, G. Nelson, P. King, C. Smith and Miller

AN ACT Relating to giving counties, cities, and towns the first option to lease, rent, or buy surplus school district real property; adding a new section to chapter 28A.58 RCW; and declaring an emergency.

Referred to Committee on Education.

HB 1667 by Representatives K. Wilson, Allen, Belcher, Fisher, Scott, Rust and Brekke

AN ACT Relating to assault; amending RCW 9A.16.020; and adding a new section to chapter 9A.16 RCW.

Referred to Committee on Judiciary.

HB 1668 by Representatives Tanner, C. Smith, Sutherland, Haugen, Zellinsky, Hankins, Holland, J. Williams, Thomas and B. Williams

AN ACT Relating to motor freight carriers; amending RCW 81.80.060, 81.80.070, 81.80.150, 81.80.190, 81.80.211, 81.80.260, 81.80.355, 81.80.371, and 81.04.010; adding new sections to chapter 81.80 RCW; repealing RCW 81.80.020 and 81.80.175; and prescribing penalties.

Referred to Committee on Transportation.

HB 1669 by Representatives Fisch, Hargrove, Gallagher, Walk, Basich and Valle

AN ACT Relating to pilots; and amending RCW 88.16.100.

Referred to Committee on Transportation.

HB 1670 by Representatives Fisch, Vekich, Basich, Hargrove and Sayan

AN ACT Relating to the funding of county fire marshal's offices; amending RCW 41.16.050, 41.24.030, 48.14.020, and 82.02.030; adding a new section to chapter 19.27 RCW; and providing an effective date.

Referred to Committee on Local Government.

HB 1671 by Representative Fisch

AN ACT Relating to terms of officials in noncharter code cities; and amending RCW 35A.12.040.

Referred to Committee on Local Government.

HB 1672 by Representatives Fisch, Sayan, Hargrove, Basich, Vekich, Zellinsky, Fisher, Baugher, Braddock and Crane

AN ACT Relating to public transportation benefit areas; and amending RCW 36.57A.080.

Referred to Committee on Local Government.

HB 1673 by Representatives Jacobsen, Rayburn, Doty, Smitherman, Wineberry, Scott, Belcher, B. Williams, Padden, Peery, Sayan, Niemi, Vekich, Fisch, Leonard, D. Nelson, Madsen, McMullen, Unsoeld, Dellwo, Hargrove, Crane, Locke, Todd, Wang, P. King, May, Winsley and Lux

AN ACT Relating to employee-owned business; adding a new section to chapter 43.63A RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1674 by Representatives Fisch, Hargrove, Vekich, P. King, Schoon and May

AN ACT Relating to economic development; amending RCW 15.66.010, 82.27.020, and 84.33.041; reenacting and amending RCW 15.65.020; and adding new sections to chapter 43.31 RCW.

Referred to Committee on Trade & Economic Development.

HB 1675 by Representatives Fisch, Vekich, Hargrove, Wang, P. King and Lux

AN ACT Relating to authorizing and regulating employee cooperative corporations; and adding a new chapter to Title 23 RCW.

Referred to Committee on Trade & Economic Development.

HB 1676 by Representatives Appelwick, Crane, Armstrong, P. King and Padden

AN ACT Relating to administrative law; adding new sections to chapter 34.04 RCW; creating a new section; repealing RCW 28B.19.010, 28B.19.020, 28B.19.030, 28B.19.033, 28B.19.037, 28B.19.040, 28B.19.050, 28B.19.060, 28B.19.070, 28B.19.073, 28B.19.077, 28B.19.080, 28B.19.090, 28B.19.100, 28B.19.110, 28B.19.120, 28B.19.130, 28B.19.140, 28B.19.150, 28B.19.160, 28B.19.163, 28B.19.165, 28B.19.168, 28B.19.200, 28B.19.210, section 19, chapter 57, Laws of 1971 ex. sess. (uncodified), section 22, chapter 57, Laws of 1971 ex. sess. (uncodified), 34.04.010, 34.04.020, 34.04.022, 34.04.025, 34.04.026, 34.04.027, 34.04.030, 34.04.040, 34.04.045, 34.04.048, 34.04.050, 34.04.052, 34.04.055, 34.04.057, 34.04.058, 34.04.060, 34.04.070, 34.04.080, 34.04.090, 34.04.100, 34.04.105, 34.04.110, 34.04.120, 34.04.130, 34.04.133, 34.04.135, 34.04.140, 34.04.150, 34.04.170, 34.04.270, 34.04.280, 34.04.290, 34.04.900, 34.04.901, 34.04.910, 34.04.920, 34.04.921, 34.04.930, 34.04.931, and 34.04.940; and providing an effective date.

Referred to Committee on Judiciary.

HB 1677 by Representatives Fisher and Unsoeld

AN ACT Relating to post-primary campaign finance reports; and amending RCW 42.17.080.

Referred to Committee on Constitution, Elections & Ethics.

HB 1678 by Representatives Wang, Jacobsen, Tilly, Todd, Fisher, Patrick, D. Nelson, Barnes, Lux, Isaacson, Locke, Sayan, Unsoeld, Long, Sutherland, Brough, Van Luven, Winsley, Gallagher, Nealey, P. King, C. Smith and Taylor

AN ACT Relating to telephone solicitation; adding a new section to chapter 80.36 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Energy & Utilities.

HB 1679 by Representatives Tilly, Sommers, Sayan, Brekke, Grimm, B. Williams, G. Nelson, Zellinsky, Haugen, S. Wilson, Schmidt, Cole, Valle, Braddock, Brough, Schoon, May and Silver; by request of Legislative Budget Committee

AN ACT Relating to the Puget Sound ferry system funding; amending RCW 47.60.505; creating a new section; and providing an effective date.

HB 1680 by Representatives Sommers, B. Williams, Sayan, Tilly, Brekke, Grimm, G. Nelson, Zellinsky, Schmidt, Haugen, S. Wilson, Cole, Braddock, Brough, J. Williams and Silver; by request of Legislative Budget Committee

AN ACT Relating to marine employment relations; adding new sections to chapter 43.131 RCW; and repealing RCW 47.64.005, 47.64.006, 47.64.011, 47.64.060, 47.64.070, 47.64.080, 47.64.090, 47.64.120, 47.64.130, 47.64.140, 47.64.150, 47.64.160, 47.64.170, 47.64.180, 47.64.190, 47.64.200, 47.64.210, 47.64.220, 47.64.230, 47.64.240, 47.64.250, 47.64.260, 47.64.270, 47.64.280, 47.64.290, 47.64.900, and 47.64.910.

HB 1681 by Representatives Sayan, Sommers, Grimm, Brekke, Tilly, B. Williams, G. Nelson, Zellinsky, Schmidt, Haugen, S. Wilson, Cole, Valle, Braddock, Brough and J. Williams; by request of Legislative Budget Committee

AN ACT Relating to salary surveys for state marine employees; and amending RCW 47.64.220.

HJM 31 by Representatives Todd, Crane, Winsley, Isaacson, Hargrove, Tanner, Scott, Brough, P. King, Fuhrman, Padden, Wineberry and Addison

Requesting information regarding missing American servicemen.

Referred to Committee on State Government.

HJR 56 by Representatives Brekke and Rust

Amending constitutional provisions regarding the legislature.

Referred to Committee on Constitution, Elections & Ethics.

HCR 19 by Representatives Fisch, Hargrove, Fisher, Miller, Schoon, Lux, Peery, J. King, Unsoeld, Brough, Allen, Sutherland, Winsley, Vekich, G. Nelson and Wang

Directing the department of ecology to report to the legislature on the prevention and cleanup of oil spills.

Referred to Committee on Environmental Affairs.

SB 3287 by Senators McDermott, Guess, Rinehart, Granlund, Cantu, Bailey and Barr; by Secretary of State request

Broadening the state's duty to pay prorated election costs.

Referred to Committee on Constitution, Elections & Ethics.

SB 3352 by Senators Gaspard, Bauer, Kiskaddon and Patterson

Providing a state clearinghouse for educational information.

Referred to Committee on Education.

ESSB 3520 by Committee on Financial Institutions (originally sponsored by Senators Bottiger, Hayner, Moore and Sellar)

Modifying provisions on insolvent insurers.

Referred to Committee on Financial Institutions & Insurance.

SSB 3590 by Committee on Governmental Operations (originally sponsored by Senators Thompson, Zimmerman, Newhouse, Benitz and Hayner; by Attorney General request)

Prohibiting private benefit due to public employment.

Referred to Committee on State Government.

SB 3910 by Senators Talmadge, Halsan and Goltz

Establishing penalties for unfair manufacturing processes.

Referred to Committee on Judiciary.

ESSB 4315 by Committee on Ways & Means (originally sponsored by Senators Halsan and Owen)

Modifying the compensating tax imposed on certain forest land transferred to open space classification.

Referred to Committee on Ways & Means.

ESSCR 126 by Committee on Ways & Means (originally sponsored by Senators McDermott, Fleming, Rinehart and Lee)

Ratifying comparable worth agreement.

Referred to Committee on Ways & Means.

MOTION

On motion of Mr. J. King, the bills, memorials and resolutions listed on today's Introduction of Bills were considered first reading under the fourth order of business and referred to the committees designated with the exception of House Bill No. 1679, House Bill No. 1680 and House Bill No. 1681, which were held on the first reading calendar.

REPORTS OF STANDING COMMITTEES

January 17, 1986

HB 308 Prime Sponsor, Representative Winsley: Relating to municipal incorporation proceedings and elections. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Winsley and Zellinsky.

Absent: Representative Smitherman.

Passed to Committee on Rules for second reading.

January 17, 1986

HB 686 Prime Sponsor, Representative Sayan: Reducing compensation for disability by the amount of unemployment benefits. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representative R. King.

Passed to Committee on Rules for second reading.

January 17, 1986

HB 1335 Prime Sponsor, Representative Belcher: Modifying requirements for personal services contracts. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Todd, Vekich and Walk.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

January 17, 1986

HB 1385 Prime Sponsor, Representative Haugen: Authorizing water and sewer district commissioners elections from wards within the district. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Winsley and Zellinsky.

Absent: Representative Smitherman.

Passed to Committee on Rules for second reading.

January 17, 1986

HB 1388 Prime Sponsor, Representative Wang: Regulating fire protection agencies in annexation and consolidation actions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan and Walker.

MINORITY recommendation: Without recommendation. Signed by Representatives C. Smith and J. Williams.

Voting nay: Representatives Betzoff, C. Smith and J. Williams.

Absent: Representative R. King.

Passed to Committee on Rules for second reading.

January 20, 1986

HB 1429 Prime Sponsor, Representative Rust: Authorizing grants for mediations. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 17 strike "office of the governor" and insert "institute for public policy"

On page 3, line 22 strike "office of the governor" and insert "evergreen state college for the institute for public policy"

Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle

MINORITY recommendation: Do not pass. Signed by Representative Isaacson

Absent: Representative Bond.

Passed to Committee on Rules for second reading.

January 20, 1986

HB 1472 Prime Sponsor, Representative Vekich: Promoting the marketing of agricultural products. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Ballard, Bristow, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

Passed to Committee on Rules for second reading.

January 20, 1986

HB 1486 Prime Sponsor, Representative Peery: Repealing the sunset termination of the fairs commission. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Ballard, Bristow, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

Passed to Committee on Rules for second reading.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 681, by Committee on Environmental Affairs (originally sponsored by Representatives Valle, Rust, Allen and Isaacson)

Establishing an annual "governor's award of excellence" for outstanding achievement in hazardous or solid waste management.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 681, and the bill passed the House by the following vote: Yeas, 90; absent, 5; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Waik, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Barrett, Dobbs, Doty, Smith L, Williams J - 5.

Excused: Representatives Brekke, Isaacson, Sayan - 3.

Substitute House Bill No. 681, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Ballard was excused.

HOUSE BILL NO. 764, by Representatives Belcher, Hankins, Walk and Taylor
Exempting applications for public employment from public disclosure requirement.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 764, and the bill passed the House by the following vote: Yeas, 89; absent, 5; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Absent: Representatives Barrett, Dobbs, Doty, Smith L, Williams J - 5.

Excused: Representatives Ballard, Brekke, Isaacson, Sayan - 4.

House Bill No. 764, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. J. King, the House reverted to the sixth order of business.

Representatives Barrett, Dobbs, Doty, L. Smith and B. Williams appeared at the bar of the House.

SECOND READING

HOUSE BILL NO. 1348, by Representatives Fisher, P. King and Unsoeld

Altering procedures for applying for and casting certain ballots.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 1348 was substituted for House Bill No. 1348, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1348 was read the second time.

Mr. J. King moved that the rules be suspended, the second reading considered the third and the bill be placed on final passage.

Mr. Padden spoke against the motion and Mr. J. King withdrew the motion.

Substitute House Bill No. 1348 was passed to Committee on Rules for third reading.

Ms. Brekke appeared at the bar of the House.

HOUSE BILL NO. 1377, by Representatives Wang, Cole, O'Brien, Ebersole, Patrick, Sayan, Fisher, Fisch, R. King and Belcher

Modifying the employments covered by workers compensation.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1378, by Representatives Wang, Patrick, R. King, Cole, O'Brien, Chandler, Ebersole, Sayan, Fisher, J. Williams, Fisch and P. King

Prohibiting specified control of language by liquor control board.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1380, by Representatives Rayburn, Brekke, Nutley, Leonard, Wineberry, Tilly, Holland, R. King, P. King, Wang, Smitherman, Tanner, Belcher, Cole, K. Wilson, Sryan, Valle, Scott, Peery, Haugen, Hine, Unsoeld and Fisher

Revising appropriations for prenatal care for low-income women.

The bill was read the second time.

Mr. Lewis moved adoption of the following amendment by Representatives Lewis, Long, Miller, Doty, Lundquist and Tilly:

On page 3, beginning on line 23 strike subsections (1) and (2) of section 2 and insert the following:

"(1) In addition to any moneys provided by section 211, chapter 6, Laws of 1985 ex. sess. (uncodified), there is appropriated to the public health program of the department of social and health services for the biennium ending June 30, 1987, from the general fund-state the sum of two million dollars and from the general fund-federal the sum of eight hundred ten thousand dollars, or so much thereof as may be necessary, solely for the provision of prenatal care to low income women who lack adequate medical insurance and are ineligible for medicaid."

Remember the remaining subsection consecutively.

Representatives Lewis, Tilly, Long, Sanders, Miller and Addison spoke in favor of the amendment, and Representatives Braddock, Brekke, D. Nelson, J. King and Lux spoke against it.

Mr. Lewis closed debate, speaking again in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Lewis and others to House Bill No. 1380, and the amendment was not adopted by the following vote: Yeas, 44; nays, 51; excused, 3.

Voting yea: Representatives Addison, Allen, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Hankins, Hastings, Holland, Lewis, Locke, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 44.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 51.

Excused: Representatives Ballard, Isaacson, Sayan - 3.

House Bill No. 1380 was passed to Committee on Rules for third reading.

The Speaker called on Mr. O'Brien to preside.

HOUSE BILL NO. 1419, by Representatives Locke, May, Hine, Sommers, Niemi, Tilly, Prince, Belcher, Sanders, Allen, Long, Lux and Jacobsen

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

The bill was read the second time and passed to Committee on Rules for third reading.

The House advanced to the seventh order of business.

THIRD READING

HOUSE BILL NO. 1198, by Representatives Schmidt, Zellinsky, S. Wilson, Haugen, Thomas, Lundquist, Smitherman, L. Smith, McMullen, J. Williams, Hastings, Sayan, Schoon and Brough

Requiring an appropriation for expenditures from state ferry revenues.

The bill was read the third time and placed on final passage.

Representatives Schmidt and Fisch spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1198, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Ballard, Isaacson, Sayan - 3.

House Bill No. 1198, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 1353, by Representatives Rayburn, Vekich, Hastings and Tilly

Modifying requirements for approval of plats in irrigation districts.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1353, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Ballard, Isaacson, Sayan - 3.

Engrossed House Bill No. 1353, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT MEMORIAL NO. 26, by Representatives D. Nelson, Belcher, Lux, Cole, Allen, Leonard, Valle, Brekke, P. King, Unsoeld, Jacobsen, Rust, Locke, Niemi, Wang, Wineberry, Armstrong, Ebersole, Todd, Fisher, Tanner and O'Brien

Urging Congress to negotiate a verifiable test ban treaty and to stop nuclear weapons testing.

The memorial was read the third time and placed on final passage.

Representatives D. Nelson, Allen and Wineberry spoke in favor of passage of the memorial, and Representatives Fuhrman and Hastings opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 26, and the memorial passed the House by the following vote: Yeas, 67; nays, 28; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Brough, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Schmidt, Scott, Smith C, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Barnes, Barrett, Baugher, Betrozoff, Bond, Brooks, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Lewis, Lundquist, May, Nealey, Padden, Patrick, Prince, Sanders, Schoon, Silver, Smith L, van Dyke, Van Luven, West, Williams B, Williams J - 28.

Excused: Representatives Ballard, Isaacson, Sayan - 3.

House Joint Memorial No. 26, having received the constitutional majority, was declared passed.

The House advanced to the eighth order of business.

MOTION

On motion of Mr. Appelwick, HOUSE BILL NO. 1531 was rereferred from Committee on Judiciary to Committee on Social & Health Services.

MOTION

On motion of Mr. Appelwick, the House adjourned until 11:00 a.m., Wednesday, January 22, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

TENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, January 22, 1986

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Brekke, Sayan, Schmidt, Tanner and Vekich. Representative Sayan was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kyle Flynn and Brendan Scanlon. Prayer was offered by Reverend Richard Hart, First Baptist Church of Olympia.

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

MESSAGE FROM THE SENATE

January 21, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 3140,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3228,
ENGROSSED SENATE BILL NO. 3278,
SUBSTITUTE SENATE BILL NO. 3558,
SUBSTITUTE SENATE BILL NO. 3842,
SENATE JOINT MEMORIAL NO. 112.

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTIONS AND FIRST READING

HB 1682 by Representatives Appelwick, Grimm, Unsoeld and Niemi

AN ACT Relating to the business and occupation taxation of investment income; amending RCW 82.04.4281, 82.04.300, and 82.04.390; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; creating new sections; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1683 by Representatives Grimm, Appelwick, Jacobsen, Unsoeld and P. King

AN ACT Relating to funding of higher education faculty salaries; amending RCW 82.04.4281, 82.04.300, and 82.04.390; adding a new chapter to Title 28B RCW; adding new sections to chapter 82.04 RCW; adding a new section to chapter 82.32 RCW; creating new sections; making an appropriation; and providing effective dates.

Referred to Committee on Ways & Means.

HB 1684 by Representatives Scott, May, McMullen, G. Nelson and P. King

AN ACT Relating to technology transfer; adding a new chapter to Title 43 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1685 by Representatives Scott, Locke, Allen, Fisher, Day, Haugen, Barrett, Hine, Grimm, Nutley, Cole, Rust, Leonard, Armstrong, G. Nelson, McMullen, Todd, Lux, Zellinsky, Walker, R. King, Miller, Niemi, Rayburn, Unsoeld, P. King and Addison; by request of Governor Gardner

AN ACT Relating to insurance reporting; adding new sections to chapter 48.05 RCW; and creating a new section.

Referred to Committee on Financial Institutions & Insurance.

HB 1686 by Representatives Scott, Long, K. Wilson, Armstrong, Appelwick and P. King

AN ACT Relating to quasi-community property; and adding new sections to chapter 26.16 RCW.

Referred to Committee on Judiciary.

HB 1687 by Representatives Sommers, Prince and Silver

AN ACT Relating to private vocational schools; amending RCW 18.50.040 and 28B-.80.360; adding a new chapter to Title 28C RCW; repealing RCW 28B.05.020, 28B.05.030, 28B.05.040, 28B.05.050, 28B.05.060, 28B.05.070, 28B.05.080, 28B.05.090, 28B.05.100, 28B.05.110, 28B.05.120, 28B.05.130, 28B.05.140, 28B.05.150, 28B.05.160, 28B.05.170, 28B.05.180, 28B.05.190, 28B.05.200, 28B.05.210, 28B.05.220, 28B.05.230, 28B.05.240, 28B.05.900, 28B.05.950, 43.131.291, and 43.131.292; prescribing penalties; and providing an effective date.

Referred to Committee on Higher Education.

HB 1688 by Representatives Sommers and Prince

AN ACT Relating to higher education; adding a new chapter to Title 28B RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Higher Education.

HB 1689 by Representatives Sommers and G. Nelson

AN ACT Relating to vocational education; amending RCW 28C.04.020; adding new sections to chapter 28C.04 RCW; creating new sections; repealing RCW 28C.04.030, 28C.04-.040, 28C.04.050, 28C.04.090, 28C.04.150, 28C.04.300, 28C.04.310, and 43.131.288; and providing an effective date.

Referred to Committee on Higher Education.

HB 1690 by Representatives Sommers, Allen, Rust, Miller, May, D. Nelson and P. King

AN ACT Relating to public utility districts; providing for the financing of sewage treatment; amending RCW 54.04.030 and 54.16.230; adding a new section to chapter 54.08 RCW; and adding new sections to chapter 54.24 RCW.

Referred to Committee on Ways & Means.

HB 1691 by Representatives Ballard, Locke, Hastings, Wang, West and Winsley

AN ACT Relating to mental health commitments; and amending RCW 9.94A.120 and 71.02.411.

Referred to Committee on Social & Health Services.

HB 1692 by Representative Ballard

AN ACT Relating to safety in water-skiing; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Transportation.

HB 1693 by Representatives G. Nelson, Grimm, Tilly, Hine and Allen

AN ACT Relating to limitations on regular property tax levies; amending RCW 84.55-.010 and 84.55.020; creating a new section; and repealing RCW 84.55.015.

Referred to Committee on Ways & Means.

HB 1694 by Representatives G. Nelson, Sommers, Grimm, Tilly, Jacobsen and Silver

AN ACT Relating to state government; and adding a new section to chapter 39.24 RCW.

Referred to Committee on State Government.

HB 1695 by Representatives Haugen, McMullen, van Dyke, Basich and Hargrove

AN ACT Relating to foreign commercial fishing vessels; and adding a new section to chapter 75.12 RCW.

Referred to Committee on Natural Resources.

HB 1696 by Representatives Barnes and G. Nelson

AN ACT Relating to minimum retirement allowances under the teachers' retirement system; and amending RCW 41.32.485.

Referred to Committee on Ways & Means.

HB 1697 by Representatives Haugen and Brough

AN ACT Relating to road improvement districts; and adding a new section to chapter 36.88 RCW.

Referred to Committee on Local Government.

HB 1698 by Representatives Madsen, Hastings, Unsoeld and Belcher

AN ACT Relating to property taxation; and adding a new section to chapter 84.52 RCW.

Referred to Committee on Ways & Means.

HB 1699 by Representatives Lux, Barrett, Nutley, Schmidt, Zellinsky, Appelwick, Unsoeld and P. King

AN ACT Relating to insurance reporting; and amending RCW 48.05.380 and 48.05.390.

Referred to Committee on Financial Institutions & Insurance.

HB 1700 by Representatives Appelwick, Jacobsen, P. King and Lux

AN ACT Relating to public advocate for insurance; adding a new chapter to Title 48 RCW; and making an appropriation.

Referred to Committee on Financial Institutions & Insurance.

HB 1701 by Representatives Appelwick and J. Williams

AN ACT Relating to fund raising; and reenacting and amending RCW 9.46.020.

Referred to Committee on Commerce & Labor.

HB 1702 by Representatives Valle, Grimm, O'Brien, Dellwo and Addison; by request of Office of Financial Management

AN ACT Relating to community residential programs for the developmentally disabled; making appropriations and authorizing expenditures for the operations of community residential programs for the developmentally disabled for the fiscal biennium beginning July 1, 1985, and ending June 30, 1987; creating a new section; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1703 by Representatives Niemi, Brough, Allen, Belcher, Fisher, Miller, Cole, Hine and Unsoeld; by request of Governor Gardner

AN ACT Relating to comparable worth; amending section 702, chapter 6, Laws of 1985 ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1704 by Representatives Sommers, Ebersole and Allen; by request of Governor Gardner

AN ACT Relating to vocational education; amending RCW 28C.04.010, 28C.04.020, 28C.04.030, 28C.04.040, 28C.04.050, 28C.04.060, 28C.04.070, 28C.04.080, 28C.04.090, 28C.04.150, 28C.04.300, 28C.04.310, 28C.04.410, 28C.04.420, 28C.04.430, 28C.04.440, 28C.04.460, 28C.04.470, 28C.04.510, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.550, 18.106.040, 18.106.070, 19.28.510, 19.28.530, 28B.04.080, 28B.05.030, 28B.05.050, 28B.05.130, 28B.80.320, 28B.80.330, 28B.80.350, 28B.80.430, 43.03.028, 43.165.030, 43.165.100, 48.48.005, 49.04.010, 49.04.030, and 50.38.030; adding a new section to chapter 28C.04 RCW; creating new sections; and repealing RCW 28C.04.500, 43.131.287, and 43.131.288.

Referred to Committee on Higher Education.

HB 1705 by Representatives J. King and Unsoeld; by request of Governor Gardner

AN ACT Relating to fees to fund appropriations for the office of insurance commissioner; adding a new section to chapter 48.02 RCW; repealing RCW 48.14.015; providing an effective date; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1706 by Representatives Zellinsky, Vekich, Belcher, Sayan, Smitherman, Locke and Unsoeld; by request of Governor Gardner

AN ACT Relating to appointments to agency chief executive officers; amending RCW 43.17.020, 47.01.041, 77.04.020, 77.04.060, 43.51.040, and 43.51.060; adding a new section to chapter 43.51 RCW; creating a new section; and declaring an emergency.

Referred to Committee on State Government.

HB 1707 by Representatives Peery, Brooks, Dellwo, Belcher and Unsoeld; by request of Governor Gardner

AN ACT Relating to state boards and commissions; amending RCW 19.28.005, 19.28.015, 19.28.060, 19.28.065, 19.28.120, 19.28.123, 19.28.125, 19.28.210, 19.28.260, 19.28.300, 19.28.310, 19.28.330, 19.28.530, 19.28.540, 19.28.580, 19.28.590, 28B.12.050, 28B.12.060, 27.04.030, 36.28.025, 43.101.010, 43.101.080, 43.101.170, 43.101.200, 43.101.220, 43.131.310, 43.22.420, 46.04.040, 46.04.304, 46.04.710, 46.16.240, 46.32.060, 46.37.005, 46.37.010, 46.37.160, 46.37.185, 46.37.190, 46.37.194, 46.37.210, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.330, 46.37.365, 46.37.380, 46.37.420, 46.37.425, 46.37.430, 46.37.440, 46.37.450, 46.37.470, 46.37.490, 46.37.505, 46.37.510, 46.37.520, 46.37.529, 46.37.530, 46.37.535, 46.37.610, 46.38.020, 46.38.030, 46.38.040, 46.38.060, 46.55.010, 46.55.050, 46.55.170, 46.55.180, 46.61.563, 46.61.567, 46.61.687, 46.61.780, 47.36.250, 47.52.120, 70.107.070, 70.95B.070, 70.95B.100, 70.95B.130, 43.17.070, 43.34.040, 79.24.030, 79.24.300, 79.24.310, 79.24.410, 79.24.450, 79.24.500, 79.24.520, 79.24.530, 79.24.540, 79.24.550, 79.24.630, 79.24.632, 79.24.634, 79.24.638, 79.24.642, 79.24.6421, 79.24.650, 79.24.652, 79.24.654, 79.24.658, 79.24.662, and 79.24.666; reenacting and amending RCW 46.37.320; creating a new section; recodifying RCW 43.34.040; and repealing RCW 1.30.010, 1.30.020, 1.30.030, 1.30.040, 1.30.050, 1.30.060, 41.06.083, 27.08.010, 27.08.045, 43.22.475, 76.09.200, 43.30.090, 43.34.010, 43.34.015, 43.82.020, and 79.24.320.

Referred to Committee on State Government.

HB 1708 by Representatives Belcher, Brooks, Vekich, Dellwo, Unsoeld and P. King; by request of Governor Gardner

AN ACT Relating to the liquor control board; and amending RCW 66.08.014.

Referred to Committee on State Government.

HB 1709 by Representatives Belcher, Hankins, Peery, Brooks and Unsoeld; by request of Governor Gardner

AN ACT Relating to consolidation of agencies into the department of community development; amending RCW 27.34.020, 27.34.210, 27.34.220, 27.34.230, 27.34.240, 27.34.270, 27.34.280, 27.53.020, 27.53.030, 27.53.060, 27.53.080, 27.53.090, 28A.24.172, 38.52.005, 38.52.010, 38.52.020, 38.52.030, 38.52.037, 38.52.050, 38.52.070, 38.52.090, 38.52.170, 38.52.207, 38.52.210, 38.52.240, 38.52.250, 38.52.300, 38.52.310, 38.52.320, 38.52.330, 38.52.340, 38.52.360, 38.52.370, 38.52.390, 38.52.400, 38.52.410, 40.10.020, 43.131.313, 43.131.314, 46.16.340, 70.136.030, 28C.50.010, 28C.50.050, 28C.51.010, 28C.51.050, 48.05.320, 48.48.030, 48.48.040, 48.48.045, 48.48.050, 48.48.060, 48.48.065, 48.48.070, 48.48.080, 48.48.090, 48.48.110, 48.50.020, 19.27.070, 28C.04.040, 28C.04.142, 28C.04.144, and 43.63A.065; reenacting and amending RCW 43.220.070 and 80.50.030; adding new sections to chapter 41.06 RCW; adding new sections to chapter 43.63A RCW; creating new sections; decodifying RCW 27.34.905; repealing RCW 27.34.290, 48.48.001, 48.48.005, 48.48.011, 48.48.015, 48.48.021, 48.48.025, 48.48.028, 41.06.091; repealing section 28, chapter 470, Laws of 1985 (uncodified); repealing section 29, chapter 470, Laws of 1985 (uncodified); repealing section 30, chapter 470, Laws of 1985 (uncodified); repealing section 31, chapter 470, Laws of 1985 (uncodified); repealing section 32, chapter 470, Laws of 1985 (uncodified); repealing section 33, chapter 470, Laws of 1985 (uncodified); repealing section 34, chapter 470, Laws of 1985 (uncodified); repealing section 35, chapter 470, Laws of 1985 (uncodified); and repealing section 36, chapter 470, Laws of 1985 (uncodified); providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

HB 1710 by Representatives Niemi, Allen, Miller and Sayan

AN ACT Relating to property tax exemptions; and amending RCW 84.36.805.

Referred to Committee on Ways & Means.

- HB 1711** by Representatives Ebersole, Rust, Unsoeld, Taylor, Walker, Betzozoff and Jacobsen
AN ACT Relating to environmental education; creating new sections; and providing an expiration date.
Referred to Committee on Education.
- HB 1712** by Representatives Crane and Todd
AN ACT Relating to non-English speaking persons; adding a new section to chapter 46.61 RCW; and declaring an emergency.
Referred to Committee on Judiciary.
- HB 1713** by Representatives Bristow, Vekich, Haugen, Unsoeld and P. King
AN ACT Relating to weed control; amending RCW 17.10.010, 17.10.030, 17.10.050, 17.10.060, 17.10.070, 17.10.080, 17.10.090, 17.10.100, 17.10.110, 17.10.120, 17.10.130, 17.10.170, 17.10.180, 17.10.190, 17.10.200, 17.10.235, 17.10.240, and 17.10.270; adding new sections to chapter 17.10 RCW; and repealing RCW 17.10.250.
Referred to Committee on Agriculture.
- HB 1714** by Representatives Bristow, Vekich, Baugher and P. King
AN ACT Relating to stock restricted fencing; and amending RCW 16.24.010.
Referred to Committee on Agriculture.
- HB 1715** by Representatives Bristow, Smitherman, Sommers, Hargrove, Niemi and Unsoeld
AN ACT Relating to limitations on requirements for retirement contributions for service other than full time; and amending RCW 41.26.450, 41.32.775, 41.40.330, 41.40.370, and 41.40.650.
Referred to Committee on Ways & Means.
- HB 1716** by Representatives Braddock and Grimm
AN ACT Relating to the excise taxation of construction labor and services; amending RCW 82.04.050; and providing an effective date.
Referred to Committee on Ways & Means.
- HB 1717** by Representative Braddock
AN ACT Relating to voluntary long-term care organizations; and creating new sections.
Referred to Committee on Ways & Means.
- HB 1718** by Representative Sutherland
AN ACT Relating to game; and adding a new section to chapter 77.32 RCW.
Referred to Committee on Natural Resources.
- HB 1719** by Representatives Sommers, B. Williams, Grimm, Vander Stoep, Brekke, Braddock, Silver and Walker
AN ACT Relating to the ferry system; amending RCW 47.64.240; and adding new sections to chapter 47.64 RCW.
Referred to Committee on Commerce & Labor.
- HB 1720** by Representatives Wang, Cole and Patrick
AN ACT Relating to boilers and unfired pressure vessels; amending RCW 70.79.080 and 70.79.320; and prescribing penalties.
Referred to Committee on Commerce & Labor.
- HB 1721** by Representatives Wang, Chandler and R. King
AN ACT Relating to the supplemental pension fund; and amending RCW 51.48.110.
Referred to Committee on Commerce & Labor.
- HB 1722** by Representatives Lux and Jacobsen

AN ACT Relating to the Washington clean air act; and adding new sections to chapter 70.94 RCW.

Referred to Committee on Environmental Affairs.

HB 1723 by Representatives Nutley, L. Smith, Ebersole and Madsen

AN ACT Relating to the regulation of dances and other recreational or entertainment activities; amending RCW 26.28.080; adding a new section to chapter 67.12 RCW; and repealing RCW 67.12.010, 67.12.020, 67.12.030, 67.12.040, 67.12.050, 67.12.060, 67.12.070, 67.12.075, 67.12.080, 67.12.090, and 67.12.100.

Referred to Committee on Local Government.

HB 1724 by Representatives Ebersole, Appelwick and P. King; by request of Governor Gardner

AN ACT Relating to governance of the common school system; amending RCW 28A.02.110, 28A.03.030, 28A.04.010, 28A.04.030, 28A.04.040, 28A.04.080, 28A.04.090, 28A.04.100, 28A.04.120, 28A.13.020, 28A.21.010, 28A.21.020, 28A.21.071, 28A.21.086, 28A.21.088, 28A.21.090, 28A.21.105, 28A.21.106, 28A.21.110, 28A.21.111, 28A.21.113, 28A.21.120, 28A.21.130, 28A.21.136, 28A.21.160, 28A.21.195, 28A.21.220, 28A.21.255, 28A.21.300, 28A.21.310, 28A.21.900, 28A.27.102, 28A.56.040, 28A.56.050, 28A.56.060, 28A.57.030, 28A.57.031, 28A.57.032, 28A.57.033, 28A.57.034, 28A.57.070, 28A.57.075, 28A.57.090, 28A.57.150, 28A.57.180, 28A.57.240, 28A.57.326, 28A.57.328, 28A.57.355, 28A.57.356, 28A.57.357, 28A.57.358, 28A.57.415, 28A.58.090, 28A.58.107, 28A.58.225, 28A.58.410, 28A.58.430, 28A.58.530, 28A.58.560, 28A.58.620, 28A.58.630, 28A.65.420, 28A.65.435, 28A.65.480, 28A.71.100, 28A.71.210, 28A.71.220, 28B.40.380, 28B.50.551, 39.33.070, 41.04.445, 48.62.030, 48.62.035, 48.62.040, 48.62.080, 51.14.150, 72.40.070, 72.41.020, and 72.42.020; reenacting and amending RCW 28A.58.099 and 28A.70.110; adding a new section to chapter 28A.24 RCW; creating new sections; and repealing RCW 28A.03.028, 28A.04.020, 28A.04.050, 28A.04.060, 28A.04.065, 28A.04.070, 28A.04.131, 28A.04.145, 28A.04.155, 28A.21.030, 28A.21.0303, 28A.21.0304, 28A.21.0305, 28A.21.0306, 28A.21.031, 28A.21.032, 28A.21.033, 28A.21.034, 28A.21.035, 28A.21.037, 28A.21.050, 28A.21.060, 28A.21.092, 28A.21.095, 28A.21.100, 28A.21.140, 28A.21.170, 28A.21.200, 28A.21.210, 28A.21.350, 28A.21.355, 28A.21.360, 28A.26.010, and 28A.48.030.

Referred to Committee on Education.

HB 1725 by Representatives Ebersole, Valle, Cole, Holland, Peery, Betzoff and P. King; by request of Superintendent of Public Instruction

AN ACT Relating to the periodic review of school district student learning objectives programs; and amending RCW 28A.58.090.

Referred to Committee on Education.

HB 1726 by Representatives Locke, Tilly, Armstrong, Barrett, Belcher, Dellwo, Wang, Silver, Unsoeld, P. King and Winsley; by request of Secretary of State

AN ACT Relating to charitable solicitations; amending RCW 19.09.010, 19.09.020, 19.09.065, 19.09.075, 19.09.079, 19.09.085, 19.09.095, 19.09.100, 19.09.200, 19.09.210, 19.09.230, 19.09.240, 19.09.190, and 19.09.275; adding new sections to chapter 19.09 RCW; repealing RCW 19.09.030, 19.09.045, 19.09.050, and 19.09.069; prescribing penalties; making an appropriation; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1727 by Representatives Lux and Fisch

AN ACT Relating to collective bargaining; and amending RCW 41.56.950.

Referred to Committee on Commerce & Labor.

HB 1728 by Representatives Kremen, Fuhrman, Baugher, Todd, Ballard, Nealey, Doty, Braddock, Zellinsky and Rayburn

AN ACT Relating to standards for dairy products; and amending RCW 69.04.392.

Referred to Committee on Agriculture.

HB 1729 by Representatives C. Smith, Walk, Prince, Nealey, Zellinsky, Bond, Lundquist, Fisch and Baugher

AN ACT Relating to tax on special fuel dispensed from a keylock metered pump; and repealing RCW 82.38.145.

Referred to Committee on Transportation.

HB 1730 by Representatives K. Wilson, Jacobsen, Thomas, McMullen, Allen, Unsoeld, Cole and R. King

AN ACT Relating to water resources; and adding new sections to chapter 90.54 RCW.

Referred to Committee on Environmental Affairs.

HB 1731 by Representatives K. Wilson, Lewis, Day, Winsley, Braddock, Bristow, Scott, Tilly and P. King

AN ACT Relating to juveniles; amending RCW 13.32A.010, 13.32A.030, 13.32A.050, 13.32A.080, 13.32A.100, 13.32A.250, 13.04.030, 74.13.034, and 74.15.030; adding new sections to chapter 13.32A RCW; creating a new section; and prescribing penalties.

Referred to Committee on Social & Health Services.

HB 1732 by Representative D. Nelson

AN ACT Relating to county and city solid waste management plans; and amending RCW 70.95.090.

Referred to Committee on Environmental Affairs.

HCR 20 by Representatives Belcher, Brough, Allen, Hine, Cole, Fisher, Dellwo, Ebersole, McMullen, Niemi, Leonard, D. Nelson, Jacobsen, Wang, Scott, Hankins, Nutley, Winsley, Brække, Rust, K. Wilson, Wineberry, Sayan, J. King, Todd and Unsoeld; by request of Governor Gardner

Ratifying Agreement for implementation of comparable worth pursuant to RCW 28B.16.116 and 41.06.155.

Referred to Committee on Ways & Means.

ESB 3140 by Senators Patterson, Gaspard, Rinehart, Goltz, Saling, Johnson, Warnke, Halsan, Bender, Conner, Garrett, DeJarnatt, Stratton, McManus and McDermott

Modifying charges for higher education students taking two or fewer credit hours or more than eighteen credit hours.

Referred to Committee on Higher Education.

ESSB 3228 by Committee on Human Services & Corrections (originally sponsored by Senators Kreidler and McDermott)

Changing language in the natural death act.

Referred to Committee on Social & Health Services.

ESB 3278 by Senators Gaspard, Patterson, Rinehart, Goltz and McDermott

Waiving higher education fees for students of foreign nations.

Referred to Committee on Higher Education.

SSB 3558 by Committee on Education (originally sponsored by Senators Thompson, Metcalf and Conner)

Authorizing state support of Washington students pursuing maritime studies out of state.

Referred to Committee on Higher Education

SSB 3842 by Committee on Governmental Operations (originally sponsored by Senators DeJarnatt, Goltz, Thompson, Owen and Gaspard)

Removing A/B lines in Legislative Districts 19 and 39.

Referred to Committee on Constitution, Elections & Ethics.

SJM 112 by Senators Bauer, Gaspard, Benitz, Williams, Rasmussen, Granlund, Peterson, Warnke and Vognild; by Temporary Committee on Educational Policies request

Petitioning Congress to provide financial assistance to help the public school system accommodate non-English speaking students.

Referred to Committee on Education.

MOTIONS

On motion of Mr. J. King, HOUSE BILL NO. 1679 was referred to Committee on Transportation.

On motion of Mr. J. King, HOUSE BILL NO. 1680 was referred to Committee on Commerce & Labor.

On motion of Mr. J. King, HOUSE BILL NO. 1681 was referred to Committee on State Government.

Mr. J. King moved that the bills, memorials and resolutions listed on today's Introduction of Bills be considered first reading under the fourth order of business and referred to the committees designated.

POINT OF PARLIAMENTARY INQUIRY

Mr. Barrett: "Mr. Speaker, I notice that Substitute Senate Bill 3842 is in the Introduction of Bills today, which appears to be a constitutional amendment. My question is, how many votes will this particular bill require to be passed by this body?"

The Speaker (Mr. O'Brien presiding): "Representative Barrett, it seems that your question is premature. We will answer that question if and when the bill comes before us on third reading."

The motion was carried.

REPORTS OF STANDING COMMITTEES

January 20, 1986

HB 160 Prime Sponsor, Representative P. King: Authorizing fees for certain pre-admission screening processes. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Cole, Peery, Rayburn, Rust, Schoon, Todd and Wang.

Voting nay: Representatives Betzoff, Chandler, Taylor and Walker.

Absent: Representatives Fuhrman, Holland and Long.

Passed to Committee on Rules for second reading.

January 20, 1986

HB 289 Prime Sponsor, Representatives Sommers: Defining full time undergraduate students for purposes of tuition and fee rates. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Basich, Belcher, D. Nelson, G. Nelson, Unsoeld and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives Miller and Silver

Voting nay: Representatives Hastings, Miller, Prince and Silver.

Absent: Representatives Vander Stoep and Wineberry.

Passed to Committee on Rules for second reading.

January 21, 1986

ESHB 1077 Prime Sponsor, Committee on Ways & Means: Implementing procedures to control and monitor health care costs. Reported by Committee on Rules

Referred to Committee on Ways & Means.

January 20, 1986

HB 1339 Prime Sponsor, Representatives Ebersole: Stating that children shall attend school. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:
On page 2, after line 13 add a new subsection as follows:

"(2) No action shall be initiated against a child for failure to attend school unless it is established that the child's parent or guardian has made a reasonable effort to cause the child to attend school."

Renumber the remaining subsections consecutively.

Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betzoff, Chandler, Fuhrman, Holland, P. King, Peery, Rayburn, Schoon, L. Smith, Taylor, Todd, Walker and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Cole, Long and Rust.

Passed to Committee on Rules for second reading.

January 20, 1986

HB 1371 Prime Sponsor, Representatives Ebersole: Permitting school districts to use school buses and drivers hired without prior authorization from the state board of education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betzoff, Chandler, Cole, Fuhrman, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Walker and Wang.

Passed to Committee on Rules for second reading.

January 20, 1986

HB 1391 Prime Sponsor, Representatives Appelwick: Exempting hearing aids from sales and use taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hastings, Hine, Holland, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representative J. King.

Passed to Committee on Rules for second reading.

The House advanced to the eighth order of business.

MOTION

On motion of Mr. J. King, HOUSE BILL NO. 1350 was rereferred from Committee on Ways & Means to Committee on Rules for third reading.

STANDING COMMITTEE APPOINTMENT

The Speaker (Mr. O'Brien presiding) announced that Representative Bond would replace Representative S. Wilson on the Committee on Social and Health Services.

MOTION

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Thursday, January 23, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

ELEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, January 23, 1986

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Addison, Brekke, Grimm, Haugen, K. Wilson and S. Wilson. Representative Brekke was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Rose Sams and Matthew Inman. Prayer was offered by Reverend Richard Hart, Minister of the First Baptist Church of Olympia.

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

MESSAGE FROM THE SENATE

January 22, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3587,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTIONS AND FIRST READING

HB 1733 by Representatives McMullen, S. Wilson and P. King

AN ACT Relating to state lands; creating a new section; and providing an expiration date.

Referred to Committee on Natural Resources.

HB 1734 by Representatives Haugen, van Dyke, McMullen, Lundquist, Thomas and Kremen

AN ACT Relating to commercial fishing licenses; and amending RCW 75.28.014.

Referred to Committee on Natural Resources.

HB 1735 by Representatives Holland, Lux and Todd

AN ACT Relating to banks; amending RCW 30.08.140; adding new sections to chapter 30.04 RCW; and repealing RCW 30.04.200.

Referred to Committee on Financial Institutions & Insurance.

HB 1736 by Representatives J. Williams, Betzoff, Dobbs, Silver, May, Van Luven, Bond, Miller, Patrick and Walker

AN ACT Relating to driving abstracts; and amending RCW 46.52.130.

Referred to Committee on Financial Institutions & Insurance.

HB 1737 by Representatives Barnes, Barrett, Holland, Hastings, Ballard and Schoon

AN ACT Relating to retired teachers; and making an appropriation.

Referred to Committee on Ways & Means.

HB 1738 by Representative Vander Stoep

AN ACT Relating to community college employees; and amending RCW 28B.52.020, 28B.52.030, and 28B.52.060.

Referred to Committee on Commerce & Labor.

HB 1739 by Representatives Barnes, Barrett and Bond

AN ACT Relating to prevailing wages; and amending RCW 39.12.015.

Referred to Committee on Commerce & Labor.

HB 1740 by Representatives Barnes, Padden and Crane

AN ACT Relating to deeds of trust; and amending RCW 61.24.010.

Referred to Committee on Judiciary.

HB 1741 by Representatives R. King and Sommers

AN ACT Relating to the preservation and destruction of public records; and adding a new section to chapter 40.14 RCW.

Referred to Committee on State Government.

HB 1742 by Representatives R. King, Allen, Scott, Walk, K. Wilson, Wang, Jacobsen and P. King

AN ACT Relating to motor vehicle safety equipment; and adding a new section to chapter 43.19 RCW.

Referred to Committee on State Government.

HB 1743 by Representatives Nutley, Vander Stoep, Grimm, Hastings and Rust

AN ACT Relating to use tax collection; and amending RCW 82.12.040.

Referred to Committee on Ways & Means.

HB 1744 by Representative Madsen

AN ACT Relating to learning skills pilot projects; creating a new section; and making an appropriation.

Referred to Committee on Education.

HB 1745 by Representatives Madsen, Zellinsky, Fisher, Schmidt, Tanner, Wang and L. Smith

AN ACT Relating to nursing home auditing and cost reimbursement; and amending RCW 74.46.360.

Referred to Committee on Ways & Means.

HB 1746 by Representatives Madsen, Ballard and McMullen

AN ACT Relating to fire protection by fire protection districts, the department of natural resources, and the department of game on unprotected lands; amending RCW 52.12-.031, 52.12.111, 52.16.010, 77.12.210, and 77.12.230; and adding new sections to chapter 76.04 RCW.

Referred to Committee on Local Government.

HB 1747 by Representatives Vekich, Addison, Winsley, Brough, Silver, Isaacson, Hankins, Fisch and Jacobsen

AN ACT Relating to child custody; amending RCW 26.09.240; and adding a new section to chapter 11.02 RCW.

Referred to Committee on Judiciary.

HB 1748 by Representatives Berozoff, Lundquist, B. Williams, Allen, Silver, Miller, Brough, Sanders, J. Williams, Isaacson, Hankins, Ballard, May and Schoon

AN ACT Relating to exemptions from state civil service; and amending RCW 41.06.070.

Referred to Committee on State Government.

HB 1749 by Representatives Sutherland, Bristow, Zellinsky, Smitherman, Madsen, Tanner, Kremen, Haugen, Walk, Rayburn, Braddock, Crane, Day, Hargrove, Baugher, Valle, K. Wilson, Fisher, Sayan, Grimm, Basich, P. King, Sommers, Appelwick, Ebersole, Winsley, Todd, Padden, Bond, Hine, Barnes, Brough, Taylor, Hankins, Vander Stoep, van Dyke, L. Smith, Sanders, Lundquist, Long, Hastings, Barrett, S. Wilson, C. Smith, Lewis, Berozoff, Patrick,

Van Luven, Walker, Thomas, Allen, Chandler, Tilly, May, Doty, Isaacson, Addison, Vekich, Peery, G. Nelson, Fuhrman, J. Williams, Gallagher, Schmidt, Nealey, Scott, Leonard, Rust, Fisch, Miller, B. Williams, Schoon, Prince, Holland, West and Dellwo

AN ACT Relating to public assistance; and adding a new chapter to Title 74 RCW.

Referred to Committee on Social & Health Services.

HB 1750 by Representatives Locke, Niemi, Sommers, Patrick, Addison, Armstrong, Lux and P. King

AN ACT Relating to alcoholic beverage licensing; amending RCW 66.04.010 and 66.24.370; and adding a new section to chapter 66.24 RCW.

Referred to Committee on Commerce & Labor.

HB 1751 by Representatives Sanders, Grimm, Tilly, Miller, Barnes, Jacobsen and Haugen

AN ACT Relating to retail sales and use taxation; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

HB 1752 by Representatives Smitherman, Zellinsky, Fisher and Gallagher

AN ACT Relating to sales and use taxation for the clean-up of Puget Sound; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing for submission of this act to a vote of the people.

Referred to Committee on Ways & Means.

HB 1753 by Representatives Prince, Nealey, Allen, Belcher, Hankins, Jacobsen, Unsoeld, Braddock, Lux, Silver and Betrozoff

AN ACT Relating to property tax exemptions for homes for the aged; and amending RCW 84.36.040.

Referred to Committee on Ways & Means.

HB 1754 by Representatives Tanner, Sanders, Long, Peery and P. King

AN ACT Relating to economic development; and adding a new chapter to Title 50 RCW.

Referred to Committee on Commerce & Labor.

HB 1755 by Representatives Tanner and Peery

AN ACT Relating to tuition and fees at community colleges; and reenacting and amending RCW 28B.15.100.

Referred to Committee on Higher Education.

HB 1756 by Representatives Haugen, Brough, Allen, Scott, May, S. Wilson, van Dyke, Long, Betrozoff and Lundquist

AN ACT Relating to local government and state government tort liability; amending RCW 4.22.030; adding a new section to chapter 4.92 RCW; adding a new section to chapter 4.96 RCW; creating a new section; and repealing RCW 4.92.090 and 4.96.010.

Referred to Committee on Judiciary.

HB 1757 by Representatives Locke, Walker, Nutley, Winsley, Lux, Miller, Wang, Niemi, Leonard, Jacobsen and Unsoeld; by request of Governor Gardner

AN ACT Relating to insurance coverage for injuries and illnesses at day care centers; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; adding a new section to chapter 48.44 RCW; and adding a new section to chapter 48.46 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1758 by Representatives Belcher, Hankins, Baugher, Brooks and Lewis; by request of Governor Gardner

AN ACT Relating to consolidating the administrative functions of state licensing programs; amending RCW 18.04.025, 18.04.045, 18.04.105, 18.04.195, 18.04.205, 18.04.215, 18.04.320, 18.04.335, 18.04.350, 18.64.005, 18.64.007, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.080, 18.64.140, 68.05.020, 68.05.070, 68.05.090, 68.05.100, 68.05.130, 68.05.140, 68.05.150, 68.05.160, 68.05.180, 68.05.190, 68.05.200, 68.05.210, 68.05.220, 68.05.230, 68.05.255, 68.05.257, and 68.05.270; adding new sections to chapter 18.04 RCW; adding a new section to chapter 18.64 RCW; adding a new section to chapter 68.05 RCW; creating new sections; and repealing RCW 18.04.065.

Referred to Committee on State Government.

HB 1759 by Representatives Locke, Niemi, Belcher, Vekich, Appelwick, Jacobsen, Todd, Allen, Wineberry and Armstrong

AN ACT Relating to the housing trust fund; amending RCW 18.44.070, 59.18.270, and 18.85.310; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1760 by Representatives Walk and Gallagher

AN ACT Relating to vehicle inspection fees; and amending RCW 46.12.040.

Referred to Committee on Transportation.

HB 1761 by Representatives Walk and Gallagher

AN ACT Relating to funding the state patrol highway account; adding a new section to chapter 46.16 RCW; and adding a new section to chapter 81.80 RCW.

Referred to Committee on Transportation.

HB 1762 by Representatives Hargrove, Smitherman, McMullen, Zellinsky, R. King, Valle, Fisch and Lundquist

AN ACT Relating to vessel pilots; amending RCW 88.16.090, 88.16.100, and 88.16.103; and prescribing penalties.

Referred to Committee on Transportation.

HB 1763 by Representatives Walk, Schmidt and Gallagher; by request of State Patrol

AN ACT Relating to motor vehicle inspection; and amending RCW 46.32.010, 46.32.020, 46.32.030, 46.32.040, 46.32.050, 46.32.060, and 46.32.070.

Referred to Committee on Transportation.

HB 1764 by Representatives Walk, Schmidt and Gallagher; by request of State Patrol

AN ACT Relating to hazardous materials liability; amending RCW 70.136.020, 70.136.030, and 70.136.050; adding a new section to chapter 4.24 RCW; and adding a new section to chapter 70.136 RCW.

Referred to Committee on Transportation.

HB 1765 by Representatives Braddock and Brekke; by request of Department of Social and Health Services

AN ACT Relating to eligibility for assistance of incapacitated ineligible spouses of supplemental security income; and amending RCW 74.04.005, 74.09.010, and 74.09.035.

Referred to Committee on Ways & Means.

HB 1766 by Representatives McMullen, Grimm and Unsoeld

AN ACT Relating to community revitalization; amending RCW 43.160.060 and 43.160.070; and reenacting and amending RCW 43.160.030.

Referred to Committee on Trade & Economic Development.

HB 1767 by Representatives McMullen and Braddock

AN ACT Relating to the data processing authority; and adding new sections to chapter 43.131 RCW.

Referred to Committee on State Government.

- HB 1768 by Representatives McMullen, Vekich, Haugen, Unsoeld, Jacobsen and P. King
AN ACT Relating to museum districts; reenacting and amending RCW 84.52.052; and adding a new chapter to Title 27 RCW.
Referred to Committee on Local Government.
- HB 1769 by Representatives Winsley and Zellinsky
AN ACT Relating to insurance; and amending RCW 48.21.270.
Referred to Committee on Financial Institutions & Insurance.
- HB 1770 by Representatives Prince, Schmidt and Walk
AN ACT Relating to the payment of motor vehicle funds to cities and towns; and amending RCW 46.68.110.
Referred to Committee on Transportation.
- HB 1771 by Representatives McMullen and Braddock
AN ACT Relating to the acquisition of automatic data processing equipment; amending RCW 43.105.041; and creating a new section.
Referred to Committee on State Government.
- HB 1772 by Representatives Lux, Belcher, B. Williams, Winsley, Long, Kremen, May and Schoon
AN ACT Relating to agency mailing; and creating a new section.
Referred to Committee on State Government.
- HB 1773 by Representatives Lux, Rust, Leonard and Cole
AN ACT Relating to the prevention of air pollution by motor vehicles; and adding a new section to chapter 46.61 RCW.
Referred to Committee on Environmental Affairs.
- HB 1774 by Representative Lux
AN ACT Relating to waiver of the one hundred six percent property tax limitation by local governments; and amending RCW 84.55.050.
Referred to Committee on State Government.
- HB 1775 by Representatives Prince, J. Williams, May, Schoon and Lundquist
AN ACT Relating to exempt employees of the department of transportation; and amending RCW 41.06.079.
Referred to Committee on Transportation.
- HB 1776 by Representatives Scott, Ballard, Brooks, Zellinsky, R. King, J. King, Day, Leonard, Tanner, Lux, Lewis, Braddock, Dobbs, Winsley, Brekke, West, Kremen and Sayan
AN ACT Relating to emergency medical program directors; amending RCW 18.71-.205, 18.71.210, and 18.71.215; adding new sections to chapter 18.71 RCW; and declaring an emergency.
Referred to Committee on Social & Health Services.
- HB 1777 by Representatives Scott, Allen, S. Wilson, Hine, R. King, Zellinsky, Haugen, K. Wilson, P. King, Long and G. Nelson
AN ACT Relating to local government tort liability; adding new sections to chapter 4.96 RCW; and repealing RCW 4.96.010.
Referred to Committee on Financial Institutions & Insurance.
- HB 1778 by Representative Allen
AN ACT Relating to the distribution of moneys in the liquor revolving fund; amending RCW 66.08.180 and 68.08.107; and providing an effective date.
Referred to Committee on Ways & Means.
- HB 1779 by Representative Grimm

AN ACT Relating to public utility tax deductions; and repealing RCW 82.16.055.

Referred to Committee on Energy & Utilities.

HB 1780 by Representatives Valle and Barrett

AN ACT Relating to the administration of sedation and general anesthesia by persons licensed under chapter 18.32 RCW; amending RCW 18.32.640; and declaring an emergency.

Referred to Committee on Social & Health Services.

HB 1781 by Representative Wang

AN ACT Relating to contractor bonds; and amending RCW 18.27.010, 18.27.040, and 18.27.080.

Referred to Committee on Commerce & Labor.

HB 1782 by Representatives Wang, R. King, Lux, Wineberry and Dellwo

AN ACT Relating to the interception of telephone communications; amending RCW 9.73.060 and 9.73.070; and adding a new section to chapter 9.73 RCW.

Referred to Committee on Commerce & Labor.

HB 1783 by Representatives R. King, Wang, Chandler, Patrick, Lux and Cole; by request of Joint Select Committee on Industrial Insurance

AN ACT Relating to securing the obligations of self-insured employers; amending RCW 51.14.020, 51.14.060, and 51.14.070; adding a new section to chapter 51.14 RCW; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Commerce & Labor.

HB 1784 by Representatives Day, Vander Stoep, Dellwo, van Dyke, Addison, Wineberry and Tanner

AN ACT Relating to the registration of securities; and amending RCW 21.20.280.

Referred to Committee on Financial Institutions & Insurance.

HB 1785 by Representatives Day, Taylor, Dellwo, Peery, Silver, Vekich, Wineberry, Tanner, Winsley, Sanders and P. King

AN ACT Relating to hotels, motels, boarding houses, or lodging houses; and amending RCW 4.24.230.

Referred to Committee on Judiciary.

HB 1786 by Representatives Unsoeld, Belcher, Allen, Vekich, Miller and Sayan

AN ACT Relating to the creation of the twenty-fourth community college district; amending RCW 28B.50.040; creating new sections; providing an effective date; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1787 by Representatives Unsoeld, Allen, Rust, Miller, Hine, Brough, May and Nutley

AN ACT Relating to industrial wastewater treatment standards; and amending RCW 90.48.470.

Referred to Committee on Environmental Affairs.

HB 1788 by Representatives Unsoeld, J. King, Jacobsen, Smitherman, Brekke, Day, Kremen, Sutherland, Grimm, Belcher, D. Nelson, Bristow, Leonard, Tanner, Braddock, Lux, Sommers, Madsen, McMullen, Vekich, Wineberry and Lewis

AN ACT Relating to voluntary work supplementation; adding a new chapter to Title 70 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Social & Health Services.

HB 1789 by Representatives Unsoeld, Grimm, Belcher, Vekich, Basich, Leonard, D. Nelson, R. King, Fisch, Rayburn, Baugher, Dellwo, Ebersole, Winsley, Miller, Allen, Wineberry, McMullen, Niemi, G. Nelson, Jacobsen, Gallagher, Todd and P. King

AN ACT Relating to public retirement allowances; adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

HB 1790 by Representatives Unsoeld, Grimm, Belcher, Vekich, Cole, Scott, Basich, Leonard, D. Nelson, Fisch, Rayburn, Baugher, Dellwo, Ebersole, Winsley, Allen, McMullen, Niemi, G. Nelson, Jacobsen, Gallagher and P. King

AN ACT Relating to cost-of-living adjustments for retired public employees; adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

HB 1791 by Representatives Unsoeld, Grimm, Belcher, Cole, Scott, Basich, Leonard, D. Nelson, R. King, Fisch, Rayburn, Baugher, Dellwo, Ebersole, Winsley, Allen, McMullen, Niemi, G. Nelson and Jacobsen

AN ACT Relating to cost-of-living adjustments for retired public employees; adding a new section to chapter 41.32 RCW; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Ways & Means.

HB 1792 by Representative P. King

AN ACT Relating to deeds of trust; and amending RCW 61.24.010, 61.24.030, 61.24.040, and 61.24.050.

Referred to Committee on Judiciary.

HB 1793 by Representatives Armstrong, McMullen and Crane

AN ACT Relating to court approval of plaintiff and defendant attorney fees; amending RCW 4.84.010; and adding a new section to chapter 4.84 RCW.

Referred to Committee on Judiciary.

HB 1794 by Representatives Vekich, Long and Belcher

AN ACT Relating to credit reporting; and adding a new chapter to Title 19 RCW.

Referred to Committee on Judiciary.

HB 1795 by Representatives Belcher, Long, Thomas, Wineberry, Armstrong and Brough

AN ACT Relating to information in child support orders; and amending RCW 26.09.135, 26.21.125, and 26.26.132.

Referred to Committee on Judiciary.

HB 1796 by Representatives Armstrong, Belcher and Wineberry

AN ACT Relating to judgment liens for child support; amending RCW 4.56.200; and adding new sections to chapter 4.56 RCW.

Referred to Committee on Judiciary.

HB 1797 by Representatives Armstrong and P. King

AN ACT Relating to child support; and amending RCW 26.09.100 and 26.09.170.

Referred to Committee on Judiciary.

HB 1798 by Representatives Armstrong, Belcher, Wineberry, Long and Jacobsen

AN ACT Relating to setoff of lottery prizes for child support debts; and adding a new section to chapter 67.70 RCW.

Referred to Committee on Judiciary.

HB 1799 by Representatives Armstrong and G. Nelson

AN ACT Relating to advisory panels in personal injury actions; and adding a new section to chapter 7.70 RCW.

Referred to Committee on Judiciary.

HB 1800 by Representatives Dellwo, Day, Haugen, Silver and May

AN ACT Relating to the definition of industrial development facilities for purposes of revenue bond financing; amending RCW 39.84.020; and declaring an emergency.

Referred to Committee on Trade & Economic Development.

HB 1801 by Representatives Sommers, Grimm, Ebersole, Miller, Betrozoff, Basich, Wineberry, Long and Wang; by request of Board for Community College Education

AN ACT Relating to adult literacy; adding new sections to chapter 28A.03 RCW; making an appropriation; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1802 by Representatives Wang, Patrick, R. King, Lux, Fisch, Fisher, Cole, Winsley, Sutherland, Holland, Jacobsen and Todd; by request of Department of Employment Security

AN ACT Relating to marginal labor force attachment; amending RCW 50.20.015; creating a new section; repealing RCW 50.20.016 and 50.20.017; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1803 by Representative J. King

AN ACT Relating to nursing homes; and amending RCW 74.09.532, 74.09.536, and 74.09.538.

Referred to Committee on Ways & Means.

HB 1804 by Representative Vander Stoep

AN ACT Relating to port districts; adding new sections to chapter 53.04 RCW; and providing an expiration date.

Referred to Committee on Local Government.

HB 1805 by Representatives Jacobsen, Belcher and Sanders

AN ACT Relating to public printing; and amending RCW 43.78.030.

Referred to Committee on State Government.

HB 1806 by Representatives Jacobsen, Hine, Sommers, Miller, Allen and P. King

AN ACT Relating to Puget Sound; establishing a Puget Sound institute; adding a new chapter to Title 90 RCW; creating a new section; making an appropriation; and declaring an emergency.

Referred to Committee on Higher Education.

HB 1807 by Representatives Vekich, McMullen, Lundquist, Kremen, Haugen, Madsen, Hargrove, Bristow, Baugher, Schmidt, Fuhrman and P. King

AN ACT Relating to preferences for Washington wood and wood products in public construction projects; adding a new section to chapter 39.24 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1808 by Representatives Vekich, Lundquist, Thomas, Haugen, Madsen, Hargrove, Bristow, Baugher, Schmidt, Belcher and Schoon

AN ACT Relating to requiring the construction of public buildings from wood; adding a new section to chapter 39.24 RCW; and creating a new section.

Referred to Committee on Trade & Economic Development.

HB 1809 by Representatives Hargrove, Padden, McMullen, Fuhrman, Patrick, Holland, Isaacson and Lundquist

AN ACT Relating to prohibiting causes of action for wrongful life and wrongful birth; prohibiting a defense, an award of damages, or a penalty based on the failure or refusal to prevent a live birth; and adding new sections to chapter 4.24 RCW.

Referred to Committee on Social & Health Services.

HB 1810 by Representative P. King

AN ACT Relating to library districts; and adding a new section to chapter 27.12 RCW.

Referred to Committee on Local Government.

HB 1811 by Representatives Unsoeld, Bristow, Vander Stoep, Tilly and Vekich

AN ACT Relating to a one-year increase in the nine dollar and fifteen cents per thousand dollars of assessed valuation property tax limitation.

Referred to Committee on Rules.

HB 1812 by Representatives Van Luven, P. King, Rayburn, Padden, Cole, Locke, West, Hargrove, Lewis, Miller, Winsley, Long, Fuhrman, Patrick, Jacobsen and May

AN ACT Relating to sex offenses; and adding a new section to chapter 10.98 RCW.

Referred to Committee on Social & Health Services.

HB 1813 by Representatives Van Luven, Appelwick, Niemi, Schoon, Lewis, Hargrove, Wang, Crane, Padden, West, Schmidt, Locke, P. King, Tilly, G. Nelson, Scott, Armstrong, Wineberry, Miller, Winsley, Brough, Sanders, Long, Silver, Fuhrman, Patrick, Holland, Thomas, Isaacson, Hastings, C. Smith, Ballard and May

AN ACT Relating to drug pusher liability; and adding a new section to chapter 69.50 RCW.

Referred to Committee on Judiciary.

HB 1814 by Representatives Day, West, Tanner and Ballard

AN ACT Relating to unallowable costs; and amending RCW 74.46.410.

Referred to Committee on Ways & Means.

HB 1815 by Representatives Ebersole, Crane, Walk, Patrick, Lundquist, Prince, Brough, Wang, Hankins, Isaacson, S. Wilson, Taylor, Tilly and Sanders

AN ACT Relating to special parking privileges for disabled persons; and amending RCW 46.16.381.

Referred to Committee on Transportation.

HB 1816 by Representatives R. King, Fisher and Patrick

AN ACT Relating to contractor payments; and amending RCW 74.46.180.

Referred to Committee on Commerce & Labor.

HB 1817 by Representatives Lux, Zellinsky, Winsley, Silver, Nutley, Holland, Locke, Crane and Barrett

AN ACT Relating to banks and trust companies; amending RCW 30.04.030, 30.04.075, 30.04.112, 30.04.120, 30.04.130, 30.04.140, 30.04.180, 30.04.200, 30.04.210, 30.04.215, 30.04.238, 30.04.380, 30.04.390, 30.04.405, 30.08.010, 30.08.020, 30.08.050, 30.08.060, 30.08.070, 30.08.082, 30.08.084, 30.08.086, 30.08.087, 30.08.088, 30.08.090, 30.08.140, 30.12.010, 30.12.020, 30.12.030, 30.12.050, 30.12.110, 30.20.060, 30.40.020, 30.04.550, 30.04.555, 30.04.560, 30.49.010, 30.43.010, and 30.49.040; adding new sections to chapter 30.04 RCW; adding new sections to chapter 30.08 RCW; adding new sections to chapter 30.12 RCW; creating a new section; and repealing RCW 30.04.040, 30.04.100, 30.04.110, 30.04.122, 30.04.124, 30.04.126, 30.04.128, 30.04.160, 30.04.170, 30.04.190, 30.04.340, 30.04.350, 30.04.360, 30.12.080, 30.12.140, 30.12.150, 30.12.160, 30.12.170, 30.12.200, 30.12.210, 30.20.070, 30.20.080, and 30.40.060.

Referred to Committee on Financial Institutions & Insurance.

HB 1818 by Representatives Schmidt, Zellinsky, Walk, Lundquist, Thomas, S. Wilson, Smitherman, May and Schoon

AN ACT Relating to the purchase of fuel for ferry vessels; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Transportation.

HB 1819 by Representatives Dellwo, Appelwick, Lewis and P. King

AN ACT Relating to limitations of actions; and amending RCW 4.16.100.

Referred to Committee on Judiciary.

HB 1820 by Representative McMullen

AN ACT Relating to the superior courts of San Juan and Island counties; and amending RCW 2.08.065.

Referred to Committee on Judiciary.

HB 1821 by Representatives Vekich, McMullen, Sutherland, Niemi, Sanders, Peery and Nutley

AN ACT Relating to motor vehicle license plate replacement; and repealing RCW 46.16.275.

Referred to Committee on Transportation.

HB 1822 by Representatives Appelwick and P. King

AN ACT Relating to judges pro tempore of the court of appeals; creating a new section; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1823 by Representatives Sayan, Day, P. King, Winsley, Valle, Vander Stoep, Grimm, Long, Peery, Jacobsen and Sommers

AN ACT Relating to minimum retirement allowances under the teachers' retirement system; and amending RCW 41.32.485.

Referred to Committee on Ways & Means.

HB 1824 by Representatives Valle, Brooks, Bristow, Braddock, Rayburn, Baugher, Day, Gallagher, Leonard, Lewis, Dellwo, Ballard, Armstrong, J. King, Vekich, Nutley, Crane, Winsley, Scott, Smitherman, D. Nelson, Hine, Lux, Tanner and P. King

AN ACT Relating to the department of public health and environment; amending RCW 43.17.010, 43.17.020, 17.21.230, 28B.20.456, 43.21A.010, 43.21A.020, 43.21A.030, 43.21A.040, 43.21A.050, 43.21A.060, 43.21A.070, 43.21A.080, 43.21A.100, 43.21A.200, 43.20A.010, 43.20A.030, 43.20A.060, 43.20A.140, 43.20A.360, 43.131.213, and 43.131.214; reenacting and amending RCW 43.20.030; adding new sections to chapter 43.21A RCW; creating a new section; repealing RCW 43.20A.600, 43.20A.615, 43.20A.620, 43.20A.625, 43.20A.630, 43.20A.635, 43.20A.640, 43.20A.645, 43.20A.650, 43.20A.655, 43.20A.665, and 43.21A.140; and providing an effective date.

Referred to Committee on Social & Health Services.

HB 1825 by Representatives Vekich, Basich, McMullen, Peery and May; by request of Department of Community Development

AN ACT Relating to tourism in distressed areas; and amending RCW 67.28.210.

Referred to Committee on Trade & Economic Development.

HB 1826 by Representative Grimm

AN ACT Relating to state funds and accounts; amending RCW 43.19.500, 43.19.1923, and 43.105.080; adding a new section to chapter 43.19 RCW; creating a new section; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1827 by Representatives Valle, Appelwick, Hastings and Lundquist

AN ACT Relating to the property taxation of ships and vessels; amending RCW 84.36.080 and 84.08.200; adding a new section to chapter 84.40 RCW; and creating a new section.

Referred to Committee on Ways & Means.

HB 1828 by Representative Ballard

AN ACT Relating to midwifery; and adding new sections to chapter 18.50 RCW.

Referred to Committee on Social & Health Services.

HB 1829 by Representatives Ebersole, Betrozoff, Taylor, Rayburn, Appelwick, Walker, Cole, Holland, Valle, Winsley, Long, May and Schoon; by request of Superintendent of Public Instruction

AN ACT Relating to the study of categorical instructional services for students with special needs; creating a new section; and making an appropriation.

Referred to Committee on Education.

HB 1830 by Representatives Ebersole, Holland and Cole; by request of Superintendent of Public Instruction

AN ACT Relating to common school capital projects; authorizing the issuance of general obligation bonds; adding new sections to chapter 28A.47 RCW; and declaring an emergency.

Referred to Committee on Education.

HB 1831 by Representatives Wang, Taylor, Ebersole, Long, Holland and Betrozoff; by request of Superintendent of Public Instruction

AN ACT Relating to the study of teacher evaluation standards and models; and amending RCW 28A.67.225.

Referred to Committee on Education.

HB 1832 by Representatives Lux, Locke and Wang

AN ACT Relating to property and casualty insurance rates; amending RCW 48.19.030; and adding a new section to chapter 48.19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1833 by Representatives Lux, Wang and Appelwick

AN ACT Relating to unfair practices in insurance; and adding a new section to chapter 48.30 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1834 by Representatives Appelwick, Hastings and L. Smith

AN ACT Relating to the business and occupation tax on wholesalers; amending RCW 82.04.270; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1835 by Representatives Rust and Brooks

AN ACT Relating to special education; and adding a new section to chapter 28A.13 RCW.

Referred to Committee on Education.

HB 1836 by Representatives J. Williams, Zellinsky, Miller, Smitherman, Sanders, Van Luven, Doty and Isaacson

AN ACT Relating to watercraft; amending RCW 82.49.010, 82.49.030, and 88.02.030; adding new sections to chapter 82.49 RCW; adding a new section to chapter 88.02 RCW; creating a new section; repealing RCW 82.49.040, 82.49.050, 82.49.060, and 82.49.070; and providing an effective date.

Referred to Committee on Ways & Means.

HB 1837 by Representatives Hine, Grimm, McMullen and G. Nelson

AN ACT Relating to cost-of-living adjustments for retired teachers; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways & Means.

HB 1838 by Representatives Barnes and Fisher

AN ACT Relating to campaign financing disclosure; and amending RCW 42.17.090 and 42.17.510.

Referred to Committee on Constitution, Elections & Ethics.

HB 1839 by Representatives Sutherland, Lundquist, K. Wilson, Basich, McMullen, J. Williams, Peery, Fisch, S. Wilson, Kremen and P. King

AN ACT Relating to the board of natural resources; and amending RCW 43.30.040 and 43.30.150.

Referred to Committee on Natural Resources.

HB 1840 by Representatives Jacobsen, Patrick and Hine

AN ACT Relating to governmental deferred compensation plans; amending RCW 39.36.030; and adding a new section to chapter 41.04 RCW.

Referred to Committee on Local Government.

HB 1841 by Representatives Todd, Brough and Hine

AN ACT Relating to county enforcement of land use and public health ordinances and rules and providing for the priority and manner of foreclosure of liens which secure civil penalties and abatement costs; and adding new sections to chapter 36.32 RCW.

Referred to Committee on Local Government.

HB 1842 by Representatives Rust, Allen and Unsoeld; by request of Department of Ecology

AN ACT Relating to hazardous waste fees; and amending RCW 70.105A.020, 70.105A.030, and 70.105A.040.

Referred to Committee on Environmental Affairs.

HB 1843 by Representatives Hastings and Tilly

AN ACT Relating to compensation for collection of sales and use taxes; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

HB 1844 by Representatives Locke, Winsley, Prince, Zellinsky, Crane, Barrett, West and May

AN ACT Relating to underinsured motorist coverage; and amending RCW 48.22.030.

Referred to Committee on Financial Institutions & Insurance.

HB 1845 by Representatives Basich, Haugen, Kremen, Lundquist, Fisch and Vekich

AN ACT Relating to retail sales and use taxation of diesel fuel; adding a new section to chapter 82.08 RCW; and adding a new section to chapter 82.12 RCW.

Referred to Committee on Ways & Means.

HB 1846 by Representatives Sutherland, Crane, May, Appelwick, C. Smith, Fisch, Gallagher, Ebersole, Long, Hastings, B. Williams, Holland, Tanner, Lux, Thomas, Braddock, Fisher, K. Wilson, L. Smith, Schmidt and Peery

AN ACT Relating to excise taxation of warehouses; and amending RCW 82.16.010 and 82.04.280.

Referred to Committee on Ways & Means.

HB 1847 by Representatives Ebersole, Smitherman and Sanders

AN ACT Relating to taxation of multiple-unit housing; and adding a new chapter to Title 84 RCW.

Referred to Committee on Trade & Economic Development.

HB 1848 by Representatives Ebersole, Smitherman and Sanders

AN ACT Relating to taxation of rehabilitated residential property; and adding a new chapter to Title 84 RCW.

Referred to Committee on Trade & Economic Development.

HB 1849 by Representatives Tilly and Armstrong; by request of Attorney General

AN ACT Relating to charitable solicitations; amending RCW 19.09.075, 19.09.079, 19.09.085, 19.09.100, and 19.09.275; adding a new section to chapter 19.09 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1850 by Representatives Ebersole and Walker

AN ACT Relating to cigarette sales; amending RCW 19.91.010 and 19.91.020; repealing RCW 19.91.911; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1851 by Representatives Bristow, Appelwick, B. Williams, J. King, Ebersole, Sutherland, Tilly, L. Smith, Silver, Ballard and Fuhrman

AN ACT Relating to excise taxation of ingredients, components, and chemicals used in processing; and amending RCW 82.04.050 and 82.04.190.

Referred to Committee on Ways & Means.

HB 1852 by Representative Wang

AN ACT Relating to collective bargaining; amending RCW 41.56.020 and 41.56.030; adding a new section to chapter 41.56 RCW; and making an appropriation.

Referred to Committee on Commerce & Labor.

HB 1853 by Representative Tanner; by request of Governor Gardner

AN ACT Relating to the department of services for the blind and the deaf; amending RCW 74.18.010, 74.18.020, 74.18.030, 74.18.040, 74.18.060, 74.18.090, 74.18.110, 74.18.190, 74.18.900, and 74.09.720; creating new sections; repealing RCW 72.40.115; and providing an effective date.

Referred to Committee on State Government.

HB 1854 by Representatives Ebersole, Holland and Betrozoff; by request of Superintendent of Public Instruction and State Board for Community College Education

AN ACT Relating to vocational education; amending RCW 28C.04.020, 28C.04.030, 28C.04.040, 28C.04.050, 28C.04.060, 28C.04.150, 28C.04.200, 28C.04.410, 28C.04.420, 28C.04.430, 28C.04.440, 28C.04.460, 28C.04.470, 28C.04.530, 28C.04.535, 28C.04.540, 28C.04.550, 28B.05.030, 28B.05.050, and 28B.05.130; adding new sections to chapter 28C.04 RCW; creating a new section; repealing RCW 28C.04.080, 28C.04.230, 28C.04.300, 28C.04.310, 28C.04.500, 28C.04.510, 43.131.287, and 43.131.288; and providing an effective date.

Referred to Committee on Higher Education.

HB 1855 by Representatives Hargrove, Fisch, Zellinsky, Walk, Bristow and Sutherland

AN ACT Relating to vehicle size restrictions; and amending RCW 46.44.090.

Referred to Committee on Transportation.

HB 1856 by Representatives Armstrong and Appelwick

AN ACT Relating to waiver of the physician-patient privilege against examination in personal injury or wrongful death actions; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

HB 1857 by Representatives Rust and Wang

AN ACT Relating to findings of fact and verdicts in personal injury and wrongful death actions; and adding a new section to chapter 4.44 RCW.

Referred to Committee on Judiciary.

HB 1858 by Representatives Armstrong and Hargrove

AN ACT Relating to the limitation of actions arising at birth or during prenatal care; and amending RCW 4.16.350.

Referred to Committee on Judiciary.

HB 1859 by Representatives Armstrong, Hine, Appelwick, Grimm and McMullen

AN ACT Relating to local government administration of criminal laws; amending RCW 82.46.010; adding new sections to chapter 2.56 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1860 by Representatives Sanders, Grimm, Tilly, Belcher, J. King and G. Nelson

AN ACT Relating to agency leases; and adding new sections to chapter 43.88 RCW.

Referred to Committee on State Government.

HB 1861 by Representatives R. King and Wang

AN ACT Relating to industrial insurance injuries; and amending RCW 51.32.080.

Referred to Committee on Commerce & Labor.

HB 1862 by Representative Wang

AN ACT Relating to unemployment compensation benefits; and amending RCW 50.20.090.

Referred to Committee on Commerce & Labor.

HJM 32 by Representatives Zellinsky, Smitherman, Hargrove, McMullen, Valle, Fisch and Kremen

Requesting concurrent state and federal jurisdiction over pilot discipline.

Referred to Committee on Transportation.

HJM 33 by Representatives Sutherland, Long, Valle, Crane and Peery

Requesting by Joint Memorial that amendments to the Nuclear Waste Policy Act require the U.S. Department of Energy to select the best nuclear waste repository site from among all potential geologic media.

Referred to Committee on Energy & Utilities.

HJM 34 by Representatives J. King, S. Wilson, Wang and Kremen

Requesting federal enactment of legislation to provide additional customs inspectors for the West Coast.

Referred to Committee on Trade & Economic Development.

HJM 35 by Representatives J. King and S. Wilson

Requesting that U.S. Congress establish satellite remote sensing receiving station in Hawaii and allocate funds for purchase of oceanographic color display.

Referred to Committee on Trade & Economic Development.

HJM 36 by Representatives J. King and S. Wilson

Requesting that the National Oceanic and Atmospheric Administration restore weather satellite coverage to mid-Pacific.

Referred to Committee on Trade & Economic Development.

HJR 57 by Representatives Grimm, Tilly, Long and Sommers

Requiring funding of statutes granting increases in public retirement benefits.

Referred to Committee on Ways & Means.

HJR 58 by Representatives Fisher, S. Wilson, Leonard, Barrett, Haugen, Sommers, Zellinsky, Miller, Barnes, Day, Nealey, Walker, Fisch, Madsen, Winsley, Long, Patrick, Crane, May and Schoon

Lengthening legislative terms.

Referred to Committee on Constitution, Elections & Ethics.

ESSB 3587 by Committee on Education (originally sponsored by Senator Goltz)

Authorizing the selection of students to attend a compact-authorized program in osteopathic medicine.

Referred to Committee on Higher Education.

MOTION

On motion of Mr. Appelwick, the bills, memorials and resolutions listed on today's Introduction of Bills were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

January 21, 1986

HB 1397 Prime Sponsor, Representative Walk: Authorizing deposit of fees for accident report information in state patrol account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Kremen, Lundquist, Patrick, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams and K. Wilson.

Absent: Representatives Baugher, Haugen, McMullen and Zellinsky.

Passed to Committee on Rules for second reading.

January 21, 1986

HB 1402 Prime Sponsor, Representative Walk: Authorizing state patrol vehicle safety checks. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Betzoff, Brough, Fisch, Gallagher, Hankins, Lundquist, Patrick, Schmidt, C. Smith, Sutherland, Tanner, Van Luven, K. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Wineberry, Vice Chair; Fisher, Kremen and Thomas

Voting nay: Representatives Wineberry, Vice Chair; Fisher, Kremen, Prince and Thomas.

Absent: Representatives Bond, McMullen, Valle and J. Williams.

Passed to Committee on Rules for second reading.

January 22, 1986

HB 1407 Prime Sponsor, Representative Haugen: Authorizing sewer or water districts to expend funds for information for residents of areas proposed for annexation. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Passed to Committee on Rules for second reading.

January 22, 1986

HB 1520 Prime Sponsor, Representative Sommers: Removing the requirement that the regional universities and TESC's extension departments be assigned territories. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Allen, Basich, Hastings, Miller, D. Nelson, G. Nelson, Prince, Silver, Unsoeld, Vander Stoep, K. Wilson and Wineberry.

Absent: Representatives Jacobsen, Vice Chair and Belcher.

Passed to Committee on Rules for second reading.

The House advanced to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1348, by Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Fisher, P. King and Unsoeld)

Altering procedures for applying for and casting certain ballots.

The bill was read the third time and placed on final passage.

Representatives Fisher and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1348, and the bill passed the House by the following vote: Yeas, 92; absent, 5; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives Addison, Grimm, Haugen, Wilson K, Wilson S - 5.

Excused: Representative Brekke - 1.

Substitute House Bill No. 1348, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Addison, Haugen and S. Wilson appeared at the bar of the House.

HOUSE BILL NO. 1377, by Representatives Wang, Cole, O'Brien, Ebersole, Patrick, Sayan, Fisher, Fisch, R. King and Belcher

Modifying the employments covered by workers compensation.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1377, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives Grimm, Wilson K - 2.

Excused: Representative Brekke - 1.

House Bill No. 1377, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative K. Wilson appeared at the bar of the House.

HOUSE BILL NO. 1378, by Representatives Wang, Patrick, R. King, Cole, O'Brien, Chandler, Ebersole, Sayan, Fisher, J. Williams, Fisch and P. King

Prohibiting specified control of language by liquor control board.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1378, and the bill passed the House by the following vote: Yeas, 84; nays, 12; absent, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Berozoff, Braddock, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Hankins, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smitherman, Sommers, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Bond, Bristow, Dobbs, Fuhrman, Hargrove, Lundquist, Nealey, Smith L, Sutherland, Tilly, van Dyke, Van Luven - 12.

Absent: Representative Grimm - 1.

Excused: Representative Brekke - 1.

House Bill No. 1378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. J. King, the House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 308, by Representatives Winsley, Ebersole, Walker and Day

Relating to municipal incorporation proceedings and elections.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 308 was substituted for House Bill No. 308, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 308 was read the second time.

Mr. Zellinsky moved adoption of the following amendment:

On page 6, line 10 after "section," insert "If the vote in favor of the incorporation receives forty percent or less of the total vote on the question of incorporation, no new election on the question of incorporation for the area or any portion of the area proposed to be incorporated may be held for a period of three years from the date of the election in which the incorporation failed."

Representatives Zellinsky, Wineberry and Haugen spoke in favor of the amendment, and Ms. Allen spoke against it.

The amendment was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

Representative Grimm appeared at the bar of the House.

HOUSE BILL NO. 557, by Representative Haugen

Specifying powers of certain special districts.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 557 was substituted for House Bill No. 557, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 557 was read the second time.

Mr. B. Williams moved adoption of the following amendment:

On page 9, after line 30, insert the following:

NEW SECTION, Sec. 19. A new section is added to chapter 85.38 RCW to read as follows:

(1) A special district must use a competitive bidding procedure to purchase materials, supplies or equipment, in excess of four thousand five hundred dollars in value. Contracts for purchases in excess of ten thousand dollars must be made by a formal sealed bid procedure. Contracts for purchases of ten thousand dollars or less may be awarded after obtaining bids from at least three different sources made in writing or by telephone, and recorded for public perusal to assure establishment of a competitive price for such purchase.

(2) Contracts for public works projects must be awarded by competitive bidding. Contracts for public works projects in excess of ten thousand dollars must be made by a formal sealed bid procedure. Contracts for public works of ten thousand dollars or less may be awarded after obtaining bids from at least three different sources made in writing or by telephone, and recorded for public perusal to assure establishment of a competitive price for such work.

(3) Requirements for competitive bidding may be dispensed with in the case of an actual emergency, as declared by the governing body, that presents an immediate threat to life or property."

Renumber the sections consecutively and correct any internal references accordingly.

Mr. B. Williams spoke in favor of the amendment, and Ms. Haugen spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative B. Williams to Substitute House Bill No. 557, and the amendment was not adopted by the following vote: Yeas, 40; nays, 57; excused, 1.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Chandler, Dobbs, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 40.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Bristow, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 57.

Excused: Representative Brekke - 1.

The Clerk read the following amendment by Representative B. Williams:

On page 26, after line 10 insert the following:

"(52) Section 62, chapter 72, Laws of 1937, section 10, chapter 104, Laws of 1982, section 56, chapter 396, Laws of 1985 and RCW 86.09.184;"

Renumber the remaining subsections accordingly.

With the consent of the House, Mr. B. Williams withdrew the amendment.

Substitute House Bill No. 557 was passed to Committee on Rules for third reading.

HOUSE BILL NO. 573, by Representatives Armstrong, Padden, Wang, G. Nelson, Baugher and West

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

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 573 was substituted for House Bill No. 573, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 573 was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendment, see Journal, 1st Day, January 13, 1986.)

On motion of Mr. Braddock, the committee amendment was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 686, by Representatives Sayan and Lux

Reducing compensation for disability by the amount of unemployment benefits.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 686 was substituted for House Bill No. 686, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 686 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1335, by Representatives Belcher, Jacobsen, Niemi, G. Nelson and Unsoeld

Modifying requirements for personal services contracts.

The bill was read the second time. On motion of Ms. Belcher, Substitute House Bill No. 1335 was substituted for House Bill No. 1335, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1335 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1388, by Representatives Wang, Patrick, Ebersole, West, Scott, Basich, Gallagher, Vekich, Madsen, Hargrove, R. King, Fisch, Day, Cole, Fisher, Sayan, Winsley and Schoon

Regulating fire protection agencies in annexation and consolidation actions.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1388 was substituted for House Bill No. 1388, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1388 was read the second time and passed to Committee on Rules for third reading.

MOTIONS

On motion of Mr. J. King, the House advanced to the eighth order of business.

On motion of Mr. J. King, HOUSE BILL NO. 1475 was referred from Committee on Commerce & Labor to Committee on Social & Health Services.

On motion of Mr. J. King, HOUSE BILL NO. 1732 was referred from Committee on Environmental Affairs to Committee on Energy & Utilities.

MOTION

On motion of Mr. J. King, the House adjourned until 9:30 a.m., Friday, January 24, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

TWELFTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, January 24, 1986

The House was called to order at 9:30 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Basich, Brekke, Silver and S. Wilson, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Heidi Hudlow and Jeanne Browne. Prayer was offered by Reverend Richard Hart, Minister of the First Baptist Church of Olympia.

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

INTRODUCTIONS AND FIRST READING

HB 1863 by Representatives Tanner, O'Brien, Lewis and Armstrong; by request of Governor Gardner

AN ACT Relating to sales and use tax deferrals for manufacturing or research and development investment projects for persons not on June 14, 1985, engaged in manufacturing or research and development in Washington state and upon which construction is commenced prior to December 31, 1987; and amending RCW 82.61.010, 82.61.040, and 82.61.070.

Referred to Committee on Ways & Means.

HB 1864 by Representatives Niemi, R. King, Valle and Jacobsen

AN ACT Relating to retirement benefits for part-time instructional employees under the teachers' retirement system; and amending RCW 41.32.010.

Referred to Committee on Ways & Means.

HB 1865 by Representatives Wang, Cole and Fisher

AN ACT Relating to electricians and electrical installations; amending RCW 19.28.005, 19.28.010, 19.28.060, 19.28.070, 19.28.120, 19.28.123, 19.28.125, 19.28.180, 19.28.190, 19.28.310, 19.28.350, 19.28.360, 19.28.540, 19.28.550, 19.28.570, 19.28.610, and 19.28.620; repealing RCW 19.28.380 and 19.28.590; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1866 by Representatives Zellinsky, Schmidt, Walk, Smitherman, McMullen, Haugen, Fisch, Wineberry, Thomas, Brough, Lundquist, Winsley, Schoon and May

AN ACT Relating to the state ferry system; amending RCW 46.68.100, 47.60.150, 47.60.400, 47.60.420, 47.60.430, 47.60.440, 47.60.450, 47.60.500, 47.60.505, and 47.60.550; creating a new section; repealing RCW 47.60.350, 47.60.360, 47.60.370, 47.60.380, 47.60.390, 47.60.410, and 47.60.504; and providing an effective date.

Referred to Committee on Transportation.

HB 1867 by Representatives Belcher, Betzoff, Locke, Lux, J. Williams, Smitherman, B. Williams, Wineberry, Taylor, P. King, Miller, Rayburn, Baugher, Hastings, Unsoeld, Winsley, May and Hankins; by request of 1989 Washington Centennial Commission and Department of Licensing

AN ACT Relating to centennial commemorative license plates and centennial activity funding; reenacting and amending RCW 27.60.060; adding new sections to chapter 46.16 RCW; adding a new section to chapter 27.60 RCW; creating a new section; providing an expiration date; and declaring an emergency.

Referred to Committee on Transportation.

HB 1868 by Representatives Belcher, Betrozoff, Locke, Lux, Smitherman, J. Williams, B. Williams, P. King, Rayburn, Baugher, Unsoeld and Winsley; by request of 1989 Washington Centennial Commission

AN ACT Relating to 1989 centennial logos; adding a new section to chapter 27.60 RCW; creating a new section; and prescribing penalties.

Referred to Committee on State Government.

HB 1869 by Representatives Locke and Winsley

AN ACT Relating to crime victims' compensation; amending RCW 7.68.060, 7.68.070, 7.68.080, 7.68.120, and section 17, chapter 443, Laws of 1985 (uncodified); and adding a new section to chapter 7.68 RCW.

Referred to Committee on Judiciary.

HB 1870 by Representatives McMullen, Schmidt, Fisch, Haugen and May

AN ACT Relating to charter and tour operators; and adding a new section to chapter 19.86 RCW.

Referred to Committee on Commerce & Labor.

HB 1871 by Representatives May, Haugen, Allen, Walker, Brooks, Scott, J. Williams and Miller

AN ACT Relating to law enforcement officers' and fire fighters' disability leave; and amending RCW 41.26.125.

Referred to Committee on Ways & Means.

HB 1872 by Representatives Ebersole, Holland, Wineberry, P. King, Jacobsen, Walker, Long, Appelwick, Winsley and May

AN ACT Relating to studying school dropout statistics; and creating a new section.

Referred to Committee on Education.

HB 1873 by Representatives Wang and R. King; by request of Joint Select Committee on Industrial Insurance

AN ACT Relating to benefits for injured workers; amending RCW 51.08.100, 51.32.080, 51.32.050, 51.32.060, and 51.36.010; and adding a new section to chapter 51.32 RCW.

Referred to Committee on Commerce & Labor.

HB 1874 by Representatives R. King and Wang; by request of Joint Select Committee on Industrial Insurance

AN ACT Relating to workers' compensation payments; amending RCW 51.32.050, 51.32.060, and 51.32.090; and amending section 9, chapter 462, Laws of 1985 (uncodified).

Referred to Committee on Commerce & Labor.

HB 1875 by Representatives Rayburn, Chandler, Wang, Patrick, R. King, Ballard, Armstrong, Winsley and May; by request of Joint Select Committee on Industrial Insurance

AN ACT Relating to benefits for retired workers and pensioners; amending RCW 51.32.060, 51.32.090, 51.32.160, and 51.32.220; reenacting and amending RCW 51.32.090; providing an expiration date; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1876 by Representatives Locke, Wineberry, Niemi and Wang

AN ACT Relating to higher education personnel; and reenacting and amending RCW 28B.16.100 and 41.06.150.

Referred to Committee on State Government.

HB 1877 by Representatives Locke, O'Brien, Hastings, Sommers, Tilly, Valle, Long and Armstrong

AN ACT Relating to funding for school facilities; and amending RCW 28A.47.073.

Referred to Committee on Education.

- HB 1878** by Representatives Walker, Padden, Locke, Silver, Patrick, Winsley and May
AN ACT Relating to violent offenses; and amending RCW 9.94A.030.
Referred to Committee on Judiciary.
- HB 1879** by Representatives Padden, Scott, Silver and Patrick
AN ACT Relating to crimes; and amending RCW 9A.36.030.
Referred to Committee on Judiciary.
- HB 1880** by Representatives Padden, Silver, Taylor, Sanders, Isaacson and May
AN ACT Relating to small claims court; and amending RCW 12.40.010.
Referred to Committee on Judiciary.
- HB 1881** by Representative Patrick
AN ACT Relating to industrial insurance; and amending RCW 51.04.080.
Referred to Committee on Commerce & Labor.
- HB 1882** by Representatives Chandler, Ebersole and Patrick
AN ACT Relating to industrial insurance; and amending RCW 51.48.017.
Referred to Committee on Commerce & Labor.
- HB 1883** by Representatives Ebersole and Patrick
AN ACT Relating to industrial insurance; and amending RCW 51.48.110.
Referred to Committee on Commerce & Labor.
- HB 1884** by Representatives Patrick and Chandler
AN ACT Relating to industrial insurance; and amending RCW 51.32.190.
Referred to Committee on Commerce & Labor.
- HB 1885** by Representatives Chandler, Ebersole and Patrick
AN ACT Relating to industrial insurance; and amending RCW 51.52.095.
Referred to Committee on Commerce & Labor.
- HB 1886** by Representative Dellwo
AN ACT Relating to the board of tax appeals; amending RCW 82.03.020, 82.03.030, 82.03.040, 82.03.090, 82.03.100, 82.03.110, 82.03.130, 82.03.140, 82.03.150, 82.03.190, and 82.01.090; adding new sections to chapter 82.03 RCW; creating new sections; and repealing RCW 82.03.050, 82.03.060, 82.03.070, 82.03.080, 82.03.120, 82.03.160, and 82.03.170.
Referred to Committee on Judiciary.
- HB 1887** by Representatives Dellwo, Winsley, Barrett and West
AN ACT Relating to polygraph examiners; adding a new chapter to Title 18 RCW; prescribing penalties; and declaring an emergency.
Referred to Committee on Commerce & Labor.
- HB 1888** by Representatives Schoon, Lundquist, Schmidt, van Dyke, May, Thomas and Doty
AN ACT Relating to the community economic revitalization board; and adding a new section to chapter 43.160 RCW.
Referred to Committee on Trade & Economic Development.
- HB 1889** by Representatives Valle, Lewis, Scott, Winsley, Sutherland, Peery, Holland and R. King
AN ACT Relating to infection control measures; and adding a new chapter to Title 71 RCW.
Referred to Committee on Social & Health Services.
- HB 1890** by Representatives Dellwo, Day, Barrett, Silver and Haugen

AN ACT Relating to local governmental emergency medical services; and amending RCW 84.52.069.

Referred to Committee on Local Government.

HB 1891 by Representatives Lux, Leonard, Jacobsen and O'Brien

AN ACT Relating to the medical disciplinary board; and adding a new section to chapter 18.72 RCW.

Referred to Committee on Social & Health Services.

HB 1892 by Representatives Locke and Vander Stoep

AN ACT Relating to the taxation of telecommunications services by cities; amending RCW 35.21.714 and 35A.82.060; and declaring an emergency.

Referred to Committee on Energy & Utilities.

HB 1893 by Representatives Sommers and Holland

AN ACT Relating to minimum retirement allowances under the teachers' retirement system; amending RCW 41.32.485; and making an appropriation.

Referred to Committee on Ways & Means.

HB 1894 by Representative Sommers

AN ACT Relating to forest land taxation; and amending RCW 84.33.035.

Referred to Committee on Ways & Means.

HB 1895 by Representatives Tanner and Vekich

AN ACT Relating to the U.S.S. Olympia; and making an appropriation.

Referred to Committee on State Government.

HB 1896 by Representatives Jacobsen, Unsoeld, Appelwick, Fuhrman, Todd, Cole, D. Nelson, Dellwo, Wineberry, Locke, Rust, Lux and Sanders

AN ACT Relating to the labeling of irradiated foods; adding new sections to chapter 69.04 RCW; and prescribing penalties.

Referred to Committee on Environmental Affairs.

HB 1897 by Representative Tanner

AN ACT Relating to motor vehicle bumpers; and amending RCW 46.37.513.

Referred to Committee on Transportation.

HB 1898 by Representatives Vekich, Madsen, P. King, Crane, Smitherman, Belcher, Peery, Leonard, Bristow, Unsoeld, K. Wilson, Rayburn, McMullen, Basich, Fisch, Baugher, Cole, Nutley, Dellwo, Appelwick, D. Nelson, Braddock, Fisher, R. King, Niemi, Wineberry, Kremen, O'Brien, Lux, Rust, Walk, Hargrove, Jacobsen, Scott, Valle, J. King, Ebersole, Sutherland, Tanner, Grimm, Zellinsky, Hine, Haugen, Day, Gallagher, Allen, Winsley, Brekke, Todd and Sayan

AN ACT Relating to the creation of the office of consumer protection in the office of the governor, and transferring certain functions, powers, and duties from the attorney general to the office of consumer protection; amending RCW 19.86.010, 19.86.080, 19.86.095, 19.86.100, 19.86.110, 19.86.120, 19.86.140, and 19.86.150; reenacting and amending RCW 43.10.067; adding a new section to chapter 19.86 RCW; adding a new section to chapter 43.10 RCW; creating new sections; and providing an effective date.

Referred to Committee on State Government.

HB 1899 by Representatives Prince, Lux, Chandler, C. Smith, Vekich, Jacobsen and Nealey

AN ACT Relating to a state land bank; amending RCW 30.04.020; adding a new section to chapter 19.52 RCW; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1900 by Representatives Baugher, Rayburn, Bristow, Vekich, Peery and Braddock

AN ACT Relating to cattle running; and amending RCW 16.20.020 and 16.20.030.

Referred to Committee on Agriculture.

HB 1901 by Representatives Peery, Winsley, Ebersole, Walker, Hine, Rayburn, Walk, Cole, Jacobsen and Long

AN ACT Relating to reporting of abuse or neglect; amending RCW 26.44.030; and prescribing penalties.

Referred to Committee on Social & Health Services.

HB 1902 by Representatives Unsoeld, Bristow, Tilly and Haugen

AN ACT Relating to a program for reimbursement of diminished local government property tax levy capacity.

Referred to Committee on Rules.

HB 1903 by Representatives Unsoeld, Bristow, Tilly and Haugen

AN ACT Relating to the adjustment of property tax levy rates due to statutory cumulative property tax rate limitations.

Referred to Committee on Rules.

HB 1904 by Representatives Unsoeld, Bristow, Tilly, Vekich, Vander Stoep and Haugen

AN ACT Relating to special districts.

Referred to Committee on Rules.

HB 1905 by Representatives Unsoeld, Bristow, Tilly, Vekich and Vander Stoep

AN ACT Relating to transfers of funds between local governments.

Referred to Committee on Rules.

HB 1906 by Representatives S. Wilson, Long, Lundquist and Hastings

AN ACT Relating to ethics; amending RCW 41.04.230; and declaring an emergency.

Referred to Committee on State Government.

HB 1907 by Representatives Dobbs, Chandler, Hargrove, Hastings, Padden, J. Williams, L. Smith, Bond, B. Williams, Lewis, Patrick, Fuhrman, Sanders, Isaacson, Schoon and May

AN ACT Relating to protecting private property rights; adding a new chapter to Title 64 RCW; and declaring an emergency.

Referred to Committee on Judiciary.

HB 1908 by Representatives Brekke, Tilly and Long

AN ACT Relating to health care professionals' training; and amending RCW 18.71-.050, 18.83.070, and 18.88.130.

Referred to Committee on Social & Health Services.

HB 1909 by Representatives Bond, Dobbs, Hastings, Sanders, Barnes, Fuhrman, P. King, C. Smith and Lundquist

AN ACT Relating to prevailing party attorney fees in civil actions; amending RCW 4.84.010; and adding new sections to chapter 4.84 RCW.

Referred to Committee on Judiciary.

HB 1910 by Representatives Lux and McMullen

AN ACT Relating to vocational rehabilitation; amending RCW 51.32.095 and 51.32-.250; adding new sections to chapter 51.08 RCW; and providing an effective date.

Referred to Committee on Commerce & Labor.

HB 1911 by Representatives Cole, Rust, Jacobsen, Miller, Long, Appelwick, Fisch and Lux

AN ACT Relating to the Firland corrections center; and adding a new section to chapter 72.01 RCW.

Referred to Committee on Social & Health Services.

HB 1912 by Representatives Cole, Allen, Madsen, Winsley, Valle, Appelwick, D. Nelson, Jacobsen, Leonard, Rayburn, Rust, G. Nelson and Wang

AN ACT Relating to analysis of school district jobs and pay equity; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Education.

HB 1913 by Representatives Sommers, Rust and Appelwick

AN ACT Relating to the business and occupation taxation of interest on qualified scholarship funding bonds; and adding a new section to chapter 82.04 RCW.

Referred to Committee on Ways & Means.

HB 1914 by Representative Sommers

AN ACT Relating to school district funding; adding new sections to chapter 84.52 RCW; adding a new section to chapter 84.55 RCW; and providing an effective date.

Referred to Committee on Education.

HB 1915 by Representatives Wang, R. King and Chandler

AN ACT Relating to industrial insurance; amending RCW 51.14.020, 51.14.060, 51.14.070, 51.32.050, 51.32.060, 51.32.090, 51.08.100, 51.32.080, 51.32.160, 51.32.220, and 51.36.010; amending section 9, chapter 462, Laws of 1985 (uncodified); adding a new section to chapter 51.14 RCW; adding a new section to chapter 51.32 RCW; and adding a new section to chapter 51.44 RCW.

Referred to Committee on Commerce & Labor.

HB 1916 by Representatives Chandler, Rayburn, Nealey, Isaacson, Hastings, Brooks, Prince and Baugher

AN ACT Relating to mosquito control districts; amending RCW 17.28.010, 17.28.020, 17.28.030, 17.28.040, 17.28.050, 17.28.060, 17.28.080, 17.28.090, 17.28.100, 17.28.120, 17.28.130, 17.28.160, 17.28.170, 17.28.252, 17.28.254, 17.28.255, 17.28.258, 17.28.310, 17.28.320, 17.28.340, 17.28.350, 17.28.370, 17.28.380, 17.28.390, 17.28.420, 17.28.430, and 17.28.450; reenacting and amending RCW 84.52.052; and adding new sections to chapter 17.28 RCW.

Referred to Committee on Local Government.

HB 1917 by Representatives Chandler, Tilly, Locke, C. Smith and Ballard

AN ACT Relating to judges pro tempore; and amending RCW 3.34.130.

Referred to Committee on Judiciary.

HB 1918 by Representatives Hastings, Brekke, Brooks and Isaacson

AN ACT Relating to health care assistants; and amending RCW 18.135.020.

Referred to Committee on Social & Health Services.

HB 1919 by Representatives Walk, Hastings, Schmidt, Wineberry, Winsley and May

AN ACT Relating to slow-moving vehicles; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Transportation.

HB 1920 by Representatives Hastings, Isaacson and Bond

AN ACT Relating to the litter assessment; amending RCW 70.93.120; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1921 by Representative Hastings

AN ACT Relating to pesticide applicators; and amending RCW 17.21.100.

Referred to Committee on Agriculture.

HB 1922 by Representatives Hastings, Bond and Fuhrman

AN ACT Relating to communicable or contagious diseases or disorders; reenacting and amending RCW 49.60.040; adding a new section to chapter 28A.02 RCW; adding a new section to chapter 48.30 RCW; adding a new section to chapter 48.44 RCW; adding a new section to chapter 48.46 RCW; adding new sections to chapter 49.60 RCW; adding a new section to chapter 49.74 RCW; and adding a new section to chapter 70.84 RCW.

Referred to Committee on Social & Health Services.

HB 1923 by Representatives Bond, J. Williams, L. Smith, Dobbs and B. Williams

AN ACT Relating to blood, plasma, and blood derivatives; and amending RCW 70.54.120.

Referred to Committee on Social & Health Services.

HB 1924 by Representatives Bond, J. Williams, Padden, Dobbs, B. Williams, Barnes, Sanders, Lewis, Patrick, Schoon and May

AN ACT Relating to nondiscriminatory transactions; and adding a new chapter to Title 42 RCW.

Referred to Committee on Judiciary.

HB 1925 by Representatives Allen and Rust

AN ACT Relating to noise control; and repealing RCW 70.107.010, 70.107.020, 70.107.030, 70.107.040, 70.107.050, 70.107.060, 70.107.070, 70.107.080, 70.107.900, and 70.107.910.

Referred to Committee on Environmental Affairs.

HB 1926 by Representatives Schoon, Cole, Rayburn, Valle and Long

AN ACT Relating to teacher certification testing; and amending RCW 28A.70.005.

Referred to Committee on Education.

HB 1927 by Representatives Walk, Zellinsky, Smitherman, Dellwo, Haugen, Fisch and Brough

AN ACT Relating to state ferry labor relations; amending RCW 47.64.170, 47.64.190, 47.64.200, and 47.64.210; and declaring an emergency.

Referred to Committee on Commerce & Labor.

HB 1928 by Representatives Zellinsky, Walk, Smitherman, Hargrove, Dellwo, Haugen and Fisch

AN ACT Relating to pilotage; amending RCW 88.16.090; and making an appropriation.

Referred to Committee on Transportation.

HB 1929 by Representatives Locke, Dellwo, Niemi, Padden, Crane, Hargrove, Armstrong, Hine and McMullen

AN ACT Relating to contribution among joint tort feasons; and adding a new section to chapter 4.22 RCW.

Referred to Committee on Judiciary.

HB 1930 by Representatives Cole, Long, Holland, Todd and Rayburn

AN ACT Relating to primary block education; creating new sections; making appropriations; and providing an expiration date.

Referred to Committee on Education.

HB 1931 by Representatives Brough and Walk

AN ACT Relating to the sale of vehicles to public agencies; and adding a new section to chapter 46.70 RCW.

Referred to Committee on Transportation.

HB 1932 by Representatives Haugen, Brough, Van Luven, Lundquist, Baugher, Betrozoff, Patrick, Walk, Silver, Lewis and Armstrong

AN ACT Relating to tort liability of police agencies; and adding a new section to chapter 4.24 RCW.

Referred to Committee on Judiciary.

- HB 1933 by Representatives K. Wilson, Brough, Haugen, Betrozoff, Valle, Lundquist, Baugher, Van Luven and Walk
AN ACT Relating to evidence of intoxication or drug use based on chemical tests; and amending RCW 46.61.506.
Referred to Committee on Judiciary.
- HB 1934 by Representatives Brough and Brooks
AN ACT Relating to immunization of students at institutions of higher education; and adding new sections to chapter 28B.10 RCW.
Referred to Committee on Higher Education.
- HB 1935 by Representatives Gallagher, Smitherman, Madsen, Isaacson, Schoon and May
AN ACT Relating to underground storage of hazardous substances; adding a new chapter to Title 70 RCW; and prescribing penalties.
Referred to Committee on Environmental Affairs.
- HB 1936 by Representative Wang; by request of Department of Employment Security
AN ACT Relating to administrative funding of the unemployment insurance program; creating new sections; providing an effective date; and declaring an emergency.
Referred to Committee on Commerce & Labor.
- HB 1937 by Representatives Locke, Scott, Nutley, Winsley, Niemi, Wineberry, Jacobsen, Wang, Miller and R. King; by request of Governor Gardner
AN ACT Relating to child care programs; amending RCW 74.15.020; adding new sections to chapter 28A.34 RCW; repealing RCW 28A.34.020, 28A.34.040, and 28A.34.050; and making appropriations.
Referred to Committee on Education.
- HB 1938 by Representatives Locke, van Dyke, Allen, Cole, Niemi, Belcher, D. Nelson, Lux, Tanner, Miller and Appelwick
AN ACT Relating to insurance coverage; adding a new section to chapter 48.20 RCW; adding a new section to chapter 48.21 RCW; and adding a new section to chapter 48.44 RCW.
Referred to Committee on Financial Institutions & Insurance.
- HB 1939 by Representatives O'Brien and Jacobsen
AN ACT Relating to minimum retirement allowances under the teachers' retirement system; and amending RCW 41.32.485.
Referred to Committee on Ways & Means.
- HB 1940 by Representatives Fuhrman, Chandler, Ballard, Van Luven, Isaacson, Bond, West, van Dyke, Dobbs, Nealey and Barrett
AN ACT Relating to sodomy; adding a new chapter to Title 9A RCW; prescribing penalties; and declaring an emergency.
- HB 1941 by Representatives Kremen and Nealey
AN ACT Relating to notification of preparer liens; and adding a new section to chapter 60.13 RCW.
Referred to Committee on Commerce & Labor.
- HB 1942 by Representative Armstrong
AN ACT Relating to payment of judgments for personal injury and wrongful death actions; and adding a new chapter to Title 4 RCW.
Referred to Committee on Judiciary.
- HB 1943 by Representatives Hargrove, Bond, L. Smith, Dobbs, Padden and B. Williams

AN ACT Relating to the state board of health; and amending RCW 43.20.050.

Referred to Committee on Social & Health Services.

HB 1944 by Representatives Tanner, Sanders and Peery

AN ACT Relating to the extension of the sales and use tax deferral program; and amending RCW 82.61.010, 82.61.040, and 82.61.070.

Referred to Committee on Ways & Means.

HB 1945 by Representatives Leonard, Winsley, D. Nelson, Fisher, Long, Scott, Cole, Unsoeld, R. King, Lux, Day, Valle, G. Nelson, Fuhrman, Dellwo and Rayburn

AN ACT Relating to children and family services; adding a new chapter to Title 26 RCW; creating new sections; and providing an effective date.

Referred to Committee on Social & Health Services.

HB 1946 by Representatives Niemi, Locke, Wineberry, Fisher and Wang

AN ACT Relating to acquired immune deficiency syndrome; and adding a new chapter to Title 70 RCW.

Referred to Committee on Social & Health Services.

HB 1947 by Representatives Niemi and Haugen

AN ACT Relating to local and state governmental liability; adding a new chapter to Title 4 RCW; creating a new section; and repealing RCW 4.92.090 and 4.96.010.

Referred to Committee on Judiciary.

HB 1948 by Representatives Haugen and Smitherman

AN ACT Relating to guardianship; amending RCW 11.88.010 and 11.88.030; adding new sections to chapter 11.88 RCW; and providing an effective date.

Referred to Committee on Social & Health Services.

HB 1949 by Representatives May and Brooks

AN ACT Relating to medical injury recovery; creating a new section; adding a new chapter to Title 7 RCW; and providing an expiration date.

Referred to Committee on Judiciary.

HB 1950 by Representatives Brooks and May

AN ACT Relating to medical practice; amending RCW 18.72.040 and 18.72.155; adding new sections to chapter 18.72 RCW; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Social & Health Services.

HB 1951 by Representatives Brooks and May

AN ACT Relating to privileged communications between a physician and a patient; and amending RCW 5.60.060.

Referred to Committee on Judiciary.

HB 1952 by Representatives May and Brooks

AN ACT Relating to limitations on actions against health care providers; amending RCW 4.16.350; and creating a new section.

Referred to Committee on Judiciary.

HB 1953 by Representatives Jacobsen, Unsoeld, Todd and Crane

AN ACT Relating to telephone solicitation in the information age; adding a new section to chapter 80.36 RCW; and creating new sections.

Referred to Committee on Energy & Utilities.

HB 1954 by Representatives J. King, Appelwick and Holland; by request of Governor Gardner

AN ACT Relating to the use of the local tax on lodging for capital improvements for which the debt has been incurred prior to January 1, 1986; and amending RCW 67.28.180.

Referred to Committee on Ways & Means.

- HB 1955 by Representatives Braddock and Tilly; by request of Department of Trade and Economic Development
AN ACT Relating to general obligation bonds for capital projects; and amending RCW 43.99G.020.
Referred to Committee on Ways & Means.
- HB 1956 by Representatives Grimm, Padden and May; by request of Secretary of State
AN ACT Relating to terms of judges of the court of appeals; and amending RCW 2.06.075.
Referred to Committee on Judiciary.
- HB 1957 by Representatives McMullen and R. King
AN ACT Relating to actions against employers by injured workers; and adding a new section to chapter 51.24 RCW.
Referred to Committee on Commerce & Labor.
- HB 1958 by Representative McMullen
AN ACT Relating to juries; amending RCW 2.36.010, 2.36.050, 2.36.060, 2.36.063, 2.36.070, 2.36.093, and 2.36.100; and adding a new section to chapter 2.36 RCW.
Referred to Committee on Judiciary.
- HB 1959 by Representatives McMullen, Haugen, Brough, Zellinsky, Schmidt, Braddock and J. Williams
AN ACT Relating to actions for health care injuries brought more than ten years after the act or omission; and adding a new section to chapter 7.70 RCW.
Referred to Committee on Judiciary.
- HB 1960 by Representatives McMullen, Haugen, Zellinsky, Schmidt, Braddock and J. Williams
AN ACT Relating to time limitations on health care actions by persons reaching twenty-one years of age; and amending RCW 4.16.350.
Referred to Committee on Judiciary.
- HB 1961 by Representative J. King, Wineberry, Jacobsen and Wang
AN ACT Relating to child care; adding a new section to chapter 28A.34 RCW; adding a new section to chapter 41.04 RCW; adding a new chapter to Title 26 RCW; and making an appropriation.
Referred to Committee on Trade & Economic Development.
- HB 1962 by Representatives Cole, Nutley, Patrick, Wang, Betzoff, Chandler, Ebersole, J. Williams, Long, Fisch, R. King, Walker, O'Brien and Fisher
AN ACT Relating to engineers and land surveyors; amending RCW 18.43.030, 18.43.035, 18.43.110, and 18.43.120; and repealing RCW 18.43.090.
Referred to Committee on Commerce & Labor.
- HB 1963 by Representatives Jacobsen, Long, Leonard, Appelwick, Rust, Cole, Todd, Valle, Ebersole, Wineberry, Winsley and May
AN ACT Relating to teachers' aides pilot project; creating a new section; and making an appropriation.
Referred to Committee on Education.
- HB 1964 by Representatives Niemi, Locke, Appelwick, Wineberry, P. King and Dellwo
AN ACT Relating to the state public defender; creating new sections; making an appropriation; and declaring an emergency.
Referred to Committee on State Government.
- HB 1965 by Representatives Locke and J. Williams

AN ACT Relating to itemization of verdicts and payment of judgments in tort actions; and adding new sections to chapter 4.56 RCW.

Referred to Committee on Judiciary.

HB 1966 by Representative Appelwick

AN ACT Relating to increasing the domestic insurance premiums tax rate to equal the current foreign and alien insurance premiums tax rate; amending RCW 48.14.020; and declaring an emergency.

Referred to Committee on Ways & Means.

HB 1967 by Representative McMullen

AN ACT Relating to county fairs; adding a new section to chapter 36.37 RCW; and creating a new section.

Referred to Committee on Natural Resources.

HB 1968 by Representatives Leonard, Winsley, J. King, Lewis, Scott, C. Smith, Lux, Appelwick, Tanner, Barrett, Hankins, Brekke, B. Williams, Day, Madsen, K. Wilson, Sutherland, Todd, Rayburn, Lundquist and Doty

AN ACT Relating to optometry; amending RCW 18.53.010 and 18.53.140; and creating a new section.

Referred to Committee on Social & Health Services.

HB 1969 by Representatives Dobbs, Fuhrman, Van Luven, Sanders, B. Williams, Padden, Lundquist, Bond, L. Smith, van Dyke, West, Nealey, Ballard, J. Williams and Isaacson

AN ACT Relating to deviant sexual behavior and sexual behavior which is patently offensive; adding a new chapter to Title 49 RCW; prescribing penalties; and declaring an emergency.

HB 1970 by Representatives G. Nelson, P. King, C. Smith, Sanders and Isaacson

AN ACT Relating to landlord liens for failure to pay rent; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Judiciary.

HB 1971 by Representatives G. Nelson, C. Smith, Sanders and Isaacson

AN ACT Relating to garnishment for payment of rent; and adding a new section to chapter 7.33 RCW.

Referred to Committee on Judiciary.

HB 1972 by Representatives P. King and Long

AN ACT Relating to self-insurance; and amending RCW 48.62.040.

Referred to Committee on Financial Institutions & Insurance.

HB 1973 by Representatives van Dyke, G. Nelson, Hastings and Sanders

AN ACT Relating to unlawfully issued checks; amending RCW 9A.56.060; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1974 by Representatives van Dyke, Dobbs and Fuhrman

AN ACT Relating to expediting death penalty reviews; and amending RCW 10.95.150.

Referred to Committee on Judiciary.

HB 1975 by Representative Dobbs

AN ACT Relating to child abuse; amending RCW 26.44.010, 26.44.020, 26.44.030, 26.44.040, 26.44.050, 26.44.053, 26.44.056, 26.44.060, and 26.44.070; adding a new section to chapter 26.44 RCW; and prescribing penalties.

Referred to Committee on Social & Health Services.

HB 1976 by Representatives Locke, O'Brien, Zellinsky, Tilly, Armstrong, Brough and Fisch

AN ACT Relating to involuntary treatment; amending RCW 71.05.330, 71.05.280, 71.05.290, 71.05.320, 71.05.340, and 71.05.390; and adding new sections to chapter 71.05 RCW.

Referred to Committee on Social & Health Services.

HB 1977 by Representative van Dyke

AN ACT Relating to AIDS; adding a new chapter to Title 70 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Social & Health Services.

HB 1978 by Representatives McMullen, Belcher, Patrick and D. Nelson

AN ACT Relating to unfair business practices; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1979 by Representatives Todd, Jacobsen, Unsoeld, Vekich, Crane, Lux, Wang and Wineberry

AN ACT Relating to financial institutions; adding a new section to chapter 46.20 RCW; and creating new sections.

Referred to Committee on Financial Institutions & Insurance.

HB 1980 by Representatives Todd, D. Nelson, Unsoeld and Jacobsen

AN ACT Relating to energy expenditures; and adding a new section to chapter 43.52 RCW.

Referred to Committee on Energy & Utilities.

HB 1981 by Representatives Todd, D. Nelson, Peery, Ebersole, J. King, Unsoeld and Long

AN ACT Relating to energy conservation; amending RCW 80.28.025, 82.16.055, 43.21F.045, and 80.50.060; adding new sections to chapter 43.21F RCW; and creating new sections.

Referred to Committee on Energy & Utilities.

HB 1982 by Representatives Todd, Jacobsen, Armstrong and Lux

AN ACT Relating to disclosure; and adding a new section to chapter 18.85 RCW.

Referred to Committee on Commerce & Labor.

HB 1983 by Representatives D. Nelson, Todd, Jacobsen and Unsoeld

AN ACT Relating to appliance efficiency standards; and amending RCW 43.21F.045.

Referred to Committee on Energy & Utilities.

HB 1984 by Representatives Todd, Jacobsen and D. Nelson

AN ACT Relating to the approval of banded rate tariffs by the utilities and transportation commission; and amending RCW 80.36.340.

Referred to Committee on Energy & Utilities.

HB 1985 by Representatives Todd, Jacobsen and D. Nelson

AN ACT Relating to the approval of temporary and interim rate increases by the utilities and transportation commission; and adding a new section to chapter 80.04 RCW.

Referred to Committee on Energy & Utilities.

HB 1986 by Representatives Isaacson, Lux, Hankins, Winsley, May, Lewis, Jacobsen and Schoon

AN ACT Relating to insurance coverage for adopted children; and adding a new section to chapter 48.01 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 1987 by Representatives Isaacson, Jacobsen and Haugen

AN ACT Relating to irrigation districts; and adding a new section to chapter 87.03 RCW.

Referred to Committee on Local Government.

HB 1988 by Representatives Nutley, Haugen, Isaacson, Ebersole, Brough, Jacobsen and Unsoeld

AN ACT Relating to irrigation districts; and amending RCW 87.03.115.

Referred to Committee on Local Government.

HB 1989 by Representatives Isaacson, P. King, Winsley, Nealey, Fuhrman, West, May, Lewis, Crane, Patrick and Tilly

AN ACT Relating to drug trafficking; adding a new chapter to Title 9A RCW; and prescribing penalties.

Referred to Committee on Financial Institutions & Insurance.

HB 1990 by Representatives Wineberry, McMullen, Lundquist, Sommers, Niemi, Schoon, Hargrove, Tanner, J. King, Smitherman, Lux, Braddock, Vekich, Kremen, P. King and J. Williams

AN ACT Relating to economic development; and adding a new section to chapter 43.168 RCW.

Referred to Committee on Trade & Economic Development.

HB 1991 by Representatives Wineberry, Armstrong, Fisher, Unsoeld, Locke, Lux and Niemi

AN ACT Relating to the protection of consumer-tenants; and adding a new section to chapter 59.18 RCW.

Referred to Committee on Judiciary.

HB 1992 by Representatives Wineberry, Grimm, Vander Sloep, J. King, Holland, Allen, Niemi, Tilly, O'Brien, Appelwick, Basich, Unsoeld, Jacobsen, Hine, Fisher, McMullen, Smitherman, Locke, Belcher, Lux, D. Nelson, Braddock, Madsen, Rust, Kremen, Addison, Cole, Sayan, Leonard, Todd, Lewis, Vekich, Hargrove, Bristow and Hankins

AN ACT Relating to state investments in countries with apartheid policies; amending RCW 28B.20.130, 28B.30.150, 28B.35.120, 28B.40.120, 28B.50.090, 41.26.330, 41.32.201, 43.33A-.110, 43.33A.140, 41.40.077, and 43.84.150; adding new sections to chapter 43.33A RCW; and adding a new section to chapter 39.58 RCW.

Referred to Committee on Ways & Means.

HB 1993 by Representatives West, Allen, Nutley, Crane, Zellinsky, Prince, Hankins and Hargrove

AN ACT Relating to the purchase or exchange of donated food; adding a new section to chapter 69.80 RCW; creating a new section; and prescribing penalties.

Referred to Committee on Commerce & Labor.

HB 1994 by Representatives P. King, Day, Bristow, Smitherman, Zellinsky and Crane

AN ACT Relating to child abuse; amending RCW 26.44.060; and prescribing penalties.

Referred to Committee on Judiciary.

HB 1995 by Representatives Todd, D. Nelson, Kremen and Crane

AN ACT Relating to energy facilities; and amending RCW 80.04.250.

Referred to Committee on Energy & Utilities.

HB 1996 by Representatives Hargrove, Bristow, Locke, Day, Walk, Sutherland, Padden, Dobbs, Van Luven and Fuhrman

AN ACT Relating to child abuse; and amending RCW 26.44.020.

Referred to Committee on Judiciary.

HB 1997 by Representatives Addison, Vekich and Wineberry

AN ACT Relating to the disclosure by restaurants of the kind of fats used in the preparation of fried food; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Agriculture.

HB 1998 by Representatives Addison, Wineberry and Miller

AN ACT Relating to the disclosure by restaurants of their use of certain kinds of substances or chemicals in the preparation of foods; adding a new section to chapter 43.20 RCW; and creating a new section.

Referred to Committee on Agriculture.

HB 1999 by Representative Addison

AN ACT Relating to interest on unpaid public contracts; amending RCW 39.76.010 and 39.76.020; and creating a new section.

Referred to Committee on State Government.

HB 2000 by Representatives Addison and Hastings

AN ACT Relating to wastewater pollution facilities; and adding a new chapter to Title 35 RCW.

Referred to Committee on Local Government.

HB 2001 by Representatives Appelwick, Betrozoff, Smitherman, Hastings and Unsoeld

AN ACT Relating to excise taxation of returnable containers; adding a new section to chapter 82.04 RCW; and providing an effective date.

Referred to Committee on Ways & Means.

HB 2002 by Representatives Bristow, Rust, S. Wilson, Walk, G. Nelson, Haugen, Scott, Baugher, Taylor, Ballard, Fisch, van Dyke, West, Gallagher, Isaacson, Sryan, Lewis, K. Wilson, Prince, Zellinsky, May, Ebersole, Valle, Brooks, Allen, Tanner, Fisher, Leonard, Winsley, Brough, Bond, Sommers, Tilly, Holland, Peery, Fuhrman, Long, C. Smith, Lundquist, Hastings, Hargrove, Doty, Schoon, J. Williams and Betrozoff

AN ACT Relating to actions based on fault; amending RCW 4.22.030; adding a new chapter to Title 4 RCW; creating a new section; and repealing RCW 4.56.240 and 7.70.070.

Referred to Committee on Judiciary.

HB 2003 by Representatives Smitherman and Sanders

AN ACT Relating to hospitals; amending RCW 70.38.105, 70.39.140, 43.131.050, 43.131-.253, and 43.131.254; creating a new section; and declaring an emergency.

Referred to Committee on Social & Health Services.

HB 2004 by Representatives Appelwick and P. King

AN ACT Relating to plaintiff's attorney fees and expenses as special damages in tort cases; and adding a new section to chapter 4.84 RCW.

Referred to Committee on Judiciary.

HB 2005 by Representatives Appelwick and P. King

AN ACT Relating to verdicts; and adding a new section to chapter 4.44 RCW.

Referred to Committee on Judiciary.

HB 2006 by Representatives Hine and P. King

AN ACT Relating to deeds of trust; and amending RCW 61.24.010.

Referred to Committee on Judiciary.

HB 2007 by Representative P. King

AN ACT Relating to real estate contract forfeitures; and amending RCW 61.30.010.

Referred to Committee on Judiciary.

HB 2008 by Representative P. King

AN ACT Relating to judicial retirement; and amending RCW 2.10.040.

Referred to Committee on Ways & Means.

HB 2009 by Representatives P. King, Allen and Long

AN ACT Relating to local government insurance; and amending RCW 48.62.040.

Referred to Committee on Financial Institutions & Insurance.

HB 2010 by Representatives P. King, Addison, Vekich, Fisch, Bristow, Hargrove and Sutherland

AN ACT Relating to prizes; and adding a new section to chapter 9.46 RCW.

Referred to Committee on Judiciary.

HB 2011 by Representatives P. King and Addison

AN ACT Relating to funds of insurance brokers, agents, and solicitors; and adding a new section to chapter 48.17 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2012 by Representative P. King

AN ACT Relating to motor vehicle licenses; amending RCW 46.12.020; amending section 2, chapter 424, Laws of 1985 (uncodified); and providing an effective date.

Referred to Committee on Transportation.

HB 2013 by Representatives Leonard, Lundquist, Jacobsen, Scott and Lewis

AN ACT Relating to unemployment compensation for the developmentally disabled; amending RCW 50.20.015; and reenacting and amending RCW 50.29.020.

Referred to Committee on Commerce & Labor.

HB 2014 by Representatives Vekich and Ballard

AN ACT Relating to agricultural products commission merchants; amending RCW 20.01.010, 20.01.030, 20.01.125, 20.01.130, 20.01.210, 20.01.220, 20.01.230, 20.01.240, 20.01.460, and 20.01.610; adding new sections to chapter 20.01 RCW; repealing RCW 20.01.035 and 20.01.290; and prescribing penalties.

Referred to Committee on Agriculture.

HB 2015 by Representatives Rayburn and Baugher

AN ACT Relating to plats within the service area of irrigation companies and corporations; and amending RCW 58.17.310.

Referred to Committee on Agriculture.

HB 2016 by Representatives Lux, Winsley, Todd, Long, Valle and Crane

AN ACT Relating to financial institutions; amending RCW 62A.4-213; and adding a new chapter to Title 30 RCW.

Referred to Committee on Financial Institutions & Insurance.

HB 2017 by Representatives Jacobsen, Van Luven, Todd, Barnes, D. Nelson, Unsoeld, Nealey, Valle and C. Smith

AN ACT Relating to the study of switching costs for local telephone service; creating new sections; and making an appropriation.

Referred to Committee on Energy & Utilities.

HB 2018 by Representatives Lux and Addison

AN ACT Relating to insurance unfair practices and frauds; amending RCW 48.30.140, 48.30.150, and 48.30.155; adding a new section to chapter 48.30 RCW; and providing an effective date.

Referred to Committee on Financial Institutions & Insurance.

HB 2019 by Representatives Lux, Jacobsen, Miller and D. Nelson

AN ACT Relating to telecommunications devices for the deaf; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Energy & Utilities.

HB 2020 by Representatives Lux, Cole and Fisch

AN ACT Relating to the rights of injured workers; amending RCW 51.14.090, 51.24.020, 51.32.055, and 51.32.095; and creating a new section.

Referred to Committee on Commerce & Labor.

HB 2021 by Representatives J. King and Brooks

AN ACT Relating to managed health care; adding a new section to chapter 74.09 RCW; creating new sections; making an appropriation; and providing an expiration date.

Referred to Committee on Social & Health Services.

HB 2022 by Representatives P. King and Zellinsky

AN ACT Relating to reduction or refusal of insurance benefits on basis of other existing coverages; and reenacting and amending RCW 48.21.200.

Referred to Committee on Financial Institutions & Insurance.

HB 2023 by Representatives D. Nelson, Valle and Appelwick

AN ACT Relating to tobacco; amending RCW 26.28.080; adding a new section to chapter 26.28 RCW; adding a new section to chapter 69.40 RCW; creating new sections; prescribing penalties; and providing an effective date.

Referred to Committee on Environmental Affairs.

HB 2024 by Representatives D. Nelson, Todd and Unsoeld

AN ACT Relating to residential utility service; adding a new section to chapter 24.03 RCW; adding a new section to chapter 24.06 RCW; adding a new section to chapter 35.21 RCW; adding a new section to chapter 54.16 RCW; adding a new section to chapter 80.28 RCW; and creating a new section.

Referred to Committee on Energy & Utilities.

HB 2025 by Representatives D. Nelson, Todd, Unsoeld and Jacobsen

AN ACT Relating to residential space heating; amending RCW 35.21.300, 54.16.285, 80.28.010, 35.21.301, 54.16.286, and 80.28.011; adding a new section to chapter 24.03 RCW; and adding a new section to chapter 24.06 RCW.

Referred to Committee on Energy & Utilities.

HB 2026 by Representatives Todd, Isaacson, Unsoeld, Jacobsen and Sanders

AN ACT Relating to residential space heating; amending RCW 35.21.300, 54.16.285, 80.28.010, 35.21.301, 54.16.286, and 80.28.011; and adding a new section to chapter 23.86 RCW.

Referred to Committee on Energy & Utilities.

HB 2027 by Representatives D. Nelson, Todd, Unsoeld, Jacobsen and Wineberry

AN ACT Relating to public assistance; adding a new section to chapter 82.04 RCW; adding a new section to chapter 82.16 RCW; creating a new chapter in Title 74 RCW; repealing RCW 74.38.070; and providing an expiration date.

Referred to Committee on Energy & Utilities.

HB 2028 by Representatives D. Nelson, Isaacson, Todd and Jacobsen

AN ACT Relating to a citizens' utility board; adding a new chapter to Title 80 RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 41.40 RCW; and prescribing penalties.

Referred to Committee on Energy & Utilities.

HB 2029 by Representatives D. Nelson, Winsley and Jacobsen

AN ACT Relating to licensing wild mushroom pickers; adding a new section to chapter 79.08 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

HB 2030 by Representatives Locke, Haugen, May and J. Williams

AN ACT Relating to the authority of counties, cities, and towns to make certain requirements on permits; adding a new section to chapter 35.21 RCW; and adding a new section to chapter 36.32 RCW.

Referred to Committee on Local Government.

HB 2031 by Representatives Haugen, S. Wilson, Vekich, J. King, Rayburn, Hastings, Berozoff, Miller, Hankins, Baugher, Zellinsky, Jacobsen and Isaacson

AN ACT Relating to domestic wineries; and amending RCW 66.24.170 and 66.28.040.

Referred to Committee on Agriculture.

HB 2032 by Representatives Dellwo, Niemi, Locke and Isaacson

AN ACT Relating to adoptions; and amending RCW 26.33.040, 26.33.080, 26.33.090, 26.33.110, 26.33.120, 26.33.160, 26.33.190, and 26.33.230.

Referred to Committee on Judiciary.

HJM 37 by Representatives Haugen, Thomas, Basich, Vekich and Lundquist

Requesting United States Congress to amend the Jones Act to exclude commercial fishers and amend the Longshoremen's and Harbor Worker's Compensation Act to include commercial fishers.

Referred to Committee on Financial Institutions & Insurance.

HJM 38 by Representatives D. Nelson, Armstrong, Long, Jacobsen, Sutherland, Todd, Unsoeld, Nutley and Peery

Requesting the state to encourage short-term nuclear waste storage so that long-term alternative deadlines may be extended for purposes of further study of long-term alternatives.

Referred to Committee on Energy & Utilities.

HJM 39 by Representatives Isaacson, P. King, Winsley, Nealey, Fuhrman, West, May, Lewis, Tilly and Long

Requesting enforcement of laws against drug trafficking and money laundering.

Referred to Committee on Judiciary.

HJM 40 by Representatives D. Nelson and Long

Requesting federal energy regulatory commission to grant certificate of public convenience of necessity for Kern River Pipeline project.

Referred to Committee on Energy & Utilities.

HJR 59 by Representative Sommers

Authorizing an additional regular property tax levy for school districts.

Referred to Committee on Education.

HJR 60 by Representatives Grimm, Berozoff, Braddock, Vekich, Ebersole, Hine, J. King, Barrett, L. Smith, Ballard, Walker, Miller, Lundquist, Hastings, Schoon and May; by request of Department of Natural Resources

Revising common school funds.

Referred to Committee on Ways & Means.

HCR 21 by Representatives R. King, Patrick, Wang, Chandler, Lux and Ballard; by request of Joint Select Committee on Industrial Insurance

Establishing the joint select committee on industrial compensation.

Referred to Committee on Commerce & Labor.

HCR 22 by Representatives Wang, Barrett, Brekke and Jacobsen; by request of Governor's Committee on Employment of the Handicapped.

Creating a joint select committee on disability employment and economic participation.

Referred to Committee on Commerce & Labor.

HCR 23 by Representatives Hargrove, Bristow, Holland, Ebersole, P. King, Walker, Chandler, Kremen, Haugen, Braddock, Long, Fuhrman, Patrick and L. Smith

Creating a temporary commission to study unapproved church schools.

Referred to Committee on Education.

HCR 24 by Representative van Dyke

Establishing a bicentennial commission and making Constitution Day a state holiday.

Referred to Committee on State Government.

HCR 25 by Representatives D. Nelson, Jacobsen, Long, Sutherland, Todd, Unsoeld, Miller and Long

Requesting that all means be utilized by state government to prevent United States department of energy from declaring Hanford as a safe repository without characterization studies having been completed.

Referred to Committee on Energy & Utilities.

MOTION

On motion of Mr. Appelwick, the bills, memorials and resolutions listed on today's Introduction Sheet were considered first reading under the fourth order of business and referred to the committees designated with the exception of House Bill No. 1940 and House Bill No. 1969 which were held on first reading.

REPORTS OF STANDING COMMITTEES

January 23, 1986

HB 191 Prime Sponsor, Representative McMullen: Providing for rewards for information about violations of the food fish and shellfish laws. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Cole, Dobbs, Fuhrman, Hankins, Hargrove, Leonard, Lundquist, McMullen, D. Nelson, Sanders, Sayan, Thomas, van Dyke and J. Williams.

Voting nay: Representative Haugen.

Absent: Representative S. Wilson.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 289 Prime Sponsor, Representative Sommers: Defining full time undergraduate students for purposes of tuition and fee rates. Reported by Committee on Rules.

Referred to Committee on Ways & Means.

January 23, 1986

HB 905 Prime Sponsor, Representative Grimm: Regulating emissions from woodstoves. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Brough, Isaacson, Jacobsen, Lewis, Lux, May, Nutley and Valle

Absent: Representatives Barnes, Bond, Brekke and R. King.

Passed to Committee on Rules for second reading.

January 21, 1986

HB 1342 Prime Sponsor, Representative Wang: Affording exhibitors a fair opportunity to bid for motion pictures released in this state. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick and C. Smith.

MINORITY recommendation: Do not pass. Signed by Representatives Betzoff, Walker and J. Williams.

Absent: Representative Sayan.

Passed to Committee on Rules for second reading.

January 21, 1986

HB 1363 Prime Sponsor, Representative Crane: Preventing escape of debris from vehicles. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Betzoff, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, Patrick, Prince, Schmidt, Sutherland, Tanner, Thomas, Van Luven, J. Williams, K. Wilson and Zellinsky.

Voting nay: Representatives Baugher and C. Smith.

Absent: Representatives Bond, McMullen, Tanner and Valle.

Passed to Committee on Rules for second reading.

January 21, 1986

HB 1387 Prime Sponsor, Representative K. Wilson: Revising motor vehicle accident reporting provisions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Betzoff, Bond, Fisch, Gallagher, Hankins, Kremen, Patrick, Prince, Thomas, Valle, Van Luven and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Fisher, Lundquist, C. Smith, Sutherland and K. Wilson.

Voting nay: Representatives Brough, Fisher, Lundquist, C. Smith, Sutherland and K. Wilson.

Absent: Representatives Haugen and McMullen.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 1396 Prime Sponsor, Representative Day: Providing means for council to advise the governor, legislature, other elected officials and state agencies of needs and priority for public and private cancer research, treatment and post-treatment care. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Lux, Padden, Scott, West and Winsley.

Absent: Representatives Brekke, Chair and Tanner.

Passed to Committee on Rules for second reading.

January 21, 1986

HB 1399 Prime Sponsor, Representative Locke: Revising sentencing of adult felons. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives Hargrove, P. King, Tilly and Wang.

Passed to Committee on Rules for second reading.

January 21, 1986

HB 1400 Prime Sponsor, Representative Rayburn: Creating the indeterminate sentence review board. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives P. King and Tilly.

Passed to Committee on Rules for second reading.

January 22, 1986

HB 1408 Prime Sponsor, Representative Haugen: Eliminating the findings of fact on withdrawal of territory from a water district. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Absent: Representative May.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 1442 Prime Sponsor, Representative Leonard: Modifying provisions on oil and gas leases on state lands. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Dobbs, Fuhrman, Hankins, Hargrove, Haugen, Leonard, Lundquist, McMullen, D. Nelson, Sanders, Sayan, Thomas, van Dyke and J. Williams.

Absent: Representative S. Wilson.

Passed to Committee on Rules for second reading.

January 22, 1986

HB 1449 Prime Sponsor, Representative Haugen: Authorizing municipal resource recovery facilities and solid waste handling systems. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Voting nay: Representative Isaacson.

Passed to Committee on Rules for second reading.

January 22, 1986

HB 1458 Prime Sponsor, Representative Zellinsky: Providing penalties for violations of laws relating to public water supply systems. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 1545 Prime Sponsor, Representative Baugher: Requiring hydraulic permit process for project approval and protection of fish life. Reported by Committee on Agriculture

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Bristow, Kremen, Madsen and Peery.

MINORITY recommendation: Do not pass. Signed by Representatives Ballard, Brooks, Chandler, Doty and Nealey.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 1602 Prime Sponsor, Representative Sayan: Requiring advisement in notice of sale or prospectus that timber sold separate from public land is subject to property tax. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Cole, Dobbs, Fuhrman, Hankins, Hargrove, Haugen, Leonard, Lundquist, McMullen, D. Nelson, Sanders, Sayan, Thomas, van Dyke and J. Williams.

Absent: Representative S. Wilson.

Passed to Committee on Rules for second reading.

January 22, 1986

HB 1635 Prime Sponsor, Representative Wang: Requiring a study analyzing the feasibility of providing space for day care for children of state employees. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Hankins, O'Brien, Sanders, Todd, Vekich and Walk.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman and van Dyke.

Passed to Committee on Rules for second reading.

January 22, 1986

HB 1656 Prime Sponsor, Representative Unsoeld: Requiring a study in order to create a supportive atmosphere in which state employees may meet child day care needs. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8 after "parents" strike everything down to and including "public," on line 9 and insert "and their children"

On page 1, line 19 after "assist" insert "state"

Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sanders, Taylor, Todd, Vekich and Walk.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman and van Dyke.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 1795 Prime Sponsor, Representative Belcher: Requiring additional information in child support orders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, Niemi, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives Scott, Vice Chair; P. King and Padden.

Passed to Committee on Rules for second reading.

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

THIRD READING

HOUSE BILL NO. 1380, by Representatives Rayburn, Brekke, Nutley, Leonard, Wineberry, Tilly, Holland, R. King, P. King, Wang, Smitherman, Tanner, Belcher, Cole, K. Wilson, Sayan, Valle, Scott, Peery, Haugen, Hine, Unsoeld and Fisher

Revising appropriations for prenatal care for low-income women.

The bill was read the third time and placed on final passage.

Representatives Rayburn, L. Smith and Leonard spoke in favor of passage of the bill, and Representatives Lewis, Brough, Long and Tilly spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1380, and the bill passed the House by the following vote: Yeas, 58; nays, 36; excused, 4.

Voting yea: Representatives Addison, Appelwick, Armstrong, Barrett, Baugher, Belcher, Braddock, Bristow, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Padden, Peery, Rayburn, Rust, Sayan, Scott, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 58.

Voting nay: Representatives Allen, Ballard, Barnes, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Fuhrman, Hankins, Hastings, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Patrick, Prince, Sanders, Schmidt, Schoon, Smith C, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Zellinsky - 36.

Excused: Representatives Basich, Brekke, Silver, Wilson S - 4.

House Bill No. 1380, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

HOUSE BILL NO. 1419, by Representatives Locke, May, Hine, Sommers, Niemi, Tilly, Prince, Belcher, Sanders, Allen, Long, Lux and Jacobsen

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

The bill was read the third time and placed on final passage.

Representatives Locke and May spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1419, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Basich, Brekke, Silver, Wilson S - 4.

House Bill No. 1419, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1472, by Representatives Vekich, Madsen, Chandler, Kremen, Nealey, Baugher, Peery, McMullen, Miller, C. Smith, Rayburn, Padden, Isaacson, Doty and P. King

Promoting the marketing of agricultural products.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1472, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Basich, Brekke, Silver, Wilson S - 4.

House Bill No. 1472, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1486, by Representatives Peery, Nealey, Brooks, Baugher, Ballard, Chandler, Vekich, Doty, Madsen, Bristow, Rayburn, Jacobsen, Kremen, Tilly, Lux, Smitherman, Tanner, Prince, Sutherland, Dellwo, Vander Stoep, Sayan, Lewis, S. Wilson and Fisch

Repealing the sunset termination of the fairs commission.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1486, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Basich, Brekke, Silver, Wilson S - 4.

House Bill No. 1486, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE CONCURRENT RESOLUTION NO. 18, by Representatives Basich, K. Wilson, Lundquist, Sayan, Fisch, Vekich, Hargrove, Braddock, Haugen, Sanders, Leonard, J. Williams, Cole, van Dyke and Jacobsen

Establishing Pacific fisheries task force.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Concurrent Resolution No. 18, and the resolution was adopted by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Basich, Brække, Silver, Wilson S - 4.

House Concurrent Resolution No. 18, having received the constitutional majority, was declared adopted.

HOUSE BILL NO. 160, by Representative P. King

Authorizing fees for certain preadmission screening processes.

The bill was read the second time. On motion of Mr. Ebersole, Substitute House Bill No. 160 was substituted for House Bill No. 160, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 160 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1371, by Representatives Ebersole, Taylor, Grimm, Fuhrman, P. King, Winsley and C. Smith

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

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1385, by Representatives Haugen, G. Nelson, Brough, Allen, Winsley, Ebersole and Fisher

Authorizing water and sewer district commissioners elections from wards within the district.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1385 was substituted for House Bill No. 1385, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1385 was read the second time and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. J. King, the House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

HB 2033 by Representative Fisher

AN ACT Relating to filling vacancies in the state legislature.

HB 2034 by Representative D. Nelson

AN ACT Relating to natural resources.

HB 2035 by Representatives Jacobsen, D. Nelson, Isaacson, Unsoeld and Todd

AN ACT Relating to public utility district commissioner salaries.

HB 2036 by Representative Cole

AN ACT Relating to fares collected by travel agents.

HB 2037 by Representatives Isaacson, Winsley, Lux, Nealey, Lewis and Hankins

AN ACT Relating to insurance coverage for adopted children.

HB 2038 by Representative Wang; by request of Employment Security

AN ACT Relating to percentage rate of savings for employer experience rating of unemployment insurance contributions.

HB 2039 by Representative J. King

AN ACT Relating to hospital patient transfers.

HB 2040 by Representative Ebersole

AN ACT Relating to electricians and electrical installations.

HB 2041 by Representatives Holland and Tilly

AN ACT Relating to excise taxation of conference and camping fees received by nonprofit organizations.

HB 2042 by Representative Ballard

AN ACT Relating to independent service station dealers.

HB 2043 by Representative Walk

AN ACT Relating to marine transportation.

HB 2044 by Representative Locke

AN ACT Relating to discovery in personal injury, damage to property, or wrongful death actions.

HB 2045 by Representatives Haugen, Brough, Valle, Betrozoff, K. Wilson, Lundquist, Baugher, Van Luven and Walk

AN ACT Regulating claims involving highway design.

HB 2046 by Representative Grimm

AN ACT Relating to the calculation and funding of inflation adjustments for nursing homes.

HB 2047 by Representative Valle

AN ACT Relating to modifying the model litter control act for the purpose of water quality clean up.

HB 2048 by Representative Grimm

AN ACT Relating to corrections.

HB 2049 by Representative Grimm

AN ACT Relating to sex offenders.

HB 2050 by Representative Grimm

AN ACT Relating to general assistance.

HB 2051 by Representative Grimm

AN ACT Relating to community residential placements of developmentally disabled persons.

HB 2052 by Representative Grimm

AN ACT Relating to nursing homes.

HB 2053 by Representative Grimm

AN ACT Relating to state fiscal matters.

HB 2054 by Representative Grimm

AN ACT Relating to state facility public works contracts.

HB 2055 by Representative Grimm

AN ACT Relating to bonded indebtedness.

HB 2056 by Representative Grimm

AN ACT Relating to forecasting of common school enrollments.

HB 2057 by Representative Grimm

AN ACT Relating to capital funding of vocational-technical institutes.

HB 2058 by Representative Grimm

AN ACT Relating to the use of test scores for determining eligibility for remediation assistance.

HB 2059 by Representative Grimm

AN ACT Relating to fire suppression funding.

HB 2060 by Representative Grimm

AN ACT Relating to fire protection services for state universities.

HB 2061 by Representative Grimm

AN ACT Relating to providing funding for judicial retirement.

HB 2062 by Representative Grimm

AN ACT Relating to determination of funding eligibility for remediation assistance.

HB 2063 by Representative Grimm

AN ACT Relating to state budget and accounting.

HB 2064 by Representative Grimm

AN ACT Relating to hazardous waste program financing.

HB 2065 by Representative Grimm

AN ACT Relating to remediation assistance.

HB 2066 by Representative Grimm

AN ACT Relating to pupil transportation.

HB 2067 by Representative Grimm

AN ACT Relating to school facilities.

HB 2068 by Representative Grimm

AN ACT Relating to small school funding.

HB 2069 by Representative Grimm

AN ACT Relating to school construction funding.

HB 2070 by Representative Grimm

AN ACT Relating to property tax limitations.

HB 2071 by Representative Grimm

AN ACT Relating to a state bond counsel.

HB 2072 by Representative Grimm

AN ACT Relating to increases in revenue.

HB 2073 by Representatives Unsoeld and Hine

AN ACT Relating to cost-of-living adjustments for persons retired on or before April 24, 1973.

HB 2074 by Representative Jacobsen

AN ACT Relating to telecommunications.

HB 2075 by Representative Jacobsen

AN ACT Relating to telecommunications.

- HB 2076 by Representative D. Nelson
AN ACT Relating to underground utilities.
- HB 2077 by Representative Lux
AN ACT Relating to financial institutions.
- HB 2078 by Representative Lux
AN ACT Relating to financial institutions.
- HB 2079 by Representative Lux
AN ACT Relating to financial institutions.
- HB 2080 by Representative Lux
AN ACT Relating to day care liability insurance.
- HB 2081 by Representative Lux
AN ACT Relating to insurance reporting.
- HB 2082 by Representative Lux
AN ACT Relating to group insurance.
- HB 2083 by Representative Lux
AN ACT Relating to self-insurance.
- HB 2084 by Representative Lux
AN ACT Relating to establishment of joint underwriters associations for property casualty insurance.
- HB 2085 by Representative Lux
AN ACT Relating to prior approval of property casualty insurance rates.
- HB 2086 by Representative Lux
AN ACT Regulating experience rating in property casualty insurance.
- HB 2087 by Representative Lux
AN ACT Regulating property casualty insurance agents and brokers.
- HB 2088 by Representative Lux
AN ACT Relating to insurance.
- HB 2089 by Representative Lux
AN ACT Relating to insurance.
- HB 2090 by Representative Lux
AN ACT Relating to insurance.
- HB 2091 by Representative D. Nelson
AN ACT Relating to conservation authority.
- HB 2092 by Representative D. Nelson
AN ACT Relating to energy.
- HB 2093 by Representative D. Nelson
AN ACT Relating to energy conservation.
- HB 2094 by Representative Grimm
AN ACT Relating to the Bonneville Power Administration.
- HB 2095 by Representative Belcher
AN ACT Relating to disciplinary boards.
- HB 2096 by Representative Belcher
AN ACT Relating to the implementation of comparable worth in state government.
- HB 2097 by Representative McMullen
AN ACT Relating to economic development.

- HB 2098 by Representative McMullen
AN ACT Relating to economic development.
- HB 2099 by Representative McMullen
AN ACT Relating to tourism.
- HB 2100 by Representative McMullen
AN ACT Relating to economic development.
- HB 2101 by Representative McMullen
AN ACT Relating to tourism funding.
- HB 2102 by Representative Walk
AN ACT Regulating licensing and qualifications of pilots.
- HB 2103 by Representative D. Nelson
AN ACT Relating to telecommunications.
- HB 2104 by Representative Walk
AN ACT Requiring continuing education for vessel pilots.
- HB 2105 by Representative Walk
AN ACT Enacting the Pilotage Act of 1986.
- HB 2106 by Representative Sutherland
AN ACT Relating to tourist information programs.
- HB 2107 by Representative Bristow
AN ACT Relating to foster parents and placement agencies.
- HB 2108 by Representative Sutherland
AN ACT Relating to the department of game.
- HB 2109 by Representative Sutherland
AN ACT Relating to violation of natural resources laws; and prescribing penalties.
- HB 2110 by Representative Sutherland
AN ACT Relating to the department of fisheries.
- HB 2111 by Representative Sutherland
AN ACT Relating to the department of natural resources.
- HB 2112 by Representative Walk
AN ACT Regulating motor freight carriers.
- HB 2113 by Representative Walk
AN ACT Revising motor freight carrier law.
- HB 2114 by Representative Valle
AN ACT Relating to the state board of health.
- HB 2115 by Representative Vekich
AN ACT Relating to agricultural marketing.
- HB 2116 by Representative Belcher
AN ACT Relating to state government reorganization.
- HB 2117 by Representative Belcher
AN ACT Relating to appointment of executive officers.
- HB 2118 by Representative Belcher
AN ACT Relating to appointment of executive officers.
- HB 2119 by Representative Belcher
AN ACT Relating to fire protection services.

- HB 2120 by Representative Armstrong
AN ACT Regulating collateral benefits in tort actions.
- HB 2121 by Representative Armstrong
AN ACT Revising laws on tort actions.
- HB 2122 by Representative Armstrong
AN ACT Authorizing periodic payment of awards in tort actions.
- HB 2123 by Representative Armstrong
AN ACT Modifying joint and several liability in tort actions involving contributory fault of claimant.
- HB 2124 by Representative Armstrong
AN ACT Relating to deeds of trust.
- HB 2125 by Representative Armstrong
AN ACT Itemizing jury verdicts in tort actions.
- HB 2126 by Representative Armstrong
AN ACT Relating to tortious conduct.
- HB 2127 by Representative Armstrong
AN ACT Relating to attorneys' fees in tort actions.
- HB 2128 by Representative Armstrong
AN ACT Relating to a study of tort reform.
- HB 2129 by Representative Haugen
AN ACT Relating to local and state government tort liability.

MOTION

On motion of Mr. J. King, the bills listed on the Supplemental Introduction of Bills were considered first reading under the fourth order of business and referred to Committee on Rules.

The House advanced to the eighth order of business.

MOTION

Mr. J. King moved that the rules be suspended for the House to consider House Resolution 86-101.

Mr. J. King spoke in favor of the motion.

POINT OF ORDER

Mr. Padden: "Mr. Speaker, I believe the speaker is straying from the motion before us to suspend the rules and he is getting into the merits of the resolution."

SPEAKER'S RULING

The Speaker: "Representative Padden, I have not had a chance to hear more than about three words, and he is explaining why we have to suspend the rules. That is the point he trying to make."

POINT OF ORDER

Mr. Barrett: "Mr. Speaker, our point is that the Representative is starting to address the merits of the resolution and, I think right now, we are talking about the merits of the motion to suspend the rules, which has nothing to do with the content of any bill regardless of the subject. He should be arguing on the suspension of the rules and the rules that would be suspended."

SPEAKER'S RULING

The Speaker: "Representative Barrett, your point of order is not well taken. I addressed that."

Mr. J. King spoke in favor of the motion and Mr. Barrett opposed it.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules to allow consideration of House Resolution No. 86-101, and the motion was carried by the following vote: Yeas, 63; nays, 31; excused, 4.

Voting yea: Representatives Addison, Appelwick, Armstrong, Baugher, Belcher, Braddock, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Scott, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Wang, West, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 63.

Voting nay: Representatives Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Isaacson, Lundquist, Nealey, Nelson G, Padden, Patrick, Sanders, Schoon, Smith C, Smith L, Thomas, Tilly, van Dyke, Van Luven, Walker, Williams B, Williams J - 31.

Excused: Representatives Basich, Brekke, Silver, Wilson S - 4.

The Speaker stated the question before the House to be House Resolution No. 86-101.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-101, by Representatives O'Brien, Unsoeld, Fisher, Brooks, Thomas, Walker, Brough, Wang, Miller, Lux, Leonard, Tanner, Dellwo, D. Nelson, Sayan, Sommers, J. King, Hine, Smitherman, Zellinsky, Walk, Grimm, Bristow, Todd, Vander Stoep, Nealey, Fuhrman, Hargrove, R. King, Valle, Ballard, Schmidt, Betzoff, Prince, Madsen, Rust, C. Smith, Appelwick, Barrett, Cole, Kremen, Scott, Taylor, Fisch, Crane, Rayburn, Armstrong, Ehlers, Jacobsen, Holland, Long, Lewis, Tilly, Locke, Niemi, Vekich, Gallagher, Nutley, Peery, McMullen, Schoon, May, J. Williams, Hankins and Wineberry

WHEREAS, The death on January 9, 1986, of Charles A. Goldmark, a prominent Seattle attorney and civic leader, is a tremendous loss to the City of Seattle and the people of the State of Washington; and

WHEREAS, Charles A. Goldmark, his wife, Annie, and his sons, Derek and Colin were attacked in their home on December 24, 1985, and this attack resulted in the subsequent deaths of Annie, Colin and Charles Goldmark; and

WHEREAS, Chuck Goldmark was a senior partner in the Seattle law firm of Wickwire, Lewis, Goldmark and Schorr, a member of the Washington State Bar Association, a former Pentagon officer and a 1973 graduate of Yale Law School; and

WHEREAS, Chuck Goldmark was widely considered to be one of the most brilliant and outstanding attorneys in this state; and

WHEREAS, Chuck Goldmark was committed in his practice of law to benefitting the community by representing clients including the Pike Place Market, the International District and the Seattle Art Museum; and

WHEREAS, The volunteer advocacy efforts of Chuck Goldmark resulted in the Supreme Court rule change regarding the interest on client trust funds and thereby led to the creation of the Legal Foundation of Washington; and

WHEREAS, His leadership as chairperson of the Legal Foundation has helped benefit the people of this state by providing over one million dollars a year to legal assistance projects for low-income persons; and

WHEREAS, The stature and civic commitment of Chuck Goldmark were further demonstrated by his contributions as legal counsel to the Washington State Democratic Party; and

WHEREAS, Chuck Goldmark carried on a family tradition of public service learned from his father John Goldmark, who was a three-term member of the Washington State House of Representatives from 1956 to 1962 and who served as chairman of the House Ways and Means Committee; and

WHEREAS, Throughout his career, Chuck Goldmark evidenced his love of life, family and community by his compassion for people and his dedication to numerous civic, state and political activities;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the passing of Chuck Goldmark leaves a void in this state and

that the members of the House of Representatives join the people of the State of Washington in acknowledging their debt to this true leader, offering their condolences to his relatives and friends and expressing their gratitude in having benefited from his services; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the Goldmark family in Okanogan County, to the law firm of Wickwire, Lewis, Goldmark and Schorr and to Karen Marchioro, chairperson of the Washington State Democratic Party.

Mr. O'Brien moved adoption of the resolution and spoke in favor of it.

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

Representatives Appelwick, Barrett, Prince and Unsoeld spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on adoption of House Resolution No. 86-101, and the resolution was adopted by the following vote: Yeas, 94; excused, 4.

Voting yeas: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betrozoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Basich, Brekke, Silver, Wilson S - 4.

MOTION

On motion of Mr. Appelwick, the House adjourned until 11:00 a.m., Monday, January 27, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FIFTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, January 27, 1986

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Grimm, Hastings, P. King, Lux, Silver, Thomas and S. Wilson. Representatives Grimm, Silver, Thomas and S. Wilson were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Clayton Mattern and Josh James. Prayer was offered by Reverend Frank Burgess, Minister of Chapel Hill Presbyterian Church of Gig Harbor.

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

MESSAGE FROM SECRETARY OF STATE

January 24, 1986

The Honorable Wayne Ehlers
Speaker of the House of Representatives
Legislature of the State of Washington
Olympia, Washington
Dear Mr. Speaker:

As required by Article II, Section 1 of the State Constitution and RCW 29.79.200, we herewith respectfully transmit the certification of the sufficiency of Initiative to the Legislature 90, a copy of the full, true and complete text of which was certified to you on January 13, 1986.

Sincerely,
RALPH MUNRO, Secretary of State

CERTIFICATION OF INITIATIVE TO THE LEGISLATURE 90

Pursuant to Article II, Section 1 of the Washington State Constitution, RCW 29.79.200, and WAC 434-79-010, the Office of the Secretary of State has caused the signatures submitted in support of Initiative to the Legislature 90 to be examined in the following manner:

(1) It was determined that 211,299 signatures were submitted by the sponsors thereof. A random sample of 21,238 signatures was taken from those submitted;

(2) Each sampled signature was examined to determine the following: (a) if the signer was a registered voter of the state at the address indicated on the petition; (b) if the signature was reasonably similar to the one appearing on the record of that voter; (c) if the same signature appeared more than once in the sample. We found 17,682 valid signatures, 3,494 signatures invalid due to nonregistration or improper form, and 62 pairs of duplicated signatures in the sample;

(3) We calculated an allowance for the chance of error of sampling (89) by multiplying the square root of the number of invalid signatures by 1.5;

(4) We estimated the upper limit of the number of signatures on the initiative petition which were invalid (35,652) by dividing the sum of the number of invalid signatures in the sample and the allowance for the chance error of sampling by the sampling ratio;

(5) We determined the maximum allowable number of pairs of signatures on the petition (9,400) by subtracting the sum of 110% of the number of signatures required by Article II, Section 1 of the Washington State Constitution (166,247) and the estimate of the upper limit of the number of invalid signatures on the petition from the number of signatures submitted;

(6) We determined the expected value of the maximum number of pairs of signatures in the sample (95) by multiplying the square of the sampling ratio by the maximum allowable number of pairs of signatures on the initiative petition;

(7) We determined the acceptable number of pairs of signatures in the sample (78) by subtracting 1.65 times the square root of the expected number of pairs of signatures in the sample from the expected number of pairs of signatures in the sample; and

(8) Since the number of pairs of signatures in the sample is less than the acceptable number of pairs of signatures in the sample, I hereby declare Initiative to the Legislature 90 to be sufficient.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed this 24th day of January, 1986.

(Seal) RALPH MUNRO, Secretary of State

MOTION

On motion of Mr. J. King, HOUSE BILL NO. 1940 and HOUSE BILL NO. 1969 were referred to Committee on Judiciary.

REPORTS OF STANDING COMMITTEES

January 23, 1986

HB 1332 Prime Sponsor, Representative Tilly: Allowing consumer choice of brand name or generic drugs. Reported by Committee on Social & Health Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Lux, Scott, West and Winsley.

Absent: Representatives Brække, Chair and Tanner.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 1366 Prime Sponsor, Representative May: Providing for the sharing of local watercraft excise taxes. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Rayburn, Smitherman, Winsley and Zellinsky.

Absent: Representatives Patrick.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 1386 Prime Sponsor, Representative Hine: Modifying provisions relating to annexation by petition or election of all or part of one city or town by another city or town. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Rayburn, Smitherman, Winsley and Zellinsky.

Absent: Representatives Patrick.

Passed to Committee on Rules for second reading.

January 24, 1986

HB 1457 Prime Sponsor, Representative Dellwo: Revising provisions relating to health insurance for public employees. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Locke, Nutley, Prince, West and Winsley.

Absent: Representatives Barrett and Grimm.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 1463 Prime Sponsor, Representative Leonard: Revising provisions relating to controlled substances. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Lux, Scott, West and Winsley.

Absent: Representatives Brekke, Chair and Tanner.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 1497 Prime Sponsor, Representative Scott: Strengthening the court's contempt powers over certain juveniles. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, Schmidt, Schoon, Tilly, Van Luven and West.

Voting nay: Representatives Niemi and Wang.

Absent: Representatives Scott, Vice Chair; P. King and Padden.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 1499 Prime Sponsor, Representative Zellinsky: Revising provisions relating to alcohol breath testing. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, Niemi, Schmidt, Schoon, Van Luven, Wang and West.

Absent: Representatives Scott, Vice Chair; P. King and Padden.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 1555 Prime Sponsor, Representative Belcher: Identifying other programs for the certification of minority and women's business enterprises. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke, Vekich and Walk.

Passed to Committee on Rules for second reading.

January 24, 1986

HB 1572 Prime Sponsor, Representative Todd: Modifying certain practices in proceedings of the utilities and transportation commission. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Bond, Isaacson, Jacobsen, Long, Miller, Nealey, Sutherland, Unsoeld and Van Luven.

Absent: Representatives Todd, Vice Chair; Isaacson and Sutherland.

Passed to Committee on Rules for second reading.

January 24, 1986

HB 1612 Prime Sponsor, Representative Wang: Specifying "services in employment" for farm operator or crew leader. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Ebersole, Fisch, Fisher, R. King, O'Brien and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Berozoff, Chandler, Patrick, C. Smith, Walker and J. Williams.

Passed to Committee on Rules for second reading.

January 24, 1986

HB 1655 Prime Sponsor, Representative Unsoeld: Revising provisions relating to the low-level radioactive waste management program. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Bond, Gallagher, Jacobsen, Long, Madsen, Miller, Nealey, Sutherland, Unsoeld and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representative Isaacson.

Absent: Representative Isaacson.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 1708 Prime Sponsor, Representative Belcher: Modifying liquor control board membership terms. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke, Vekich and Walk.

Passed to Committee on Rules for second reading.

January 23, 1986

HB 1763 Prime Sponsor, Representative Walk: Revising vehicle inspection law. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 5, following line 25 insert a new section as follows:

"NEW SECTION. Sec. 8. The following acts or parts of acts are each repealed:

(1) Section 11, chapter 197, Laws of 1983 and RCW 43.131.275; and

(2) Section 37, chapter 197, Laws of 1983 and RCW 43.131.276."

On page 1, line 1 of the title after "inspection;" strike "and"

On page 1, line 3 of the title after "46.32.070" insert "; and repealing RCW 43.131.275 and 43.131.276"

Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Berozoff, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Lundquist, Schmidt, C. Smith, Sutherland, Thomas, Valle, Van Luven and K. Wilson.

Absent: Representatives Bond, Kremen, McMullen, Patrick, Tanner, J. Williams and Zellinsky.

Passed to Committee on Rules for second reading.

January 24, 1986

HJM 33 Prime Sponsor, Representative Sutherland: Requesting by Joint Memorial that amendments to the Nuclear Waste Policy Act require the U.S. Department of Energy to select the best nuclear waste repository site from among all potential geologic media. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Bond, Gallagher, Jacobsen, Long, Madsen, Miller, Nealey, Sutherland, Unsoeld and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representative Isaacson.

Absent: Representatives Todd, Vice Chair; Isaacson and Sutherland.

Passed to Committee on Rules for second reading.

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

THIRD READING

SUBSTITUTE HOUSE BILL NO. 557, by Committee on Local Government (originally sponsored by Representative Haugen)

Specifying powers of certain special districts.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 557, and the bill passed the House by the following vote: Yeas, 91; absent, 3; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brække, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Hastings, King P, Lux - 3.

Excused: Representatives Grimm, Silver, Thomas, Wilson S - 4.

Substitute House Bill No. 557, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 573, by Committee on Judiciary (originally sponsored by Representatives Armstrong, Padden, Wang, G. Nelson, Baugher and West)

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

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 573, and the bill passed the House by the following vote: Yeas, 91; absent, 3; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brække, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Hastings, King P, Lux - 3.

Excused: Representatives Grimm, Silver, Thomas, Wilson S - 4.

Engrossed Substitute House Bill No. 573, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Hastings and P. King were excused.

Mr. Lux appeared at the bar of the House.

SUBSTITUTE HOUSE BILL NO. 686, by Committee on Commerce & Labor (originally sponsored by Representatives Sayan and Lux)

Reducing compensation for disability by the amount of unemployment benefits.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 686, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Grimm, Hastings, King P, Silver, Thomas, Wilson S - 6.

Substitute House Bill No. 686, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1335, by Committee on State Government (originally sponsored by Representatives Belcher, Jacobsen, Niemi, G. Nelson and Unsoeld)

Modifying requirements for personal services contracts.

The bill was read the third time and placed on final passage.

Representatives Belcher and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1335, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Grimm, Hastings, King P, Silver, Thomas, Wilson S - 6.

Substitute House Bill No. 1335, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1388, by Committee on Commerce & Labor (originally sponsored by Representatives Wang, Patrick, Ebersole, West, Scott, Basich, Gallagher, Vekich, Madsen, Hargrove, R. King, Fisch, Day, Cole, Fisher, Sayan, Winsley and Schoon)

Regulating fire protection agencies in annexation and consolidation actions.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1388, and the bill passed the House by the following vote: Yeas, 70; nays, 22; excused, 6.

Voting yea: Representatives Addison, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Hine, Jacobsen, King J, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Scott, Smitherman, Sommers, Sutherland, Taylor, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 70.

Voting nay: Representatives Allen, Betzoff, Bond, Brough, Chandler, Dobbs, Doty, Holland, Isaacson, Lundquist, Miller, Padden, Patrick, Sanders, Schoon, Smith C, Smith L, Tanner, van Dyke, Van Luven, Williams B, Williams J - 22.

Excused: Representatives Grimm, Hastings, King P, Silver, Thomas, Wilson S - 6.

Substitute House Bill No. 1388, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

My intent was to vote yes on SHB 1388, but I inadvertently voted no.

MICHAEL E. PATRICK, 47th District.

SUBSTITUTE HOUSE BILL NO. 160, by Committee on Education (originally sponsored by Representative P. King)

Authorizing fees for certain preadmission screening processes.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 160, and the bill passed the House by the following vote: Yeas, 89; nays, 3; excused, 6.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Lundquist, Padden, Taylor - 3.

Excused: Representatives Grimm, Hastings, King P, Silver, Thomas, Wilson S - 6.

Substitute House Bill No. 160, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1371, by Representatives Ebersole, Taylor, Grimm, Fuhrman, P. King, Winsley and C. Smith

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

The bill was read the third time and placed on final passage.

Representatives Ebersole and Taylor spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1371, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders,

Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Grimm, Hastings, King P, Silver, Thomas, Wilson S - 6.

House Bill No. 1371, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Grimm, Hastings, P. King and Thomas appeared at the bar of the House.

The House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1339, by Representatives Ebersole, Brough, Madsen, Wineberry, Tanner, Sanders, Appelwick, Betrozoff, Tilly, K. Wilson, Armstrong, Crane and Fisch

Stating that children shall attend school.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For amendment, see Journal, 10th Day, January 22, 1986.)

Mr. Ebersole moved adoption of the committee amendment.

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

On page 1, line 9 following "school" insert "and the child's parents have been given an opportunity to receive training in the art of parenting"

Representative Long spoke in favor of the amendment to the amendment, and Representatives Ebersole, Taylor and K. Wilson spoke against it.

Ms. Long spoke again in favor of the amendment to the amendment, and Mr. Appelwick opposed it.

The amendment to the committee amendment was not adopted.

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

On page 1, line 9 of the amendment following "school," insert "For the purposes of this chapter reasonable effort shall not require the use of corporal punishment."

Ms. Long spoke in favor of the amendment to the amendment, and Mr. Ebersole opposed it.

The amendment to the committee amendment was not adopted.

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

On page 1, line 9 of the amendment, following "school," insert "Nothing in this chapter is intended to require that parents apply any particular method or manner of child discipline in order to insure such child's class attendance."

Ms. Long spoke in favor of the amendment to the committee amendment, and Mr. Betrozoff spoke against it.

The amendment to the amendment was not adopted.

The committee amendment was adopted.

Ms. Long moved adoption of the following amendment:

On page 1, line 14 following "28A.02.201(4);" insert "or an educational clinic"

Ms. Long spoke in favor of the amendment, and Mr. Appelwick spoke against it.

POINT OF INQUIRY

Mr. Appelwick yielded to question by Ms. Long.

Ms. Long: "Representative Appelwick, if I understood you correctly, statute already recognizes an educational clinic in the schools. Is that correct?"

Mr. Appelwick: "Yes."

With the consent of the House, Ms. Long withdrew the amendment.

Ms. Long moved adoption of the following amendment:

On page 3, after line 18 add a new subsection as follows:

"(6) A juvenile whose sole offense is being truant or in contempt of court for failure to attend school shall not be placed in custody with juveniles or adults who are in custody for committing a crime."

Representatives Long, Cole and D. Nelson spoke in favor of the amendment, and Representatives Ebersole, Taylor, Betzoff, Appelwick and K. Wilson opposed it.

Mr. Ebersole spoke again in opposition to the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Long to page 3, line 18 of House Bill No. 1339, and the amendment was not adopted by the following vote: Yeas, 24; nays, 69; absent, 3; excused, 2.

Voting yea: Representatives Addison, Basich, Brekke, Cole, Holland, Jacobsen, King P. King R. Leonard, Locke, Long, Miller, Nelson D, Nelson G, Niemi, Padden, Rust, Sayan, Scott, Todd, Unsold, van Dyke, Van Luven, West - 24.

Voting nay: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Hine, Isaacson, King J, Kremen, Lewis, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Sanders, Schmidt, Schoon, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 69.

Absent: Representatives Grimm, Smith C, Valle - 3.

Excused: Representatives Silver, Wilson S - 2.

Ms. Long moved adoption of the following amendment:

On page 3, after line 18 add a new subsection as follows:

"(6) Any person, whether a juvenile or a parent, guardian, or other person in this state having legal custody of any juvenile eight years of age and under eighteen years of age, who is found in violation of this section, is subject to a court order.

The order shall require the juvenile to attend school and shall require the person having custody of the juvenile to cause the juvenile to attend school. This order may require the juvenile and the person having custody of the juvenile to participate with the school in a supervised plan for causing the juvenile's attendance at school, to attend conferences or counseling sessions scheduled by the school to analyze the juvenile's attendance, or to participate in community services.

If deemed necessary by the court, the order may require school or community service agencies to provide alternative programs or activities to assist a juvenile and his or her parent, guardian or other person having legal custody over such juvenile to promote his or her school attendance.

It is a defense for a person charged with violating this section to show that: (a) The person exercised reasonable diligence in attending school; (b) the person exercised reasonable diligence in attempting to cause a juvenile in his or her custody to attend school; or (c) the juvenile's school did not comply with RCW 28A.27.020."

Ms. Long spoke in favor of the amendment, and Representatives Ebersole and L. Smith spoke against it.

Ms. Long spoke again in favor of the amendment.

The amendment was not adopted.

Ms. Long moved adoption of the following amendment:

On page 3, after line 18 add a new subsection as follows:

"(6) Any school district not having ready access to a juvenile facility separate from a facility where persons are in custody for committing a crime is required to transport any youth held for truancy or for any violation under this section to such a separate facility."

Ms. Long spoke in favor of the amendment and Mr. Appelwick spoke against it.

Ms. Long spoke again in favor of the amendment.

The amendment was not adopted.

Ms. Long moved adoption of the following amendment:

On page 3, line 18 add a new subsection as follows:

"(6) The penalty for violation of this act by a child shall be the completion of community service. Incarceration in a juvenile detention facility for failure to attend school is prohibited."

Ms. Long spoke in favor of the amendment, and Mr. Ebersole opposed it.

The amendment was not adopted.

Ms. Long moved adoption of the following amendment:

On page 3, after line 18 insert a new subsection as follows:

"(6) An action shall not be taken against a child under this section unless such action is requested by a child's parent or permission for an action is granted by a child's parent."

Representatives Long and L. Smith spoke in favor of the amendment, and Representatives Betzoff and K. Wilson opposed it.

The amendment was not adopted.

Ms. Long moved adoption of the following amendment:

On page 3, following line 18 add a new section as follows:

"NEW SECTION. Sec. 2. The superintendent of public instruction shall establish uniform procedures and policies for the implementation of this act. No school district may enforce the provisions of this act against any child unless the district shall have previously established the following programs:

- (a) A no-cost course in the art of parenting;
- (b) A no-cost family counseling service; and
- (c) A natural-helper program."

Representatives Long and Cole spoke in favor of the amendment, and Representatives Betzoff and L. Smith opposed it.

Ms. Long spoke again in favor of the amendment.

The amendment was not adopted.

Mr. Ebersole moved adoption of the following amendment by Representatives Ebersole and Long:

On page 3, after line 18, insert the following:

"Sec. 2. Section 28A.27.100, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 201, Laws of 1979 ex. sess. and RCW 28A.27.100 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.27.010 or 28A.27.090 shall be fined not more than twenty-five dollars for each day of unexcused absence from school: PROVIDED, That a child found to be in violation of RCW 28A.27.010 may be assigned to complete community service as an alternative to payment of the twenty-five dollar a day fine. It shall be a defense for a person charged with violating RCW 28A.27.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the juvenile's school did not perform its duties as required in RCW 28A.27.020. Any fine or community service imposed pursuant to this section may be suspended upon the condition that a person charged with violating RCW 28A.27.010 shall participate with the school and the juvenile in a supervised plan for the juvenile's attendance at school or upon condition that the person attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

Attendance officers shall make complaint for violation of the provisions of RCW 28A.27.010 through 28A.27.130 ((by any person eighteen years of age or over)) to a justice of the peace, justice court judge or to a judge of the superior court."

Representatives Ebersole and Long spoke in favor of the amendment, and it was adopted.

Representative Todd was excused.

Ms. Long moved adoption of the following amendment:

On page 1, strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature recognizes the importance of education in preparing young people to assume productive roles in society and to develop their own potential.

The legislature also recognizes that issues involved with compulsory attendance and truancy touch upon some of the concerns that are most fundamental to the right of an individual and the needs and rights of a society.

The purpose of this act is to create a select committee to study the problems associated with compulsory attendance and truancy laws and to report back to the 1987 regular session of the legislature.

NEW SECTION, Sec. 2. There is hereby established the select committee on compulsory attendance and truancy law. The committee shall consist of seven members selected by the speaker of the house, at least three of whom must be members of the house, and seven members selected by the president of the senate, at least three of whom must be members of the senate. The committee shall study the problems of compulsory attendance law and truancy and shall issue a report to the speaker of the house and the president of the senate no later than February 1, 1987.

NEW SECTION, Sec. 3. Such staff support and facilities as may be needed by the committee shall be jointly furnished by the house and senate."

A division was called.

Ms. Long spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the striking amendment by Representative Long to House Bill No. 1339, and the amendment was not adopted by the following vote: Yeas, 9; nays, 82; absent, 4; excused, 3.

Voting yea: Representatives Cole, Jacobsen, Leonard, Long, Miller, Nelson D, Niemi, Rust, Wineberry - 9.

Voting nay: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, King J, King P, King R, Kremen, Lewis, Locke, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Winsley, Zellinsky, and Mr. Speaker - 82.

Absent: Representatives Addison, Bond, Nelson G, Tilly - 4.

Excused: Representatives Silver, Todd, Wilson S - 3.

On motion of Mr. Ebersole, the following amendment to the title of the bill was adopted:

On page 1, line 2 of the title after "28A.27.010" insert "and 28A.27.100"

House Bill No. 1339 was ordered engrossed and passed to Committee on Rules for third reading.

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

MOTIONS

On motion of Mr. J. King, HOUSE BILL NO. 1731 was referred from Committee on Social & Health Services to Committee on Judiciary.

On motion of Mr. J. King, HOUSE BILL NO. 1967 was referred from Committee on Natural Resources to Committee on Local Government.

On motion of Mr. J. King, HOUSE BILL NO. 1976 was referred from Committee on Social & Health Services to Committee on Judiciary.

On motion of Mr. J. King, HOUSE BILL NO. 1978 was referred from Committee on Judiciary to Committee on Commerce & Labor.

On motion of Mr. J. King, HOUSE BILL NO. 2023 was referred from Committee on Environmental Affairs to Committee on Social & Health Services.

COMMITTEE APPOINTMENTS

The Speaker (Mr. O'Brien presiding) announced that Representative Bond would no longer serve on the Committee on Environmental Affairs as he had replaced Representative S. Wilson on the Committee on Social & Health Services.

The Speaker (Mr. O'Brien presiding) announced the appointment of Representative Brekke as an ex-officio member of the State Health Coordinating Council.

MOTION

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Tuesday, January 28, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

SIXTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, January 28, 1986

The House was called to order at 11:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representative Brough, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages John Brondello and Ted Wright. Prayer was offered by Reverend Ronald W. Hastie, Evergreen Christian Center of Olympia.

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

REPORTS OF STANDING COMMITTEES

January 24, 1986

HB 1362 Prime Sponsor, Representative Haugen: Directing the design of an enhanced marketing plan for Washington fisheries. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 25 after "consult the" strike "natural resource" and insert "agriculture"

Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Ballard, Bristow, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

Passed to Committee on Rules for second reading.

January 27, 1986

HB 1523 Prime Sponsor, Representative Sanders: Modifying the residency requirements under the game code. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 12 after "(;)" strike all material through "state" on line 13 and insert "~~(and has established by formal evidence an intent to continue residing within this state))~~"

Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Belcher, Fuhrman, Hankins, Haugen, Leonard, Lundquist, McMullen, Sanders, Sayan, van Dyke and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representative Hargrove.

Absent: Representatives Basich, Cole, Dobbs, Fuhrman, D. Nelson, Thomas and S. Wilson.

Passed to Committee on Rules for second reading.

January 27, 1986

HB 1634 Prime Sponsor, Representative Belcher: Revising aquatic lands enhancement account receipts. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Fuhrman, Hankins, Hargrove, Haugen, Leonard, Lundquist, McMullen, Sanders, Sayan, van Dyke and J. Williams

Absent: Representatives Cole, Dobbs, Fuhrman, Lundquist, D. Nelson, Thomas and S. Wilson.

Passed to Committee on Rules for second reading.

The Speaker declared the House to be at ease until 1:15 p.m.

AFTERNOON SESSION

The Speaker called the House to order at 1:15 p.m.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. J. King, HOUSE BILL NO. 1396, HOUSE BILL NO. 1400 and HOUSE BILL NO. 1429 were referred from Committee on Rules to Committee on Ways & Means.

On motion of Mr. J. King, HOUSE BILL NO. 1659 and HOUSE BILL NO. 1774 were referred from Committee on State Government to Committee on Ways & Means.

On motion of Mr. J. King, HOUSE BILL NO. 1906 was referred from Committee on State Government to Committee on Constitution, Elections and Ethics.

On motion of Mr. J. King, HOUSE BILL NO. 1944 was referred from Committee on Ways & Means to Committee on Trade & Economic Development.

The House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1397, by Representatives Walk, Schmidt, Zellinsky, Haugen and Lundquist

Authorizing deposit of fees for accident report information in state patrol account.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1397, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brough - 1.

House Bill No. 1397, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1402, by Representatives Walk, Schmidt, Zellinsky, Haugen, Lundquist, Armstrong and P. King

Authorizing state patrol vehicle safety checks.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1407, by Representatives Haugen, Barnes, Todd, Brough, K. Wilson, Belcher, Allen, Madsen, Peery, Valle and P. King

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

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1407, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brough - 1.

House Bill No. 1407, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1520, by Representatives Sommers, Prince, Silver, Holland and Ebersole

Removing the requirement that the regional universities and TESC's extension departments be assigned territories.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1520, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brough - 1.

House Bill No. 1520, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 905, by Representatives Grimm, Walk, Miller and Winsley

Regulating emissions from woodstoves.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 905 was substituted for House Bill No. 905, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 905 was read the second time.

Mr. Hastings moved adoption of the following amendment by Representatives Hastings and Isaacson:

On page 1, line 12 following "efficiency," insert "The legislature further finds that the increase in woodstove emissions has, in large measure, been brought about by the failure to complete and put into operation more centralized power-producing facilities which would provide cleaner, more efficient, lower-cost sources of energy for home heating purposes."

Representatives Hastings and Isaacson spoke in favor of the amendment, and Representatives Rust and Braddock opposed it.

Mr. Hastings spoke again in favor of the amendment.

The amendment was not adopted.

On motion of Mr. Lewis, the following amendment by Representatives Lewis and Rust was adopted:

On page 2, after line 15 insert the following new section:

"NEW SECTION, Sec. 4. By December 1, 1986, the department shall provide the appropriate standing committees of the legislature with a copy of the rules proposed in accordance with section 3 of this act."

Renumber the remaining sections consecutively.

MOTION

On motion of Mr. J. King, further consideration of Substitute House Bill No. 905 was deferred and the bill was ordered placed on the second reading calendar immediately following House Bill No. 1341.

HOUSE BILL NO. 1341, by Representatives Belcher and P. King

Authorizing state employee relocation assistance.

The bill was read the second time.

Ms. Silver moved adoption of the following amendment:

On page 2, line 1 following "least" strike "thirty-five" and insert "sixty"

Representatives Silver and May spoke in favor of the amendment, and Ms. Belcher opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Silver to House Bill No. 1341, and the amendment was not adopted by the following vote: Yeas, 43; nays, 54; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Chandler, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley - 43.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Wang, Wineberry, Zellinsky, and Mr. Speaker - 54.

Excused: Representative Brough - 1.

Mr. Sanders moved adoption of the following amendment:

On page 2, line 16 following "duties," insert "Expenses for subsistence or lodging shall not be reimbursed unless the distance to the new job location is more than fifty miles from the location of the old residence."

Mr. Sanders spoke in favor of the amendment and Ms. Belcher opposed it.

The amendment was not adopted.

The bill was passed to Committee on Rules for third reading.

SUBSTITUTE HOUSE BILL NO. 905:

The House resumed consideration of the bill on second reading.

Mr. Isaacson moved adoption of the following amendment:

On page 2, following line 15 after "woodstove," insert "The department shall establish a program to educate the public in cleaner, more efficient alternative heating systems in order to reduce the negative environmental impact of woodstove emissions."

Mr. Isaacson spoke in favor of the amendment and Ms. Rust opposed it.

The amendment was not adopted.

Substitute House Bill No. 905 was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1442, by Representatives Leonard, Lundquist, Sutherland, Belcher, Cole, Baugher, Lewis, Rayburn, Basich, Doty and Unsoeld

Modifying provisions on oil and gas leases on state lands.

The bill was read the second time.

On motion of Ms. Leonard, the following amendments by Representatives Leonard and D. Nelson were adopted:

On page 1, line 18 after "with" strike "the provisions hereof and" and insert "~~((the provisions hereof and))~~ one of the following conditions:" and after "(1)" strike "shall"

On page 1, line 21 after "(2)" strike "shall"

On page 1, line 22 after "(3)" strike "shall be engaged" and insert "~~((shall be engaged))~~ engage"

On page 1, line 26 after "(4)" strike "shall"

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1458, by Representatives Zellinsky, Haugen, Fisch, Hargrove, Schmidt, Bristow, P. King and Unsoeld

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

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1458 was substituted for House Bill No. 1458, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1458 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Zellinsky and May spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1458, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brough - 1.

Substitute House Bill No. 1458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1602, by Representatives Sayan and Lundquist

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

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1602, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R,

Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brough - 1.

House Bill No. 1602, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Wednesday, January 29, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

SEVENTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, January 29, 1986

The House was called to order at 11:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Chandler, R. King, Vekich and Wang, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Lou Ellen Mayfield and Catherine Lanier. Prayer was offered by Reverend Ronald W. Hastie, Evergreen Christian Center of Olympia.

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

MESSAGE FROM THE SENATE

January 28, 1986

Mr. Speaker:

The Senate has passed:

REENGROSSED SENATE BILL NO. 3444,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3541,
SENATE BILL NO. 4262,
REENGROSSED SUBSTITUTE SENATE BILL NO. 4305,
SENATE BILL NO. 4443,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

REESB 3444 by Senators Fleming, Wojahn and Talmadge

Establishing the higher education opportunities program.

Referred to Committee on Higher Education.

ESSB 3541 by Committee on Financial Institutions (originally sponsored by Senators Moore, Deccio, Sellar, Newhouse, Bender, Wojahn and Rasmussen; by Insurance Commissioner request)

Revising health care services provisions.

Referred to Committee on Financial Institutions & Insurance.

SB 4262 by Senators Owen, Benitz, Stratton and McManus

Changing date for expiration of joint operating agencies' contracting authority.

/ Referred to Committee on Energy & Utilities.

REESSB 4305 by Committee on Judiciary (originally sponsored by Senators Halsan and Talmadge)

Revising provisions governing bail bonds.

Referred to Committee on Judiciary.

SB 4443 by Senators Rinehart, Pullen, Garrett, Rasmussen and Lee

Providing for ongoing absentee voter status for blind persons.

Referred to Committee on Constitution, Elections & Ethics.

MOTION

On motion of Mr. J. King, the bills listed on today's Introduction Sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORTS OF STANDING COMMITTEES

January 28, 1986

HB 1058 Prime Sponsor, Representative Cole: Exempting certain emergency calls from provisions prohibiting interception or recording of private communications. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives Van Luven.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1334 Prime Sponsor, Representative Sommers: Modifying Legislative Budget Committee oversight assignments. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Hankins, O'Brien, Sanders, Taylor, Todd and van Dyke.

MINORITY recommendation: Do not pass. Signed by Representative Vekich.

Absent: Representatives Sanders.

Passed to Committee on Rules for second reading.

January 27, 1986

HB 1355 Prime Sponsor, Representative Madsen: Authorizing a Washington-bred horse marketing program. Reported by Committee on Agriculture

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Ballard, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

Absent: Representative Bristow.

Referred to Committee on Ways & Means.

January 27, 1986

HB 1358 Prime Sponsor, Representative Wang: Changing provisions relating to teacher abuse. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 7 after "peace" strike "as defined in STATE OF WASHINGTON V. REYES, 104 WN. 2D 35 (1985)"

Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betzoff, Chandler, Cole, Fuhrman, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Walker and Wang.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1459 Prime Sponsor, Representative Armstrong: Restricting evidentiary use of a breathalyzer test refusal. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 26 beginning with "to" strike everything through "evidence" on line 27
On page 4, line 2 beginning with "but" strike everything through "evidence" on line 4.

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Van Luven, Wang and West.

Absent: Representative Van Luven.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1647 Prime Sponsor, Representative Fisher: Repealing sunset termination of public disclosure commission. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Day, Fisch, Madsen, Miller, Nealey, Sommers and Walker.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1677 Prime Sponsor, Representative Fisher: Eliminating certain campaign funding reports. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Day, Fisch, Madsen, Miller, Nealey, Sommers and Walker.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1703 Prime Sponsor, Representative Niemi: Revising the implementation of comparable worth. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 5 after "board" strike "," and insert "; PROVIDED, That on or before the dates on which comparable worth increases become effective, the higher education personnel board shall review the salaries of all job classifications receiving comparable worth increase; which are also receiving special pay to determine whether the requirements of WAC 251-09-090 continue to be met and shall make any reductions in special pay necessary to adjust for the increases in base pay resulting from comparable worth adjustments."

On page 3, after line 27 insert:

"(6) The department of personnel and the higher education personnel board shall provide monthly reports to the legislative evaluation and accountability program committee regarding the steps each has taken, or proposes to take, to implement the settlement agreement referred to in subsection (5) of this section. The reports will include information on all disputes or potential disputes regarding implementation which have been brought to the attention of the two agencies.

The legislative evaluation and accountability program committee shall report to the legislature regarding the implementation steps taken by, and potential disputes facing, the department of personnel and the higher education personnel board. Such reports shall be provided as often as deemed necessary by the committee, but no later than June 1, 1986, December 1, 1986, and April 1, 1987."

Renumber the remaining sections consecutively.

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, J. King, Locke, Madsen, Niemi, Rust, Sayan, Smitherman and Sommers.

Voting nay: Representatives Hastings, Holland, Long, G. Nelson, Silver, L. Smith, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representative Sanders.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1720 Prime Sponsor, Representative Wang: Modifying provisions on boilers and unfired pressure vessels. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representatives Betrozoff and O'Brien.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1721 Prime Sponsor, Representative Wang: Modifying provisions relating to payments into the supplemental pension fund. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Chandler, Ebersole, Fisch, Fisher, R. King, Patrick, O'Brien, Sayan, C. Smith, Walker and J. Williams.

Absent: Representatives Betrozoff and O'Brien.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1732 Prime Sponsor, Representative D. Nelson: Modifying requirements of county-city solid waste plans. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Gallagher, Jacobsen, Long, Madsen, Miller, Unsoeld and Van Luvan.

Voting nay: Representatives Barnes, Bond, Isaacson and Nealey.

Passed to Committee on Rules for second reading.

January 27, 1986

HB 1776 Prime Sponsor, Representative Scott: Establishing provisions relating to medical program directors. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Lux, Padden, Scott, Tanner, West and Winsley.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1825 Prime Sponsor, Representative Vekich: Authorizing the use of the local hotel/motel tax to develop strategies to expand tourism. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Dobbs, Hargrove, J. King, Niemi, Rayburn, Schoon, Scott, L. Smith, Smitherman, Tanner, Vekich, B. Williams and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Doty and van Dyke.

Voting nay: Representatives Doty, Lundquist and van Dyke.

Absent: Representatives Schmidt, Scott, Silver and Thomas.

Passed to Committee on Rules for second reading.

January 27, 1986

HB 1829 Prime Sponsor, Representative Ebersole: Requiring a study of categorical educational services. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betrozoff, Chandler, Cole, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Walker and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Referred to Committee on Ways & Means.

January 27, 1986

HB 1831 Prime Sponsor, Representative Wang: Studying models for evaluating teachers. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betrozoff, Chandler, Cole, Fuhrman, Holland, P. King, Long, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd and Walker.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1962 Prime Sponsor, Representative Cole: Modifying provisions regulating engineers and surveyors. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representatives Betrozoff and O'Brien.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 2034 Prime Sponsor, Representative D. Nelson: Relating to natural resources. Reported by Committee on Rules

Referred to Committee on Natural Resources.

January 28, 1986

ESSCR 126 Prime Sponsor, Committee on Ways & Means: Ratifying comparable worth agreement. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 27 after "1985" insert ", as interpreted by the letters of the parties dated January 27, 1986 and January 28, 1986."

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Locke, J. King, Madsen, Niemi, Rust, Sayan, Smitherman and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Hastings, Holland, Long, G. Nelson, Silver, L. Smith, Taylor, Tilly and B. Williams.

Voting nay: Representatives Hastings, Holland, Long, G. Nelson, Silver, L. Smith, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representative Sanders.

Passed to Committee on Rules for second reading.

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

THIRD READING

ENGROSSED HOUSE BILL NO. 134, by Representatives Jacobsen, Long, Unsoeld, Allen, Todd, Niemi, Appelwick, Tilly, Winsley, Tanner, Lux, May and Belcher

Regulating the use of automatic dialing and announcing devices.

The bill was read the third time and placed on final passage.

Representatives Jacobsen, Leonard, Taylor and Brough spoke in favor of passage of the bill, and Representatives Barrett and Bond spoke against it.

POINT OF INQUIRY

Mr. Jacobsen yielded to question by Mr. Addison.

Mr. Addison: "Representative Jacobsen, I guess for legislative intent, I'm wondering, would the legislation prohibit the use of these automatic calling devices for getting out the vote?"

Mr. Jacobsen: "No, it wouldn't, and it also wouldn't prohibit government from using this. For instance, Highline School District uses these automatic devices to inform parents that their child is not in school today. The bill is written in such a way that it allows in-organization contact."

Mr. Addison: "How about polling for political candidates prior to an election?"

Mr. Jacobsen: "That would be all right; that is not sales, goods or services."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 134, and the bill passed the House by the following vote: Yeas, 74; nays, 20; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King P, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Walk, Walker, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 74.

Voting nay: Representatives Barnes, Barrett, Bond, Dobbs, Fuhrman, Hankins, Hastings, Isaacson, King J, Nealey, Padden, Sanders, Schoon, Sutherland, Thomas, van Dyke, Van Luven, West, Williams B, Williams J - 20.

Excused: Representatives Chandler, King R, Vekich, Wang - 4.

Engrossed House Bill No. 134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Mr. J. King, the House advanced to the eighth order of business.

On motion of Mr. J. King, HOUSE BILL NO. 1634 was referred from the second reading calendar to Committee on Ways & Means.

On motion of Mr. J. King, HOUSE BILL NO. 1733 was referred from Committee on Natural Resources to Committee on Ways & Means.

On motion of Mr. J. King, HOUSE BILL NO. 1754 was referred from Committee on Commerce & Labor to Committee on Trade & Economic Development.

On motion of Mr. J. King, HOUSE BILL NO. 1870 was referred from Committee on Commerce & Labor to Committee on Trade & Economic Development.

MOTION

On motion of Mr. J. King, the House was adjourned until 11:00 a.m., Thursday, January 30, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

EIGHTEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, January 30, 1986

The House was called to order at 11:00 a.m. by the Speaker. The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Therese O'Hare and Greg Hoskins. Prayer was offered by Reverend Steven Blotzke, Seventh Day Adventist Church of Pomeroy and Waitsburg.

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

REPORTS OF STANDING COMMITTEES

January 29, 1986

HB 711 Prime Sponsor, Representative Lewis: Revising provisions about juveniles with three diversion agreements. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven and West.

Absent: Representative Wang.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1070 Prime Sponsor, Representative Day: Authorizing tax credits for seed capital investments. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Day, Doty, Hargrove, J. King, Lundquist, Niemi, Rayburn, Schoon, Scott, L. Smith, Smitherman, Tanner, van Dyke, Vekich, B. Williams and Wineberry.

Absent: Representatives Dobbs, May, Schmidt, Silver and Thomas.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1333 Prime Sponsor, Representative Sommers: Modifying the termination and repeal of various state agencies and programs. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke, Vekich and Walk.

Passed to Committee on Rules for second reading.

January 27, 1986

HB 1409 Prime Sponsor, Representative Sutherland: Authorizing green lights on private cars of emergency medical personnel. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Fisch, Gallagher, Hankins, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Bond, Brough, Haugen, Lundquist and Van Luven.

Passed to Committee on Rules for second reading.

January 27, 1986

HB 1482 Prime Sponsor, Representative Walk: Establishing procedures for issuing replacement boat titles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Baugher, Bond, Brough, Fisch, Kremen, Lundquist, Thomas and Van Luven.

Passed to Committee on Rules for second reading.

January 27, 1986

HB 1485 Prime Sponsor, Representative Peery: Exempting from special fuel taxation certain fuel used within federal areas. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Betrozoff, Bond, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Patrick, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Brough, Kremen, McMullen, Prince and Tanner.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1488 Prime Sponsor, Representative Valle: Establishing a trade development services program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Day, Doty, Hargrove, J. King, Lundquist, Niemi, Rayburn, Schoon, Scott, L. Smith, Smitherman, Tanner, Vekich, B. Williams and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative van Dyke.

Absent: Representatives Braddock, Dobbs, May, Schmidt, Silver and Thomas.

Passed to Committee on Rules for second reading.

January 27, 1986

HB 1518 Prime Sponsor, Representative Walk: Repealing the requirement that written summaries of the implied consent law be furnished to drivers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Wineberry, Vice Chair; Bond, Brough, Lundquist and Van Luven.

Passed to Committee on Rules for second reading.

January 27, 1986

HB 1519 Prime Sponsor, Representative Walk: Revising requirements for motorcycle driver training schools. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Wineberry, Vice Chair; Bond, Brough, Lundquist and Van Luven.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1585 Prime Sponsor, Representative Locke: Authorizing recovery for additional consumers for antitrust violations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Schmidt and Tilly.

MINORITY recommendation: Do not pass. Signed by Representatives Padden, Schoon, Van Luven and West.

Absent: Representatives Dellwo and Wang.

Passed to Committee on Rules for second reading.

January 28, 1986

HB 1758 Prime Sponsor, Representative Belcher: Consolidating the administrative functions of certain state licensing programs. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Todd, Vekich and Walk.

MINORITY recommendation: Do not pass. Signed by Representatives Brooks, Fuhrman, Sanders, Taylor and van Dyke.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 2080 Prime Sponsor, Representative Lux: Relating to day care liability insurance. Reported by Committee on Rules

Referred to Committee on Financial Institutions & Insurance.

January 29, 1986

HB 2087 Prime Sponsor, Representative Lux: Regulating property casualty insurance agents and brokers. Reported by Committee on Rules

Referred to Committee on Financial Institutions & Insurance.

January 29, 1986

HB 2088 Prime Sponsor, Representative Lux: Relating to insurance. Reported by Committee on Rules

Referred to Committee on Financial Institutions & Insurance.

January 29, 1986

HB 2089 Prime Sponsor, Representative Lux: Relating to insurance. Reported by Committee on Rules

Referred to Committee on Financial Institutions & Insurance.

January 29, 1986

HB 2121 Prime Sponsor, Representative Armstrong: Revising laws on tort actions. Reported by Committee on Rules

Referred to Committee on Judiciary.

SECOND READING

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 126, by Committee on Ways & Means (originally sponsored by Senators McDermott, Fleming, Rinehart and Lee)

Ratifying comparable worth agreement.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendment, see Journal, 17th Day, January 29, 1986.)

On motion of Mr. Braddock, the committee amendment was adopted.

Mr. Tilly moved adoption of the following amendment:

On page 1, after line 19 insert:

"WHEREAS, It is the intent of the contract that the legislature shall retain ultimate authority over the decision whether a new comparable worth evaluation methodology is used by the state personnel board and the higher education personnel board and whether those boards adopt a new comparable worth line based on all jobs; and"

Mr. Tilly spoke in favor of the amendment, and Mr. Braddock spoke against it.

On motion of Mr. Padden, the following remarks by Representative Braddock were ordered spread upon the Journal:

Mr. Braddock: "I would submit that all of us want to be certain that we tie this agreement down as much as possible, but I would also submit that we have made it very clear, abundantly clear, in our letters and in our conversation, our testimony, our questions over the past week that if they create an all new job line, which has the potential of exceeding the \$482 million figure, that they would know very well and without any doubt, that they would be violating the intent of this legislature. That, I believe, is abundantly clear and we have made it clear over the past week. They would know that. This legislature would retain the ability outside this contract, I believe, to respond to such an action. I believe that we let these authorities do a lot with our salary levels now, that we don't even approve every year. We do not, every year, approve every adjustment in salaries in individual departments. We have established intent very well; it's very clear what the intent of this legislation is and for that reason, I believe, this is unnecessary and I encourage the members to vote no."

Representative Tilly spoke again in favor of the amendment.

Representative B. Williams spoke for the amendment, and Representative Belcher opposed it.

On motion of Mr. Padden, the following remarks by Representative Belcher were ordered spread upon the Journal:

Ms. Belcher: "I think the concern over where the line is drawn is really a fascinating question, particularly considering the fact that this body passed a law in 1983 that did not define the line at all. You left it totally open and the implementation up to the Department of Personnel and Higher Education Personnel Board. What you gain in this contractual agreement is a definition of that line; a very specific definition of that line. There is nothing in the contractual agreement that would authorize the Department of Personnel to change that line without legislative authorization. This body could, at any time, take action to direct the Personnel Board either to leave the line where it is or to change it, but there is absolutely no authority in the contract that would change the responsibility to the State Personnel Board. We don't need this language; it simply muddies the issue."

Representatives Grimm and Niemi opposed the amendment, and Representative Bond spoke in favor of it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Tilly to page 1, line 19 of Engrossed Substitute Senate Concurrent Resolution No. 126, and the amendment was not adopted by the following vote: Yeas, 43; nays, 55.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luvan, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 43.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Waik, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 55.

Ms. Silver moved adoption of the following amendment:

On page 1, after line 19 insert:

"WHEREAS, The contract provides that the state is not obligated to spend more than \$482.4 million dollars to provide comparable worth adjustments provided in the contract, except for any additional costs resulting from future general salary increases; and"

Ms. Silver spoke in favor of the amendment, and Mr. Braddock opposed it.

On motion of Mr. Padden, the following remarks by Representative Braddock were ordered spread upon the Journal:

Mr. Braddock: "I, again, rise to urge the members to vote no on this amendment. I do so because I think, as we stated before, we did a good job of clarifying what the intent was in our work this week and I would read from a letter--this is a letter that has been signed by the parties to the contract. All parties signed this; all parties testified before us on this issue. It says, 'In any event, the overall cost of the contract of the state is not more than \$482.4 million....' It states that very clearly. I believe that provides sufficient intent in addition to the other discussions we had with the parties of this contract in the committee meetings. I believe we have established it well and this is not needed."

Representatives B. Williams, Ballard and Taylor spoke in favor of the amendment, and Representatives Belcher and Hine spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Silver to Engrossed Substitute Senate Concurrent Resolution No. 126, and the amendment was not adopted by the following vote: Yeas, 44; nays, 54.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 44.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 54.

Mr. Hastings moved adoption of the following amendment:

On page 2, line 1 following "parties" insert "; and

BE IT FURTHER RESOLVED, That nothing in this act is intended to remove the peoples right of referendum on this act"

POINT OF ORDER

Mr. Appelwick: "Mr. Speaker, would you please rule on the scope and object of this amendment?"

SPEAKER'S RULING

The Speaker: "Representative Appelwick, the amendment deals with the people's right of referendum. The people's right of referendum is contained in Article II, section 1 of the State Constitution. Referendum powers apply only to bills enacted by the legislature. Concurrent resolutions are not subject to referendum; they deal with matters essentially relating to the legislative branch. Therefore, your point is well taken."

POINT OF PARLIAMENTARY INQUIRY

Mr. Hastings: "Mr. Speaker, there may be some doubt that a resolution is something other than a bill as referenced in the Constitution. Is there someplace--case law, for instance--that has proven that resolutions are something other than what is referenced in the Constitution?"

The Speaker: "I think you just heard it. I ruled it."

Mr. Hastings: "Mr. Speaker, I asked if there is case law."

The Speaker: "No, not to my knowledge."

Mr. Hastings: "Mr. Speaker, that is precisely the reason why this is offered and I think that this issue is important enough---"

The Speaker: "I'm sorry, Representative Hastings, I ruled on that matter and the ruling still holds."

Engrossed Senate Concurrent Resolution No. 126 as amended by the House was passed to Committee on Rules for third reading.

HOUSE BILL NO. 1703, by Representatives Niemi, Brough, Allen, Belcher, Fisher, Miller, Cole, Hine and Unsoeld; by request of Governor Gardner

Revising the implementation of comparable worth.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendments, see Journal, 17th Day, January 29, 1986.)

Mr. Braddock moved adoption of the committee amendments.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Mr. Braddock spoke in favor of the committee amendments and they were adopted.

Mr. Barnes moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 702, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE ~~((GOVERNOR))~~ SUPERINTENDENT OF PUBLIC INSTRUCTION—COMPARABLE WORTH IMPLEMENTATION AND LAWSUIT

General Fund Appropriation	\$	26,790,000
Special Fund Salary Increase		
Revolving Fund Appropriation	\$	19,120,000
Total Appropriation	\$	45,910,000

The appropriations in this section are subject to the following conditions and limitations: ~~((1) \$2,578,000 of the general fund appropriation and \$1,365,000 of the special fund salary increase revolving fund appropriation are provided solely for a salary increase for those job classifications tied to salary survey benchmarks falling 8 ranges or more below the January 1, 1985, actual average comparable worth line as calculated under the formula of \$983.72 + (\$3.28 x points) and rounded to the nearest Step G or equivalent step for shortened ranges. However, a job classification shall receive an increase only if its salary range as of January 1, 1985, is also 8 or more ranges less than the salary range of that classification as calculated under the aforementioned formula using the evaluation points of that classification as adopted by the respective personnel board. The adjustments shall take place July 1, 1985, and July 1, 1986, and shall equal \$75 a year for all affected classes and employees.~~

~~(2) \$350,000 of the general fund—state appropriation shall be used solely by the office of the governor to hire an independent consultant with expertise in developing and evaluating public employee job classification systems and implementing comparable worth. The consultant shall:~~

~~(a) Review the Willis methodology;~~

~~(b) Update job class specifications for all job classes with incumbents that have not been reviewed for the past five years;~~

~~(c) Develop a new benchmark and indexing structure which reflects the evaluated worth of the job classes; and~~

~~(d) Evaluate the job class specifications for the implementation of comparable worth.~~

~~(3) The department of personnel and the higher education personnel board shall provide any assistance needed by the consultant to perform the activities in subsection (2) of this section. Both the state personnel board and higher education personnel board must submit joint reports to the legislature on the progress to date in implementing the consultant's recommendations no later than January 1, 1986, and July 1, 1986. On January 1, 1987, both boards shall submit a final report to the legislature.~~

~~(4) \$150,000 of the general fund—state appropriation shall be used solely for the office of the governor to allocate to agencies that provide technical assistance to the consultant hired under subsection (2) of this section.~~

~~(5) \$23,612,000 of the general fund appropriation and \$17,815,000 of the special fund salary increase revolving fund appropriation are provided for the settlement of all claims of all plaintiffs and class members of American Federation of State, County, and Municipal Employees, et al. v. State of Washington, et al., Cause Nos. C82-4657, 84-3569, and 84-3590 and the~~

~~implementation of comparable worth pursuant to RCW 28B.16.116 and RCW 41.06.155. The settlement shall result in complete discharge of all claims of any nature whatsoever of all plaintiffs and class members. It is the intent of the legislature that salary adjustments for affected class members not exceed the adjustment calculated using the average actual comparable worth salary line as applied to the Willis evaluation points of the affected job classification and adopted by the state personnel board and the higher education personnel board. The governor as the chief executive officer of the state, with the assistance of the attorney general, is authorized to seek a proposed settlement. However, any such settlement is tentative and subject to legislative ratification. \$100,000 of the general fund appropriation is provided solely for the office of the governor to retain any special consultants or negotiators to work with the attorney general in seeking a settlement of American Federation of State, County, and Municipal Employees, et al. v. State of Washington, et al., within the terms of the appropriation as set out in this subsection. If a tentative settlement is reached within the terms of the appropriation within this subsection, the governor and the attorney general shall jointly present a report on the tentative settlement to the legislature no later than January 1, 1986, for ratification. No funds shall be released before January 1, 1987, and until such time as stipulated final judgment is entered under the terms of the tentative settlement ratified by the legislature. The appropriation provided for settlement in this subsection shall lapse if no proposal is brought before the legislature before January 1, 1986, if the tentative settlement brought before the legislature is not ratified by the legislature during the 1986 legislative session, or if stipulated final judgment is not entered before June 30, 1986.~~

~~(6) The department of personnel and the higher education personnel board shall report to the legislature by January 1, 1986, with a report identifying those job classifications not covered by the lawsuit that would be entitled to receive adjustments under the average actual comparable worth line. The report shall include recommendations regarding implementation of comparable worth adjustments for these affected job classes.~~

~~(7) To facilitate payment of salary increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management)) The appropriations shall be expended to effect a state-wide uniform percentage salary increase for all certificated personnel employed in the common schools of the state, effective July 1, 1986. In providing this salary increase, the legislature recognizes that education is a profession that is, to a large extent, predominantly female. This salary increase is intended to implement comparable worth.~~

~~NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.~~

POINT OF ORDER

Mr. R. King: "Mr. Speaker, I believe this amendment, which changes from an appropriation to the Governor to implement the comparable worth to an appropriation to the Superintendent of Public Instruction for a general salary increase for teachers, is well beyond the scope and object of this bill."

SPEAKER'S RULING

The Speaker: "Representative King, the Speaker has looked at the title of House Bill 1703 and the floor amendment by Representative Barnes and finds that the title refers to the issue of comparable worth to state employees. This particular floor amendment broadens that interpretation to include all certified personnel in the public schools, the common schools, the salary increase. It is the Speaker's view that it broadly widens the interpretation of the title. Your point is well taken."

POINT OF INFORMATION

Mr. Padden: "I'm trying to understand your ruling, Mr. Speaker. Are you saying that comparable worth is not applied to everyone?"

The Speaker: "No. I just said this particular amendment is beyond the scope and object. It talks about a general salary increase."

The bill was ordered engrossed and passed to Committee on Rules for third reading.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. J. King, HOUSE BILL NO. 1615 was referred from Committee on Local Government to Committee on Environmental Affairs.

On motion of Mr. J. King, the House was adjourned until 9:30 a.m., Friday, January 31, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

NINETEENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, January 31, 1986

The House was called to order at 9:30 a.m. by the Speaker. The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Matt Boehnke and Mitch Fowler. Prayer was offered by Reverend Ronald Hastie, Evergreen Christian Center of Olympia.

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

MESSAGE FROM THE SENATE

January 30, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 4724,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

ESSB 4724 by Committee on Ways & Means (originally sponsored by Senators Gaspard, Bender, Saling, Bailey, Patterson, Granlund, DeJarnatt, Bauer, Johnson, McManus, Rinehart, von Reichbauer, Barr, Garrett, Vognild, Conner and Lee; by request of Superintendent of Public Instruction)

Adopting the Washington award for excellence in education program act.

Referred to Committee on Education.

REPORTS OF STANDING COMMITTEES

January 30, 1986

HB 1291 Prime Sponsor, Representative Wang: Relating to Puyallup Indian claims. Reported by Committee on Rules

Referred to Committee on Local Government.

January 30, 1986

HB 1337 Prime Sponsor, Representative Sommers: Repealing the conflict-of-interest exemption for the Washington state development loan fund committee. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Day, Fisch, Madsen, Nealey, Sommers and Walker.

Absent: Representatives Day and Miller.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1368 Prime Sponsor, Representative Tilly: Revising provisions relating to abstracts of driving records. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Nutley, Prince, West and Winsley.

Absent: Representatives Dellwo, Grimm and Locke.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1375 Prime Sponsor, Representative Appelwick: Restricting smoking in courtrooms and jury facilities. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lux, May and Valle.

Voting nay: Representatives Lewis and Nutley.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1398 Prime Sponsor, Representative Zellinsky: Publishing maximum interest rates in the state register. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Locke, Nutley, Prince, West and Winsley.

Absent: Representatives Dellwo and Grimm.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1422 Prime Sponsor, Representative Ebersole: Revising provisions relating to the Washington award for vocational excellence. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 15 after ",," strike "5" and insert "0"

Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betrozoff, Cole, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Walker and Wang.

Absent: Representatives Chandler and Fuhrman.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1431 Prime Sponsor, Representative Nealey: Defining official and authorized uses of the state seal. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Day, Fisch, Madsen, Nealey, Sommers and Walker.

Absent: Representatives Day and Miller.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1432 Prime Sponsor, Representative Valle: Restricting smoking in state offices. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lux, May, Nutley and Valle.

Voting nay: Representative Lewis.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1496 Prime Sponsor, Representative Appelwick: Providing funds for the horse racing commission. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representative R. King

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1505 Prime Sponsor, Representative Smitherman: Establishing a pilot project to employ those hard to employ. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Doty, Hargrove, J. King, Lundquist, May, Niemi, Rayburn, Schoon, Scott, Silver, L. Smith, Smitherman, Tanner, Thomas, van Dyke, B. Williams and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Dobbs.

Absent: Representatives Schmidt, Silver, Vekich and Wineberry.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1582 Prime Sponsor, Representative Sommers: Establishing an office of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Basich, Belcher, D. Nelson, G. Nelson, Prince, Unsoeld, K. Wilson and Wineberry.

MINORITY recommendation: Do not pass. Signed by Allen, Hastings, Miller and Silver.

Absent: Representative Vander Stoep.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1604 Prime Sponsor, Representative Nutley: Authorizing the collection of assessments by certificate of delinquency. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Absent: Representatives Isaacson and Rayburn.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1643 Prime Sponsor, Representative D. Nelson: Providing for used oil recycling. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1654 Prime Sponsor, Representative Haugen: Revising local government debt computations. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Absent: Representatives Brough, Isaacson and Rayburn.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1675 Prime Sponsor, Representative Fisch: Authorizing the creation of employee cooperatives. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Dobbs, Doty, Hargrove, J. King, Lundquist, May, Niemi, Rayburn, Schmidt, Schoon, Scott, Silver, L. Smith, Smitherman, Tanner, Thomas, van Dyke, B. Williams and Wineberry.

Absent: Representatives Silver, Vekich and Wineberry.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1684 Prime Sponsor, Representative Scott: Creating a technology assistance program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Dobbs, Doty, Hargrove, J. King, Lundquist, May, Niemi, Rayburn, Schmidt, Schoon, Silver, L. Smith, Smitherman, Tanner, Thomas, van Dyke and B. Williams.

Absent: Representatives Hargrove, Silver, Vekich and Wineberry.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1711 Prime Sponsor, Representative Ebersole: Establishing a coordinating committee on environmental education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betzoff, Cole, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, L. Smith, Todd, Walker and Wang.

Absent: Representatives Chandler, Fuhrman and Holland.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1725 Prime Sponsor, Representative Ebersole: Providing an alternative method for review of learning objectives program. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 28 after ";" insert "Periodic review shall take place at least every six years."

Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betzoff, Cole, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Walker and Wang.

Absent: Representatives Chandler, Fuhrman and L. Smith.

Passed to Committee on Rules for second reading.

January 27, 1986

HB 1729 Prime Sponsor, Representative C. Smith: Repealing provisions on collection of tax on special fuel dispensed from a keylock metered pump. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after line 5, insert the following:

"Sec. 2. Section 10, chapter 175, Laws of 1971 ex. sess. as amended by section 5, chapter 40, Laws of 1979 and RCW 82.38.090 are each amended to read as follows:

It shall be unlawful for any person to act as a special fuel dealer, a special fuel supplier or a special fuel user in this state unless such person is the holder of an unanceled special fuel dealer's, a special fuel supplier's or a special fuel user's license issued to him by the department. A special fuel supplier's license authorizes a person to sell special fuel without collecting the special fuel tax to other suppliers and dealers holding valid special fuel licenses.

A special fuel dealer's license authorizes a person to deliver previously untaxed special fuel into the fuel supply tanks of motor vehicles, collect the special fuel tax on behalf of the state at the time of delivery, and remit the taxes collected to the state as provided herein. A licensed special fuel dealer may also deliver untaxed special fuel into bulk storage facilities of a licensed special fuel user without collecting the special fuel tax. Special fuel dealers and suppliers, when making deliveries of special fuel into bulk storage to any person not holding a valid special fuel license must collect the special fuel tax at time of delivery, unless the person to whom the delivery is made is specifically exempted from the tax as provided herein.

A special fuel user's license authorizes a person to purchase special fuel into bulk storage for use in motor vehicles either on or off the public highways of this state without payment of the special fuel tax at time of purchase. Holders of special fuel licenses are all subject to the bonding, reporting, tax payment, and record-keeping provisions of this chapter. All purchases of special fuel by a licensed special fuel user directly into the fuel supply tank of a motor vehicle are subject to the special fuel tax at time of purchase unless (they have) the purchaser has specific written authorization from the department as provided in RCW 82.38.040 or the purchase is made from an unattended keylock metered pump, cardrol, or such similar dispensing devices. Persons utilizing special fuel for heating purposes only are not required to be licensed."

On page 1, line 2 of the title, after "pump;" insert "amending RCW 82.38.090;"

Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Fisch, Gallagher, Hankins, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Wineberry, Vice Chair; Bond, Brough, Haugen, Lundquist and Van Luven.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1797 Prime Sponsor, Representative Armstrong: Changing provisions relating to child support. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven and West.

Absent: Representative Wang.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1986 Prime Sponsor, Representative Isaacson: Including adopted children within the definition "child of the insured" for insurance purposes. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Locke, Nutley, Prince, West and Winsley.

Absent: Representatives Grimm and Holland.

Passed to Committee on Rules for second reading.

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

THIRD READING

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 126
AS AMENDED BY THE HOUSE, by Committee on Ways & Means (originally sponsored by Senators McDermott, Fleming, Rinehart and Lee)

ratifying comparable worth agreement.

The bill was read the third time and placed on final passage.

Representative Belcher spoke in favor of passage of the bill, and Representatives Thomas and B. Williams spoke against it.

Ms. Niemi moved that the two letters, dated January 27 and January 28, received by Representative Grimm regarding Comparable Worth Agreement be inserted in the Journal.

Mr. Barrett demanded an electric roll call vote on the motion, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to insert letters into the Journal concerning comparable worth, and the motion was carried by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

January 27, 1986

The Honorable Daniel K. Grimm, Chairman
House Ways and Means Committee
Legislative Building
Olympia, Washington
Re: Comparable Worth Agreement
Dear Representative Grimm:

Thank you for your letter of January 21 in which you request an interpretation of certain of the agreement's language to better understand the intent of the parties. We provide the following in answer to your questions.

Initially we note that underlying each of your questions is how the agreement will, in fact, be administered. Let us indicate at the outset that the overriding intent of the parties is that the agreement be administered in as fair, equitable and consistent a manner as possible by the state and, in particular, the two personnel systems. With this principle in mind, we address each of the questions.

As you may know, the two personnel systems have, using the Willis methodology, evaluated almost all job classifications which have a large number of employees that can be expected to qualify for comparable worth adjustment. In the Department of Personnel system, approximately seventy-eight percent of the employees are in job classifications which have been evaluated, and the corresponding number for the Higher Education Personnel system is approximately eighty-two percent. We recognize that all remaining jobs could not, with a high degree of accuracy, be evaluated by the implementation date of April 1, 1986. Therefore, we intended that the two personnel systems would use the best data available to them on the effective date of April 1. In other words, to determine which job classifications qualify for a comparable worth adjustment and to determine their range entitlements after April 1, 1986, the personnel boards would use the evaluated worth of the job classes where available. Because all benchmark jobs have been evaluated, determination for the remaining classes would be through benchmark-indexing. It is expected that the two personnel systems will do

a limited number of additional evaluations prior to the effective date of the agreement to make necessary adjustments and provide direction for certain job classes. It was the intent of the parties that no job classification at or above the comparable worth line would receive any increase pursuant to the agreement.

You next address paragraph 2(B) of the agreement. Because all jobs have not been studied, the current actual average comparable worth line is drawn based on the evaluated worth and actual salaries of benchmark jobs only. Should the personnel board, during the term of the agreement complete evaluations on all jobs, it would be up to the two personnel boards to adopt a new line. At that point, the all jobs line would be used for continued implementation under the agreement. Please note that an all jobs line, by the agreement must, like the benchmark line, be based on January 1, 1985 actual salaries. The parties did not necessarily expect a new line to be drawn but intended in paragraph 2(B) to address such a possibility. In any event, the overall cost of the contract to the state is not more than \$482.4 million. This figure does not include monies that are a part of any general salary increase used to maintain comparable worth pursuant to paragraph 4 of this agreement. By referencing the "Willis" points in the agreement, the parties simply were referring to the current methodology used in calculating comparable worth but did not intend to require the personnel boards to be locked into any particular methodology.

In answer to your third question, the parties did not intend to restrict or enhance the work or jurisdiction of the personnel boards. It is expected that there may be classes established or abolished and class series restructured during the term of the agreement. As a result of such board actions, comparable worth classification entitlement reflecting the new classification should be addressed in the normal course of the boards' actions.

We hope this sufficiently addresses the matters you have raised. Thank you for allowing us to answer your questions.

Sincerely,

Susan R. Agid, Attorney and Chief Negotiator, Office of the Governor;
George D. Masten, AFSCME International Vice President and Chief Negotiator;
Rebecca L. Bogard, Governor's Legislative Counsel;
Gary Moore, WFSE Executive Director
Approved:

Christine O. Gregoire, Deputy Attorney General, Attorney for Defendants;
Edward E. Younglove III, Attorney for Plaintiffs

January 28, 1986

The Honorable Daniel K. Grimm, Chairman
House Ways and Means Committee
Legislative Building
Olympia, Washington
Re: Comparable Worth Agreement
Dear Representative Grimm:

In a letter dated January 28, 1986, you requested an interpretive letter regarding the Agreement dated December 31, 1985, and, in specific, the parties' intent with respect to the use of the term "appropriated" in paragraph 3(G).

The parties intended the term "appropriate" to mean "pay," "allocate," "provide," or "expend" monies necessary to achieve comparable worth as set forth in the Agreement. Thus, the parties did not intend to identify or to limit the sources of these funds, nor to adopt a definition of "appropriated" in the technical sense as used in legislative budget actions. The necessary monies, i.e. \$10 million annually as set forth in paragraph 3(G), are to be comprised of all funds whether technically appropriated or nonappropriated, budgeted or nonbudgeted, or any combination of these funds. This intent of the parties is illustrated by the fact that following the term "appropriated" the parties made specific reference to both general and special fund monies, i.e. all monies, from whatever source.

We hope this clarifies the language of the Agreement and answers the question as set forth in your letter.

Sincerely,

Rebecca L. Bogard, Governor's Legislative Counsel;
George D. Masten, AFSCME International Vice President and Chief Negotiator;
Gary Moore, WFSE Executive Director

Approved:

Christine O. Gregoire, Deputy Attorney General, Attorney for Defendants;
Edward E. Younglove III, Attorney for Plaintiffs

POINT OF INQUIRY

Mr. Grimm yielded to question by Mr. Tilly.

Mr. Tilly: "Representative Grimm, is it correct to say that the total cost of compensation under the terms of this settlement will not exceed \$482.4 million?"

Mr. Grimm: "Yes, Representative Tilly, assuming the number of state employees and their status as of April 1, 1986."

Mr. Tilly: "May the members voting on this measure rely on \$482.4 million as the maximum financial exposure in ratifying this agreement?"

Mr. Grimm: "Yes, Representative Tilly, assuming the number of state employees and their status as of April 1, 1986."

POINT OF INQUIRY

Mr. Grimm yielded to question by Mr. Braddock.

Mr. Braddock: "Representative Grimm, can you tell me, was it your intent and the intent of the parties to the agreement, that the legislature retain final authority over the state personnel boards, including over their decision whether or not to adopt a new comparable worth evaluation methodology or a new comparable worth line?"

Mr. Grimm: "I'm glad you asked that question, Representative Braddock. Yes, it was quite definitely my intent and the intent of the parties, that the legislature retain its full present legal authority over the state personnel boards. While the agreement mentions that the two personnel boards could adopt a new comparable worth line based on all jobs, it was not my intent, nor the intent of the parties, to enhance the authority of the boards nor to limit the power of the legislature to define the boards' authority."

On motion of Mr. Hastings, the following remarks by Representative B. Williams were ordered spread upon the Journal:

Mr. B. Williams: "I urge you not to ratify this agreement because there are two issues: One, this is a contract. It is not a bill. Two, it is not pay equity, it is pay inequity that is administered under the terms of this contract. We have before this body today, an issue, not an act, not an item, not a section of a bill, not a part of a bill, not a bill, not a law to be passed by the legislature. Instead we have what is a carefully orchestrated and choreographed issue. This issue we call a resolution today. It was necessary that this resolution be carefully orchestrated and very carefully choreographed because, I believe, the flaws in the contract are very obvious. In my opinion, without all this orchestration, there would be no resolution before us today. This resolution ratifies an agreement reached between the governor's office and one--one--of our public unions. This agreement stands for many good and many laudable issues, and I doubt very seriously if anyone on the floor can say that they are against pay equity, but this contract does not achieve pay equity.

"There is really, to me, only one positive factor in the action which we are about to witness. That factor is a whole lot of people are going to get an increase in salary, not dealing with whether they are low-paid and not dealing with whether they are male or female. You know, everybody likes to see people get money, but I think that's where our agreement ends.

"Let's examine the resolution briefly. A majority of the general public sincerely believe that comparable worth is equal pay for equal work. They also believe just

as sincerely that the ratification of this document will relieve many of the injustices which have been done to women, women who work hard and long, but do not receive just compensation on an equal basis as men performing the same work. That is federal law and that has been implemented in the State of Washington. Many people believe that this agreement applies to predominately low-paid female jobs and we are going to bring them back. This agreement does not do that.

"In much of the press and by many of the proponents, this has been referred to as pay equity. How is it pay equity? If you are a secretary, under the terms of this agreement, and you work for the Department of Personnel, you will receive \$243 a month more than if you are a secretary doing a similar job at the University of Washington. Why is that clear? Because we have two different boards that evaluate under the Willis System in a different manner and come up with different results. If you are a secretary in the K-12 educational system, it doesn't apply. That is not comparable worth. How does it apply when we look at the top fifty-seven paid job classes in state government, occupied predominately by men and we see that people receiving \$2700 a month or more, fifty out of those fifty-seven job classes are getting an increase. One of those, \$850 a month increase. Is that comparable worth? Is that pay equity? I don't think so. How is it that of those jobs evaluated by the Higher Education Personnel Board, eighty-eight percent of the jobs evaluated are below the average line? How is it that those evaluated by the Department of Personnel System, over seventy-five percent are below the average? That is simply not comparable worth. That is simply state employees who have figured out the system and know how to do the evaluation. The significant difference between those who get the increase and those who do not are two things: One, if you are in a job which is a blue-collar job or is a highly professional job or outdoors, a high degree of safety, your job will be down-graded. The other significant difference: If you were evaluated by the Willis team, your points are lower than if you were evaluated by state employees using the Willis terminology. We can even see in the same job that was evaluated by two different teams, the Willis team and the state employees using the Willis logic, the point system went up, thereby increasing their salaries.

"You know, we have been told that this agreement will cost us \$482.4 million and I read this contract--there is no limit in the contract. We've been told that this resolution will not cost us more than \$482.4 million and it's not in there. This contract is very similar to another contract which we entered into, the largest contract the State of Washington authorized--marine power--a contract which was a design and build, no checks and balances; a contract in which we ended up in court, which our attorneys told us we could win, but we settled out of court. We won in court. We won, so instead, with a contract five times that of the ferry, enough to build thirty super ferries, we settled. Maybe we better not win too many lawsuits.

"I think another major point to look at is that this contract has got to trigger a tax increase. We all know, particularly on the Ways and Means Committee, that there is not an extra \$482.4 million lying around. There are only two methods of funding this. As the governor says, we are in the era of subtraction, which means if you take \$482.4 million for something, it's coming away from something else. If it comes away from something else, the only places it can come from are our K-12 teachers' salaries and higher education, because the governor is committed to the social programs. The only other alternative here is to go through and raise taxes. I submit to you that when you look at the contract, it is fatally flawed. In the space of twenty-four hours we had numerous amendments to it. The more time we looked at it, the more flaws we see in the contract. The contract, which cannot be changed, is not the way for the legislature to go. We have, in the Ways and Means Committee, a supplemental budget. We can appropriate funds to implement comparable worth the way the legislature believes comparable worth is--that is to bring predominately low-paid, male and female, jobs up, but not to give a general salary increase to those highly-paid top state officials. I urge a no vote."

Representatives Hastings, Isaacson, Vander Stoep, Padden, L. Smith and Bond spoke against passage of the resolution, and Representatives Miller, Braddock and J. King spoke in favor of it.

Mr. Crane demanded the previous question and the demand was not sustained.

Representatives Van Luven, Taylor and C. Smith spoke against the resolution, and Representatives Allen and Brough spoke in favor of it.

POINT OF PARLIAMENTARY INQUIRY

Mr. Lewis: "Mr. Speaker, based on your decision yesterday, I'm asking whether or not this issue should be before us in light of Article VIII, subsection (3) of the State Constitution, 'Special Indebtedness, how authorized.?'"

The Speaker: "The Speaker does not make rulings on constitutional questions. Yesterday a reference (was made) that was only to indicate the difference between a bill and a concurrent resolution in terms of one being an internal measure and the other being a bill."

Representatives Silver and Lundquist spoke against the resolution.

Mr. Crane demanded the previous question and the demand was sustained.

Mr. Grimm closed debate, speaking in favor of the resolution.

ROLL CALL

The Clerk called the roll on adoption of Engrossed Substitute Senate Concurrent Resolution No. 126 as amended by the House, and the resolution was adopted by the following vote: Yeas, 55; nays, 43.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Brough, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 55.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Baugher, Betrozoff, Bond, Bristow, Brooks, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 43.

Engrossed Substitute Senate Concurrent Resolution No. 126 as amended by the House, having received the constitutional majority, was declared adopted.

MOTION

On motion of Mr. J. King, Engrossed Substitute Senate Concurrent Resolution No. 126 was immediately transmitted to the Senate.

ENGROSSED HOUSE BILL NO. 1703, by Representatives Niemi, Brough, Allen, Belcher, Fisher, Miller, Cole, Hine and Unsoeld; by request of Governor Gardner

Revising the implementation of comparable worth.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1703, and the bill passed the House by the following vote: Yeas, 55; nays, 43.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Brough, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 55.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Baugher, Betrozoff, Bond, Bristow, Brooks, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 43.

Engrossed House Bill No. 1703, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

MOTION

On motion of Mr. Appelwick, Engrossed House Bill No. 1703 was ordered immediately transmitted to the Senate.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-107, by Representatives Ehlers, S. Wilson, O'Brien, J. King, Barrett, Hine, Ballard, Rayburn, Baugher, Tilly, Todd, Wineberry, van Dyke, Crane, Doty, C. Smith, Schmidt, Smitherman, Appelwick, Ebersole, R. King, Lewis, Rust, Prince, Addison, Allen, Armstrong, Barnes, Basich, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Day, Dellwo, Dobbs, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Jacobsen, P. King, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, D. Nelson, G. Nelson, Niemi, Nutley, Padden, Patrick, Peery, Sanders, Sayan, Schoon, Scott, Silver, L. Smith, Sommers, Sutherland, Tanner, Taylor, Thomas, Unsoeld, Valle, Vander Stoep, Van Luven, Vekich, Walk, Walker, Wang, West, B. Williams, J. Williams, K. Wilson, Winsley and Zellinsky

WHEREAS, The Space Shuttle Challenger exploded moments after liftoff in the first in-the-air United States man-in-space disaster; and

WHEREAS, The shocking explosion of the shuttle launch was seen by millions of viewers, including school children throughout the country; and

WHEREAS, All seven members of the crew, including Shuttle Commander Francis R. Scobee and school teacher Christa McAuliffe, were apparently killed in space; and

WHEREAS, The other Challenger crew members included Pilot Mike Smith, age 40, Commander in the United States Navy, graduate of the Naval Academy, flying his first mission in space; Ronald McNair, age 36, a laser expert and Massachusetts Institute of Technology doctoral graduate, who was one of the first black astronauts in space flying his second mission; Astronaut Judy Resnik, age 36, an electrical engineer as well as a concert pianist, who was the second American woman to have flown in space; Air Force Lieutenant Colonel Ellison Onizuka, age 39, the first astronaut from Hawaii, who was a former aerospace engineer, flying his second space mission; and Gregory Jarvis, age 41, a Hughes Engineer and former Air Force satellite expert; and

WHEREAS, Space Shuttle Commander Francis R. Scobee was born in Cle Elum, Washington in 1939, was raised in Auburn, Washington where he attended grade school and was graduated from Auburn High School in 1957; and

WHEREAS, Francis Scobee worked at the local Safeway before enlisting in the Air Force and earned both his Bachelors and Masters degree while serving in the military; and

WHEREAS, Commander Scobee served in Vietnam, receiving the Distinguished Flying Cross before becoming an Air Force test pilot at Edward's Air Force Base; and

WHEREAS, Commander Scobee was selected as an astronaut in 1979, making his first space flight in 1984, after which he returned to Auburn High School to address the students on space exploration; and

WHEREAS, Francis R. Scobee's parents now reside in Yakima, Washington, and many members of the House of Representatives are personal friends of the Scobee family; and

WHEREAS, Christa McAuliffe, the first school teacher and United States civilian in space, wanted to demystify space for our youth and stated that space exploration is not just for astronauts, but is part of the future of every child;

NOW, THEREFORE, BE IT RESOLVED, That we, the members of the House of Representatives of the State of Washington mourn the loss of the crew of the Space

Shuttle Challenger, extend our heartfelt sympathies to their families and, most especially, offer our condolences to the family and friends of the Scobee family while expressing the gratitude of the people of our state, all of whom benefited from the distinguished service of Francis R. Scobee; and

BE IT FURTHER RESOLVED, That we hold in high esteem the values of education in teaching our youngsters to hope and dream of what the future in space exploration can mean for them, and thereby echo the views of our President, that while exploration may result in losses, we accomplish ultimate gains for our future and our children's future and, therefore, must continue to forge ahead in the exploration of space; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the President of the United States, Ronald Reagan; the families of the astronauts, including Commander Scobee's family in Yakima; and to the Principal of Auburn High School.

Speaker Ehlers moved adoption of the resolution.

At the request of Speaker Ehlers, the House stood for one minute in silent prayer.

The resolution was adopted.

MOTIONS

On motion of Mr. J. King, HOUSE BILL NO. 1399 was referred from Committee on Rules to Committee on Ways & Means.

On motion of Mr. J. King, HOUSE BILL NO. 2010 was referred from Committee on Judiciary to Committee on Commerce & Labor.

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Monday, February 3, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

TWENTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, February 3, 1986

The House was called to order at 11:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Lewis and Miller, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Mary Kay Ringstad and David Langmack. Prayer was offered by Reverend Kent McCulloch of St. Mary's Episcopal Church of Lakewood.

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

MESSAGES FROM THE SENATE

January 31, 1986

Mr. Speaker:

The Senate has passed:

ENGGROSSED SUBSTITUTE SENATE BILL NO. 4539,
SUBSTITUTE SENATE BILL NO. 3453.

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

January 31, 1986

Mr. Speaker:

The Senate has concurred in the House amendment to ENGGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 126, and has passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

The House advanced to the eighth order of business.

On motion of Mr. J. King, the rules were suspended to allow consideration of House Resolution No. 86-106.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-106, by Representatives J. King, Nutley, Sutherland, Peery, Tanner, L. Smith and Lux

WHEREAS, The Washington State School for the Deaf is the only public residential school for the hearing impaired children residing in the State of Washington; and

WHEREAS, On February 3, 1886, Governor Watson C. Squire approved the school established by the Tenth Biennial Session of the Washington Territory Legislative Assembly; and

WHEREAS, The school began with seven deaf students in Vancouver, Washington, Clark County, in an abandoned hotel in downtown Vancouver and has grown to as many as three hundred fifty students occupying sixteen buildings on the original site of Fort Vancouver; and

WHEREAS, The school is fully accredited by the Northwest Association of Schools and Colleges and the State Superintendent of Public Instruction—and brings together students from grades one through twelve with a staff trained in the use of sign language and other special communication techniques; and

WHEREAS, Most deaf children are born of hearing parents and are isolated by their deafness from a hearing world; this school provides an environment in which the students not only can develop physically and intellectually but also can acquire the native language and culture of their community; and

WHEREAS, Over two thousand eight hundred students have attended Washington State School for the Deaf with over eighty percent entering post-graduate schools and maintaining successful careers while contributing to the quality of life throughout our State and this Nation; and

WHEREAS, This day, the 3rd day of February 1986, marks the one-hundredth anniversary of the Washington State School for the Deaf;

NOW, THEREFORE, BE IT RESOLVED, By the members of the Washington State House of Representatives, That we pause to mark the one-hundredth anniversary of the Washington State School for the Deaf and acknowledge its accomplishments since 1886 in providing a century of excellence and growth in education for the deaf. We continue to support its educational concepts and sincerely wish the school a very "Happy Birthday"; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to Archie Stark, Superintendent of the Washington State School for the Deaf; Elaine Sutter, Principal of Northrop Elementary and Junior High School; Robert Devereaux, Principal of Divine High School; Marlyn Minkin, Chairperson of the Board of Trustees for the Washington State School for the Deaf; Larry Peterson, President of the Washington State Association for the Deaf; and Leon Curtis, Coordinator of State Services for the Deaf.

On motion of Mr. Peery, the resolution was adopted.

The House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

SSB 3453 by Committee on Judiciary (originally sponsored by Senators Talmadge, Newhouse and Hayner)

Identifying the scope of common law liens.

Referred to Committee on Judiciary.

ESSB 4539 by Committee on Financial Institutions (originally sponsored by Senators Moore, Bender, Deccio, von Reichbauer, Zimmerman, Johnson, Bauer, Williams, Vognild, Fleming, Conner, Rasmussen and Talmadge; by request of Joint Study Committee on Insurance Availability and Affordability)

Providing insurance coverage for applicants currently unable to obtain it.

Referred to Committee on Financial Institutions & Insurance.

MOTION

On motion of Mr. J. King, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and were referred to the committees designated.

REPORTS OF STANDING COMMITTEES

January 30, 1986

HB 355 Prime Sponsor, Representative Scott: Providing for state patrol retirement credit for cadets. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep, and B. Williams.

Absent: Representatives Grimm, Chair; and Locke.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 507 Prime Sponsor, Representative Betzoff: Improving freeway traffic flow. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Brough, Fisch, Fisher, Gallagher,

Hankins, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Bond, Haugen, Kremen, Lundquist, Patrick, Sutherland, Tanner and J. Williams.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1148 Prime Sponsor, Representative Belcher: Regulating strip searches. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1383 Prime Sponsor, Representative Grimm: Revising provisions relating to the legislature and terms of state officials. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke and Walk.

Absent: Representatives Fuhrman, Todd and Vekich.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1433 Prime Sponsor, Representative Tilly: Allowing state agencies to assert claims against state lottery prize winners. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Appelwick, Basich, Brekke, Bristow, Holland, Long, Madsen, G. Nelson, Rust, Sanders, Sayan, Silver, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Voting nay: Representative Hine.

Absent: Representatives Grimm, Chair; J. King and Locke.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1483 Prime Sponsor, Representative Wineberry: Repealing provision relating to special license plates. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Bond, Fisch, Fisher, Gallagher, Hankins, Kremen, Lundquist, McMullen, Patrick, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Fisch, Haugen, Prince, Sutherland and Thomas.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1495 Prime Sponsor, Representative Brekke: Permitting health care assistants to perform in certain functions. Reported by Committee on Social & Health Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Lux, Padden, Scott, Tanner, West and Winsley.

Absent: Representative Dobbs.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1498 Prime Sponsor, Representative Crane: Providing additional remedies for families in conflict. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, G. Nelson, Padden, Schmidt, Schoon, Tilly, Van Luven and West.

MINORITY recommendation: Do not pass. Signed by Representatives Locke, Nemi and Wang.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1504 Prime Sponsor, Representative Hine: Modifying moorage facilities' procedures for transient vessels. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Absent: Representative Patrick.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1536 Prime Sponsor, Representative Sanders: Authorizing off-hour training of state employees. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Sanders, Todd, van Dyke and Walk.

Absent: Representatives Fuhrman and Vekich.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1567 Prime Sponsor, Representative Tanner: Designating a state folk song. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Hankins, O'Brien, Taylor, Todd and Walk.

MINORITY recommendation: Do not pass. Signed by Representatives Sanders and van Dyke.

Absent: Representatives Fuhrman and Vekich.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1586 Prime Sponsor, Representative Armstrong: Giving process servers a defense against criminal trespass. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Passed to Committee on Rules for second reading.

January 31, 1986

HB 1599 Prime Sponsor, Representative Dellwo: Revising snowmobile regulation. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Absent: Representatives Lewis and Lux.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1618 Prime Sponsor, Representative Appelwick: Providing for parenting plans in dissolution actions. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representative Dellwo.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1620 Prime Sponsor, Representative Armstrong: Changing provisions relating to antenuptial debts and liabilities. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Scott, Vice Chair; Appelwick, Crane, Hargrove, P. King, Lewis, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

MINORITY recommendation: Do not pass. Signed by Representatives Dellwo and Locke.

Voting nay: Representatives Armstrong, Chair; Dellwo and Locke.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1621 Prime Sponsor, Representative Cole: Making provisions for family support from decedents' estates. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Passed to Committee on Rules for second reading.

January 31, 1986

HB 1637 Prime Sponsor, Representative Baugher: Expanding access to state emergency information telephone lines. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 24 after "agency" strike the period and insert "within the constraints of the agency's budget. After the agency adopts the service that meets the requirements of this section and if an emergency information service number when dialed from a residence costs less than the same call from a pay telephone, the additional revenues the agency would receive from the pay telephone calls would not be considered excess profits."

Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Gallagher, Isaacson, Jacobsen, Long, Madsen, Miller, Nealey, Sutherland and Unsoeld.

Voting nay: Representatives Bond and Van Luven.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1651 Prime Sponsor, Representative Brekke: Revising provisions on educational requirements for mental health professionals. Reported by Committee on Social & Health Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Leonard, Lewis, Lux, Padden, Scott, West and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Brooks.

Voting nay: Representatives Bond, Braddock, Brooks and Dellwo.

Absent: Representatives Ballard, Dobbs and Tanner.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1660 Prime Sponsor, Representative Ebersole: Establishing dropout-prevention programs for alienated youth. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betzoff, Cole, Holland, Long, Peery, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Walker and Wang.

Absent: Representatives Chandler and Fuhrman.

Referred to Committee on Ways & Means.

January 30, 1986

HB 1686 Prime Sponsor, Representative Scott: Establishing quasi-community property in Washington state. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Hargrove, P. King, Lewis, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

MINORITY recommendation: Do not pass. Signed by Representative Locke

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1702 Prime Sponsor, Representative Valle: Appropriating funds for the developmentally disabled. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Vice Chair; Appelwick, Brekke, Bristow, Hastings, Hine, Holland, J. King, Madsen, G. Nelson, Niemi, Rust, Sanders, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Grimm, Chair; Basich, J. King, Locke and Sayan.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1792 Prime Sponsor, Representative P. King: Changing certain duties of a trustee under a deed of trust. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, G. Nelson, Niemi, Padden, Schoon, Tilly, Wang and West.

Absent: Representatives Locke, Schmidt and Van Luven.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 2021 Prime Sponsor, Representative J. King: Creating Washington health care project commission. Reported by Committee on Social & Health Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Braddock, Brooks, Dellwo, Leonard, Lewis, Lux, Scott, Tanner and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Bond, Dobbs, Padden and West.

Absent: Representative Dobbs.

Referred to Committee on Ways & Means.

January 30, 1986

HJR 57 Prime Sponsor, Representative Grimm: Requiring funding of statutes granting increases in public retirement benefits. Reported by Committee on Ways & Means

MAJORITY recommendation: Do Pass. Signed by Representatives Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, Smitherman, Sommers, Taylor, Tilly and B. Williams.

Absent: Representatives Grimm, Chair; and Locke.

Passed to Committee on Rules for second reading.

SECOND READING

HOUSE JOINT RESOLUTION NO. 49, by Representative Ehlers

Relating to elected officials' salaries.

The resolution was read the second time. On motion of Ms. Fisher, Substitute House Joint Resolution No. 49 was substituted for House Joint Resolution No. 49, and the substitute resolution was placed on the calendar for second reading.

Substitute House Joint Resolution No. 49 was read the second time.

Mr. Barnes moved adoption of the following amendments by Representatives Barnes and Fisher:

On page 1, line 20 after "lobbyist" insert ", or immediate family member of the official, employee, or lobbyist."

On page 1, line 21 after "commission." insert:

"As used in this section the phrase 'immediate family' has the meaning that is defined by law."

Representatives Barnes and Fisher spoke in favor of the amendments and they were adopted.

Ms. Fisher moved adoption of the following amendment by Representatives Fisher and Barrett:

On page 2, after line 5 insert:

"After the initial adoption of a law by the legislature creating the independent commission, no amendment to such act which alters the composition of the commission shall be valid unless the amendment is enacted by a favorable vote of three-fifths of the members elected to each house of the legislature and is subject to referendum petition."

Representatives Fisher and Barrett spoke in favor of the amendment, and it was adopted.

The resolution was ordered engrossed and passed to Committee on Rules for third reading.

The House advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, by Committee on Local Government (originally sponsored by Representatives Winsley, Ebersole, Walker and Day)

Relating to municipal incorporation proceedings and elections.

The bill was read the third time and placed on final passage.

Representatives Winsley, Brough and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 308 and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Lewis, Miller - 2.

Engrossed Substitute House Bill No. 308, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

HOUSE BILL NO. 1331, by Representatives Ehlers, Wineberry, R. King, Belcher, Armstrong, Nealey and Unsoeld

Establishing a citizens' commission on salaries for elected officials.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 1331 was substituted for House Bill No. 1331, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1331 was read the second time.

Mr. Tilly moved adoption of the following amendments:

On page 1, line 22 before "members" strike "fifteen" and insert "eleven"

On page 1, line 24 after "eight of the" strike "fifteen" and insert "eleven"

On page 2, line 7 after "remaining" strike "seven" and insert "three" and after "of the" strike "fifteen" and insert "eleven"

On page 3, line 17 after "less than" insert "six"

Representatives Tilly and Barnes spoke in favor of the amendments, and Representative Fisher spoke against them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Tilly to Substitute House Bill No. 1331, and the amendments were not adopted by the following vote: Yeas, 42; nays, 54; excused, 2.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Long, Lundquist, May, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nealey, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 54.

Excused: Representatives Lewis, Miller - 2.

Ms. Fisher moved adoption of the following amendment by Representatives Fisher and Walker:

On page 2, line 11 after "management," insert "Of these seven members, one shall be selected from each of the following five sectors in this state: Private institutions of higher education; business; professional personnel management; legal profession; and organized labor. Of the two remaining members, one shall be a person recommended to the speaker and the president by the chairperson of the state personnel board and one shall be a person recommended by majority vote of the presidents of the state's four-year institutions of higher education."

Representatives Fisher and Walker spoke in favor of the amendment, and it was adopted.

On motion of Mr. Barnes, the following amendments by Representatives Barnes and Fisher were adopted:

On page 2, line 27 after "lobbyist" insert ", or immediate family member of the official, employee, or lobbyist."

On page 2, line 29 after "commission." insert:

"As used in this subsection the phrase 'immediate family' means the parents, spouse, siblings, children, or dependent relative of the official, employee, or lobbyist whether or not living in the household of the official, employee, or lobbyist."

Mr. Barrett moved adoption of the following amendments by Representatives Barrett and Fisher:

Beginning on page 6, after line 12, strike all material through "1989." on page 7, line 1.

Renumber the remaining sections consecutively.

On page 12, beginning on line 5 after "Sec. 16." strike "(1) This act, except section 8 of this act," and insert "This act"

On page 12, beginning on line 12 after "entirety" strike all material through "1989" on line 15.

Representatives Barrett and Fisher spoke in favor of the amendments, and Mr. Barnes spoke against them.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Barrett and Fisher to Substitute House Bill No. 1331, and the amendments were adopted by the following vote: Yeas, 87; nays, 9; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, Mary, McMullen, Nealey, Nelson D, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Waik, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Ballard, Barnes, Betrozoff, Bond, Nelson G, Prince, Sanders, Tilly, Williams J - 9.

Excused: Representatives Lewis, Miller - 2.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Tuesday, February 4, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

TWENTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, February 4, 1986

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Bond, Brekke, Dobbs, Leonard, Lewis, Lux, Padden, L. Smith, Tanner, West, Wineberry and Winsley. Representative Lewis was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Christine Park and Andrea Hutton. Prayer was offered by Reverend Dennis Hartsook, Minister of St. Mark Lutheran Church of Lacey.

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

MESSAGES FROM THE SENATE

February 3, 1986

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 3193,

SENATE BILL NO. 4540,

ENGROSSED SENATE BILL NO. 4601,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

February 3, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 126,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

SB 3193 by Senators Talmadge, Wojahn, Kreidler, Halsan and Gaspard

Providing for public employees retirement in case of total disability resulting from occupational disease.

Referred to Committee on Ways & Means.

SB 4540 by Senators Bender, Deccio, Moore, von Reichbauer, Bauer, Zimmerman, Johnson, Newhouse, Hansen, McManus, Conner and Rasmussen; by request of Joint Study Committee on Insurance Availability and Affordability

Establishing procedures for canceling written agreements between insurance companies and agents.

Referred to Committee on Financial Institutions & Insurance.

ESB 4601 by Senators Williams, Kreidler and Zimmerman

Revising provisions of historic property regulations.

Referred to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES

January 30, 1986

HB 771 Prime Sponsor, Representative Valle: Creating a state bicycle safety program. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, McMullen, Prince, C. Smith, Sutherland, Tanner, Valle, K. Wilson and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Betzoff, Bond, Schmidt, Thomas and J. Williams.

Voting nay: Representatives Betzoff, Lundquist, Schmidt, Thomas, Van Luven and J. Williams.

Absent: Representative Patrick.

Passed to Committee on Rules for second reading.

January 31, 1986

HB 1395 Prime Sponsor, Representative Wang: Prohibiting certain pseudo-games of skill. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Sayan, C. Smith and Walker.

Voting nay: Representatives Betzoff and J. Williams.

Absent: Representative Patrick.

Passed to Committee on Rules for second reading.

January 31, 1986

HB 1403 Prime Sponsor, Representative Sutherland: Clarifying the forest protection statutes. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Cole, Fuhrman, Hankins, Hargrove, Haugen, Leonard, Lundquist, D. Nelson, Sayan, Thomas and van Dyke.

Absent: Representatives Dobbs, Haugen, McMullen, Sanders, J. Williams and S. Wilson.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1413 Prime Sponsor, Representative Nutley: Authorizing alternative procedures for the issuance of revenue bonds by local governments. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Absent: Representative Patrick.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1529 Prime Sponsor, Representative Braddock: Establishing the tuition endowment fund. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Basich, Belcher, Hastings, Miller, D. Nelson, G. Nelson, Prince, Unsoeld, Vander Stoep, K. Wilson and Wineberry.

Absent: Representative Silver.

Referred to Committee on Ways & Means.

January 31, 1986

HB 1541 Prime Sponsor, Representative Hargrove: Authorizing tax credits for the creation or retention of qualified employment positions. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Dobbs, Doty, Hargrove, Lundquist, May, Niemi, Rayburn, Schmidt, Scott, Silver, L. Smith, Smitherman, Tanner, Thomas, van Dyke, Vekich, B. Williams and Wineberry.

Absent: Representatives Day, J. King, Niemi, Schoon, Scott, Silver, Smitherman and Vekich.

Referred to Committee on Ways & Means.

January 31, 1986

HB 1563 Prime Sponsor, Representative Rust: Changing provisions relating to winter recreational facilities. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 31 reinsert "(7) The winter recreation advisory committee and its powers and duties shall terminate on June 30, 1991."

On page 1, line 1 of the title after "facilities;" strike "and" and on line 2 after ".340" insert "; and providing an expiration date"

Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Absent: Representatives Lewis and Lux.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1566 Prime Sponsor, Representative Haugen: Revising election procedures for public utility districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Absent: Representative Patrick.

Passed to Committee on Rules for second reading.

January 31, 1986

HB 1587 Prime Sponsor, Representative Kremen: Providing for expanded international trade. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Hargrove, J. King, Lundquist, Niemi, Schoon, Scott, Silver, L. Smith, Tanner and Vekich.

MINORITY recommendation: Do not pass. Signed by Representatives Dobbs, Doty, Rayburn, Thomas, van Dyke and B. Williams.

Voting nay: Representatives Dobbs, Doty, May, Rayburn, Schmidt, Smitherman, Thomas, van Dyke and B. Williams.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1613 Prime Sponsor, Representative Walk: Licensing vessel dealers and manufacturers. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher,

Betrozoff, Bond, Fisher, Gallagher, Hankins, Kremen, Lundquist, McMullen, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, J. Williams and Zellinsky.

Absent: Representatives Brough, Haugen, Patrick, Prince, Tanner, Van Luven and J. Williams.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1658 Prime Sponsor, Representative Hargrove: Modifying the authority of the state library commission with regard to the acceptance and allocation of certain grants. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke, Vekich and Walk.

Passed to Committee on Rules for second reading.

January 30, 1986

HB 1661 Prime Sponsor, Representative Walk: Modifying payment provisions on motor vehicle and special fuel taxes. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Bond, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, Prince, Schmidt, C. Smith, Sutherland, Tanner, Valle and Zellinsky.

Voting nay: Representatives Bond and J. Williams.

Absent: Representatives Brough, McMullen, Patrick, Thomas and Van Luven.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1669 Prime Sponsor, Representative Fisch: Giving board of pilotage commission jurisdiction to regulate state licensed pilots on coastwise and enrolled vessels. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Kremen, Lundquist, McMullen, Patrick, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Haugen, Lundquist and Prince.

Passed to Committee on Rules for second reading.

January 31, 1986

HB 1674 Prime Sponsor, Representative Fisch: Establishing the natural resource market development board. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Doty, Hargrove, J. King, Lundquist, May, Niemi, Rayburn, Schmidt, Schoon, Scott, L. Smith, Smitherman, Tanner, Vekich, B. Williams and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Dobbs, Silver, Thomas and van Dyke.

Voting nay: Representatives Braddock, Dobbs, Silver, Thomas and van Dyke.

Absent: Representative J. King.

Referred to Committee on Ways & Means.

January 29, 1986

HB 1762 Prime Sponsor, Representative Hargrove: Revising vessel pilot regulation. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Kremen, Lundquist, McMullen, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Haugen, Kremen, Lundquist and McMullen.

Passed to Committee on Rules for second reading.

January 31, 1986

HB 1865 Prime Sponsor, Representative Wang: Revising provisions on electricians and electrician installations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Sayan, C. Smith, Walker and J. Williams.

Absent: Representative Patrick.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1868 Prime Sponsor, Representative Belcher: Prohibiting unauthorized use of official logos of the 1989 Washington centennial. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke, Vekich and Walk.

Absent: Representative Todd.

Passed to Committee on Rules for second reading.

January 29, 1986

HB 1928 Prime Sponsor, Representative Zellinsky: Funding investigation of accidents involving state-licensed pilots and legal fees. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Voting nay: Representative Patrick.

Absent: Representatives Haugen, Lundquist and C. Smith.

Passed to Committee on Rules for second reading.

January 29, 1986

HJM 32 Prime Sponsor, Representative Zellinsky: Requesting concurrent state and federal jurisdiction over pilot discipline. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Kremen, Lundquist, McMullen, Patrick, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Haugen and Prince.

Passed to Committee on Rules for second reading.

January 31, 1986

HCR 19 Prime Sponsor, Representative Fisch: Directing the department of ecology to report to the legislature on the prevention and cleanup of oil spills. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 19 after "(3)" insert "containment and"

Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Absent: Representatives Lewis and Lux.

Passed to Committee on Rules for second reading.

The House advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 905, by Committee on Environmental Affairs (originally sponsored by Representatives Grimm, Walk, Miller and Winsley)

Regulating emissions from woodstoves.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 905, and the bill passed the House by the following vote: Yeas, 61; nays, 24; absent, 12; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Ballard, Barnes, Barrett, Belcher, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Dellwo, Doty, Ebersole, Fisher, Gallagher, Grimm, Hankins, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Locke, Long, May, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smitherman, Sommers, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Walk, Walker, Wang, Wilson K, and Mr. Speaker - 61.

Voting nay: Representatives Basich, Baugher, Betrozoff, Day, Fisch, Fuhrman, Hargrove, Hastings, Haugen, Kremen, Lundquist, Madsen, McMullen, Nealey, Prince, Sanders, Sutherland, van Dyke, Van Luven, Vekich, Williams B, Williams J, Wilson S, Zellinsky - 24.

Absent: Representatives Armstrong, Bond, Brekke, Dobbs, Leonard, Lux, Padden, Smith L, Tanner, West, Wineberry, Winsley - 12.

Excused: Representative Lewis - 1.

Engrossed Substitute House Bill No. 905, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Bond, Brekke, Dobbs, Leonard, Lux, Padden, L. Smith, Tanner, West, Wineberry and Winsley appeared at the bar of the House.

STATEMENT FOR THE JOURNAL

On February 4, 1986, the House Social and Health Services Committee met in Executive Session until 11:17 a.m., which caused myself and other committee members to be absent from the floor of the House for a period of twenty minutes, from 11:00 a.m. to 11:20 a.m. The decision to continue the committee was that of the Chair of the committee.

MIKE PADDEN, 4th District.

ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 49, by Committee on Constitution, Elections & Ethics (originally sponsored by Representative Ehlers)

Relating to elected officials' salaries.

The resolution was read the third time and placed on final passage.

Representatives Ehlers and Barrett spoke in favor of the resolution, and Representatives Barnes and S. Wilson opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Joint Resolution No. 49, and the resolution received the constitutional two-thirds majority, by the following vote: Yeas, 66; nays, 31; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Chandler, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Jacobsen, King J, King P,

King R. Kremen, Leonard, Locke, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D. Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smith L. Smitherman, Sommers, Sutherland, Tanner, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 66.

Voting nay: Representatives Addison, Barnes, Betzoff, Bond, Brooks, Brough, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Long, Lundquist, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Taylor, Thomas, van Dyke, Van Luven, West, Williams B, Williams J, Wilson S - 31.

Excused: Representative Lewis - 1.

Engrossed Substitute House Joint Resolution No. 49, having received the constitutional two-thirds majority, was declared passed.

The Speaker assumed the Chair.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 126.

COMMITTEE ASSIGNMENTS

The Speaker announced the following committee assignments:

Columbia Interstate Compact Commission: Representatives Rayburn, Nealey;

Correction Standards Board: Representatives Braddock, Winsley;

Joint Committee on Energy and Utilities (must serve on House Energy & Utilities Committee): Representatives Gallagher, D. Nelson, Isaacson, Barnes;

Judicial Council (Must serve on Judiciary Committee): Representatives Scott, Padden, Wang.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1331, by Committee on Constitution, Elections & Ethics (originally sponsored by Representatives Ehlers, Wineberry, R. King, Belcher, Armstrong, Nealey and Unsoeld)

Establishing a citizens' commission on salaries for elected officials.

The bill was read the third time and placed on final passage.

Ms. Fisher spoke in favor of passage of the bill, and Mr. Barnes spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1331, and the bill passed the House by the following vote: Yeas, 64; nays, 33; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smith L, Smitherman, Sommers, Sutherland, Tanner, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 64.

Voting nay: Representatives Addison, Barnes, Betzoff, Bond, Bristow, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hargrove, Hastings, Holland, Isaacson, Long, Lundquist, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Taylor, Thomas, van Dyke, Van Luven, West, Williams B, Wilson S - 33.

Excused: Representative Lewis - 1.

Engrossed Substitute House Bill No. 1331, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

The Speaker called on Mr. O'Brien to preside.

MOTION

On motion of Mr. J. King, HOUSE BILL NO. 1218 and HOUSE BILL NO. 2112 were referred from Committee on Rules to Committee on Transportation.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 86-102, by Representatives Sayan and Vekich

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Shelton High School Highclimbers on December 7, 1985 were named the State Class AA Football Champions; and

WHEREAS, The football team played its championship game in the Kingdome against Lake Stevens High School; and

WHEREAS, The Shelton High School team won the Black Hills League with an 11 and 2 season record; and

WHEREAS, Shelton Highclimbers football coach, Jack Stark, has proven himself an outstanding football coach in his years of coaching at Shelton High School; and

WHEREAS, All the senior members of the Shelton Highclimbers have combined athletic and academic excellence maintaining above a 3.0 grade point average; and

WHEREAS, The Shelton High School football team set its goal to win the state AA championship in the summer of 1985; and

WHEREAS, The players lived up to their team watch words of commitment, trust and determination;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commends the Shelton Highclimbers football team and its coaching staff on their great success; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to Jack Stark, Head Coach of the Shelton Highclimbers.

Mr. Sayan moved adoption of the resolution. Representatives Sayan and Vekich spoke in favor of the resolution, and it was adopted.

HOUSE FLOOR RESOLUTION NO. 86-105, by Representatives Madsen and Ehlers

WHEREAS, The Eatonville High School Cruisers won the 1985 Class A Division Football Championship; and

WHEREAS, The Eatonville Cruisers won their championship game at the Kingdome on December 7, 1985 against the Cashmere Bulldogs; and

WHEREAS, The Cruisers' football team won its Nisqually League with a 13-0 season record; and

WHEREAS, This is the first state football championship won by Eatonville High School; and

WHEREAS, The Cruisers' football coach Steve Gervais, along with assistant coaches Bill Jacobs, Bud Roberts, Jerry King, Mike Voie and Principal Randy Dorn have proven their dedication to the sport and their enthusiasm in inspiring outstanding young men; and

WHEREAS, Three team members were chosen for the All-State Football Team, Sophomore Brandon Jumper, Senior Jim Cox and Junior Matt Dunning who also maintains a grade point average of 3.85; and

WHEREAS, The entire community of Eatonville showed its support and civic pride for its High School Football Team;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives congratulates the Eatonville Cruisers' football team members and their coaching staff on their great success; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to Steve Gervais, Head Coach of the Eatonville Cruisers.

Mr. Madsen moved adoption of the resolution. Representatives Madsen and Ehlers spoke in favor of the resolution, and it was adopted.

HOUSE FLOOR RESOLUTION NO. 86-112, by Representatives Betrozoff and Miller

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Juanita High School rose to the highest level of excellence in state football competition in the 1985 school year; and

WHEREAS, In the Kingbowl IX, the Juanita High School Rebels won the State High School Class AAA Football Championship for the second consecutive year by a score of 41-27; and

WHEREAS, The Juanita Rebels is the second team to defend successfully its Championship Title after its victory last year in Kingbowl VIII; and

WHEREAS, The Juanita Rebels have been rated fourth in the nation in "USA Today" and the team won twenty-six consecutive games in achieving its phenomenal success and had six players named to the All-State Football Team; and

WHEREAS, This achievement of disciplined team effort and excellence of play is a great honor to Rebel Coach Chuck Tarbox and his staff who prepared, inspired and led these competent and impressive student athletes to their remarkable championship; and

WHEREAS, This feat could only be accomplished with the solid support and devotion of students, teachers, staff, parents and members of the community, and the achievement is for everyone to share;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives commend the Juanita High School Rebels, their coach and his staff on their truly awesome success; and

BE IT FURTHER RESOLVED, That copies of this Resolution be sent by the Chief Clerk of the House of Representatives to Mr. Chuck Tarbox, Head Coach of the Juanita High School Champion Football Team.

On motion of Mr. Betzoff, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 86-110, by Representatives Haugen and S. Wilson

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Concrete High School Football Team won the State Class B Championship in football; and

WHEREAS, The Concrete Lions have won the State Class B Football Championship the last two years; and

WHEREAS, The state champion Lions graduated half their players after the first year, and the team continued to win all its games this year to end the championship season at 13-0; and

WHEREAS, The Concrete Lions' Football Coach Ron Rood has proven himself an outstanding football coach and was selected as the Northwest League Coach of the Year; and

WHEREAS, Senior quarterback/defensive back Don Beazizo exhibited outstanding football skills in the state championship game for which he was picked Player of the Day at Kingbowl IX State Championship;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes and congratulates the Concrete High School Lions' Football Team for its great football accomplishments in 1985; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Coach Ron Rood and to the Principal of Concrete High School.

On motion of Ms. Haugen, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 86-111, by Representatives Haugen and S. Wilson

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The South Whidbey High School Football Team won the Cascade A League Title and the Northwest District A Title; and

WHEREAS, The Falcons' Football Team, coached by Mick Heggnes, made it to the Class A state semifinal football playoffs and ended with an 11-1 season; and

WHEREAS, High school team members, Dusty Nelson, Mike Smith, Darren Anderson, Craig Alexander, Jeff Hanson, Jeff Kohles, Jeff Alexander, Brent Hezel,

Dave Quinton and Phil Baker were selected to the Cascade All-League Team for their excellence displayed on the field; and

WHEREAS, Two members of the Falcons' football team, Jeff Alexander and Dave Gottschalk, who excelled in the classroom as well as on the football field, were selected as nominees for the National Football Foundation and Hall of Fame Football Scholarship award;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes and congratulates the South Whidbey High School Falcons' football team for its great football accomplishments in 1985; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to coach Mick Heggnes and to the Principal of South Whidbey High School.

On motion of Ms. Haugen, the resolution was adopted.

MOTION

On motion of Mr. Appelwick, the House adjourned until 11:00 a.m., Wednesday, February 5, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

TWENTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, February 5, 1986

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives S. Wilson and Mr. Speaker, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Cindi Bancroft and John Waite. Prayer was offered by Reverend Dennis Hartsook, Minister of St. Mark Lutheran Church of Lacey.

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

MESSAGE FROM THE SENATE

February 4, 1986

Mr. Speaker:

The Senate has passed:

REENGROSSED SUBSTITUTE SENATE BILL NO. 4541,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

RESSB 4541 by Committee on Financial Institutions (originally sponsored by Senators Granlund, Deccio, Moore, von Reichbauer, Zimmerman, Johnson, Hansen, Vognild, Bauer, Fleming, Williams, Newhouse, McManus and Conner; by request of Joint Study Committee on Insurance Availability and Affordability)

Establishing procedures for canceling insurance.

Referred to Committee on Financial Institutions & Insurance.

REPORTS OF STANDING COMMITTEES

February 3, 1986

HB 1372 Prime Sponsor, Representative J. King: Revising regulation of real estate salesmen for nonresident brokers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1374 Prime Sponsor, Representative Appelwick: Specifying taxable value of improvements owned or being acquired by lessees. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Brekke and L. Smith.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1401 Prime Sponsor, Representative Grimm: Revising provisions relating to economic forecasts. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Brekke, J. King.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1424 Prime Sponsor, Representative Appelwick: Providing for estate tax apportionment. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1441 Prime Sponsor, Representative Appelwick: Modifying provisions on unclaimed property. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1480 Prime Sponsor, Representative Appelwick: Eliminating the requirement on vending machine sales that sales taxes be stated separately. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1484 Prime Sponsor, Representative Peery: Revising provisions relating to the creation of metropolitan park districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Brough, Hine, May, Rayburn, Smitherman, Winsley and Zellinsky

MINORITY recommendation: Do not pass. Signed by Representative Doty

Voting nay: Representatives Doty and Isaacson.

Absent: Representative Patrick.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1489 Prime Sponsor, Representative Wang: Expanding regulation of professions to other than health professions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Chandler, Ebersole, Fisch, R. King, Patrick and Sayan.

MINORITY recommendation: Without recommendation. Signed by Representatives Fisher, C. Smith, Walker and J. Williams.

Voting nay: Representatives Betzoff, Fisher, C. Smith, Walker and J. Williams.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1517 Prime Sponsor, Representative Appelwick: Modifying provisions on estate taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1531 Prime Sponsor, Representative Kremen: Providing for orders of protection for vulnerable adults. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Brooks, Dellwo, Dobbs, Leonard, Lux, Padden, Scott, Tanner, West and Winsley.

Voting nay: Representative Braddock.

Absent: Representatives Ballard, Bond and Lewis.

Referred to Committee on Ways & Means.

February 3, 1986

HB 1564 Prime Sponsor, Representative Haugen: Extending the time allowed for protests of proposed local improvement districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Doty, Hine, Isaacson, May, Rayburn, Winsley and Zellinsky

Voting nay: Representative Brough.

Absent: Representatives Bristow, Ebersole and Patrick.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1611 Prime Sponsor, Representative Braddock: Revising authority of the director of the office of financial management to prescribe state travel allowances. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Todd, van Dyke, Vekich and Walk.

Absent: Representative Sanders.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1619 Prime Sponsor, Representative Walk: Fixing a rate for storm water control assessments on state highways. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Lundquist, Prince, C. Smith and Sutherland.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1626 Prime Sponsor, Representative Belcher: Authorizing school-based health clinics. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 6 after "clinics" insert "to enable local communities"

On page 1, line 7 after "of" insert "school-aged"

On page 1, line 9 after "effectively" strike "in order to" and insert "to provide health education and general health care, and to prevent or"

On page 1, line 10 after "(1)" strike all language through "of" on line 11 and renumber the remaining subsections.

On page 1, line 13 after "deprivation," insert "(5) sexual activity"

On page 3, line 3 after ";" strike "and"

On page 3, line 4 after "representative" strike the period and insert "; and (n) a representative from either the school principals or school directors association."

On page 3, line 12 after "grants," insert "(4) The temporary advisory committee shall establish a policy for third party payments except where services are confidential."

Renumber the remaining subsections accordingly.

On page 5, after line 13 insert:

"(3) Efforts shall be made to promote the use of alternatives other than abortion for unwanted pregnancies. A school-based health clinic shall not provide abortion referrals to pregnant teenagers."

Signed by Representatives Brekke, Chair; Armstrong, Braddock, Brooks, Dellwo, Leonard, Lux, Scott and Tanner.

MINORITY recommendation: Do not pass. Signed by Representatives Bond, Dobbs and Padden.

Voting nay: Representatives Day, Vice Chair; Ballard, Bond, Dobbs, Padden, West and Winsley.

Absent: Representative Lewis.

Referred to Committee on Ways & Means.

February 3, 1986

HB 1627 Prime Sponsor, Representative Jacobsen: Providing consumer assistance in choosing long distance services through a form of unit pricing and by providing information about the features of each service. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Gallagher, Jacobsen, Long, Madsen, Nealey, Sutherland and Unsoeld.

Voting nay: Representatives Bond, Isaacson and Van Luven.

Absent: Representative Miller.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1630 Prime Sponsor, Representative Lux: Revising health care service contractor provisions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Barrett, Crane, P. King, Nutley, Prince, West and Winsley.

Voting nay: Representative Locke.

Absent: Representatives Addison, Dellwo, Grimm, Holland and Nutley.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1633 Prime Sponsor, Representative Appelwick: Providing for the taxation of timber harvested by public entities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brække, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1652 Prime Sponsor, Representative Sommers: Revising provisions relating to public retirement disability benefits. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Day, Fisch, Madsen, Miller, Nealey, Sommers and Walker.

Absent: Representative Miller.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1662 Prime Sponsor, Representative Hankins: Authorizing fire protection districts to assist hazardous materials response team. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Rayburn, Smitherman, Winsley and Zellinsky.

Absent: Representative Patrick.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1673 Prime Sponsor, Representative Jacobsen: Encouraging employee owned businesses. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Dobbs, Doty, Hargrove, J. King, May, Niemi, Rayburn, Schoon, Scott, Silver, L. Smith, Smitherman, Tanner, Thomas, Vekich, B. Williams and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative van Dyke.

Voting nay: Representatives Lundquist and van Dyke.

Absent: Representative Schmidt.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1678 Prime Sponsor, Representative Wang: Regulating telephone solicitation. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Gallagher, Jacobsen, Long, Madsen, Sutherland and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Bond, Isaacson and Van Luvan.

Voting nay: Representatives Barnes, Bond, Isaacson, Nealey and Van Luvan.

Absent: Representative Miller.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1754 Prime Sponsor, Representative Tanner: Encouraging employers to hire recipients of unemployment insurance benefits and public assistance. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Dobbs, Doty, Hargrove, J. King, Niemi, Rayburn, Schmidt, Schoon, Scott, Silver, L. Smith, Smitherman, Tanner, Thomas, Vekich, B. Williams and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Lundquist and van Dyke.

Absent: Representatives May and Thomas.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1839 Prime Sponsor, Representative Sutherland: Providing for a county representative on the board of natural resources. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Cole, Dobbs, Fuhrman, Hankins, Hargrove, Haugen, Leonard, Lundquist, McMullen, D. Nelson, Sanders, Sayan, Thomas, van Dyke and J. Williams.

Absent: Representatives Hargrove and S. Wilson.

Passed to Committee on Rules for second reading.

January 31, 1986

HB 1855 Prime Sponsor, Representative Hargrove: Permitting undersize loads on oversize vehicles. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Betrozoff, Brough, Fisch, Fisher, Gallagher, Haugen, Lundquist, Patrick, C. Smith, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Baugher, Bond, Hankins, Kremen, McMullen, Prince, Schmidt, Sutherland, Tanner, Thomas, Valle and Van Luven.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1919 Prime Sponsor, Representative Walk: Requiring large, slow trucks on freeways to use hazard warning lights. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 6 after "A" strike "motor truck" and insert "truck, truck tractor or tractor"

Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Patrick, Schmidt, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Voting nay: Representative Prince.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1981 Prime Sponsor, Representative Todd: Revising the requirements for energy conservation plans. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Gallagher, Jacobsen, Madsen, Sutherland and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Bond, Isaacson and Van Luven.

Voting nay: Representatives Barnes, Bond, Isaacson, Long, Nealey and Van Luven.

Absent: Representative Miller.

Passed to Committee on Rules for second reading.

The House advanced to the seventh order of business.

THIRD READING

ENGROSSED HOUSE BILL NO. 1339, by Representatives Ebersole, Brough, Madsen, Wineberry, Tanner, Sanders, Appelwick, Betrozoff, Tilly, K. Wilson, Armstrong, Crane and Fisch

Stating that children shall attend school.

The bill was read the third time and placed on final passage.

Representatives Ebersole, Schoon, Sanders, Brough, Betrozoff, Taylor and Armstrong spoke in favor of passage of the bill, and Representatives Cole and R. King spoke against it.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1339, and the bill passed the House by the following vote: Yeas, 86; nays, 10; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Krømen, Leonard, Lewis, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Winsley, Zellinsky - 86.

Voting nay: Representatives Belcher, Cole, King R, Locke, Long, Nelson D, Niemi, Rust, Unsoeld, Wineberry - 10.

Excused: Representatives Wilson S, and Mr. Speaker - 2.

Engrossed House Bill No. 1339, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Mr. J. King, the House advanced to the eighth order of business.

On motion of Mr. J. King, HOUSE BILL NO. 1070 and HOUSE BILL NO. 1422 were referred from Committee on Rules to Committee on Ways & Means.

On motion of Mr. J. King, HOUSE BILL NO. 2083 and HOUSE BILL NO. 2090 were referred from Committee on Rules to Committee on Financial Institutions and Insurance.

On motion of Mr. J. King, HOUSE BILL NO. 2119 was referred from Committee on Rules to Committee on State Government.

On motion of Mr. J. King, HOUSE BILL NO. 1270 and HOUSE BILL NO. 1902 were referred from Committee on Rules to Committee on Local Government.

MOTION

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Thursday, February 6, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

TWENTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, February 6, 1986

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Tanner, S. Wilson and Mr. Speaker. Representatives S. Wilson and Mr. Speaker were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Becky King and Stacey Lonsbery. Prayer was offered by Reverend Dennis Hartsook, Minister of St. Mark Lutheran Church of Lacey.

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

MESSAGE FROM THE SENATE

February 5, 1986

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 4470,
 SUBSTITUTE SENATE BILL NO. 4486,
 SENATE BILL NO. 4546,
 SUBSTITUTE SENATE BILL NO. 4547,
 SUBSTITUTE SENATE BILL NO. 4553,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

SB 4470 by Senators Thompson, Saling, Rasmussen and Zimmerman

Prohibiting use of public facilities to influence initiatives to the legislature.

Referred to Committee on Constitution, Elections & Ethics.

SSB 4486 by Committee on Governmental Operations (originally sponsored by Senators Thompson and Zimmerman)

Authorizing county legislative authorities to designate certain violations as civil.

Referred to Committee on Local Government.

SB 4546 by Senators Hansen, Newhouse, Benitz, Barr, Goltz, Bailey, Bauer and Gaspard

Revising the definition of manufacturing for the purposes of business and occupation taxation.

Referred to Committee on Agriculture.

SSB 4547 by Committee on Agriculture (originally sponsored by Senators Hansen, Newhouse, Goltz, Barr, Bauer, Gaspard, Benitz and Bailey)

Providing for crop liens.

Referred to Committee on Agriculture.

SSB 4553 by Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Goltz, Newhouse, Bailey and Benitz)

Authorizing beef commission to levy assessments for promotion and research.

Referred to Committee on Agriculture.

REPORTS OF STANDING COMMITTEES

February 5, 1986

HB 508 Prime Sponsor, Representative Vekich: Requiring timber from public lands to be sold on a sustainable yield basis. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Fuhrman, Hankins, Hargrove, Haugen, Lundquist, McMullen, Sanders, Thomas, van Dyke and J. Williams.

Voting nay: Representatives Belcher, Cole, Leonard, D. Nelson and Sayan.

Absent: Representatives Dobbs and S. Wilson.

Referred to Committee on Ways & Means.

February 4, 1986

HB 1349 Prime Sponsor, Representative Fisher: Altering procedures regarding the administration of elections. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Day, Fisch, Madsen, Miller, Nealey, Sommers and Walker.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1356 Prime Sponsor, Representative Wang: Authorizing an exemption from mandatory arbitration in certain support and maintenance issues. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Hargrove, Locke, G. Nelson, Padden, Schoon, Tilly, Wang and West.

Absent: Representatives Dellwo, Lewis, Niemi, Schmidt and Van Luven.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1382 Prime Sponsor, Representative Rust: Revising off-road vehicle funds distribution. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Bristow, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Rust, Sanders, Sayan, Silver, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Voting nay: Representative Hastings.

Absent: Representatives Basich, Locke, Sayan and L. Smith.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1415 Prime Sponsor, Representative Locke: Authorizing the redress of civil right restrictions resulting from federal Executive Order 9066. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Hargrove, P. King, Locke, Niemi, Padden, Schoon, Tilly, Wang and West.

Absent: Representatives Dellwo, P. King, Lewis, G. Nelson, Padden, Schmidt, Van Luven and West.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1447 Prime Sponsor, Representative Haugen: Modifying accounting and reporting requirements for public works contracts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Doty, Ebersole, Hine, May and Rayburn

Voting nay: Representatives Allen, Brough, Isaacson, Smitherman, Winsley and Zellinsky.

Absent: Representative Patrick.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1479 Prime Sponsor, Representative Leonard: Modifying criteria for approval of methadone treatment services. Reported by Committee on Social & Health Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Braddock, Brooks, Dellwo, Leonard, Lux, Tanner and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Bond, Dobbs, Padden and West.

Absent: Representatives Ballard and Lewis.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1527 Prime Sponsor, Representative Haugen: Establishing monitoring programs for Puget Sound whiting fishery. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Cole, Hargrove, Haugen, Leonard, McMullen, D. Nelson and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Hankins, Thomas and van Dyke.

Voting nay: Representatives Dobbs, Hankins, Lundquist, Thomas, Van Dyke and J. Williams.

Absent: Representatives Fuhrman, Sanders and S. Wilson.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1556 Prime Sponsor, Representative Walk: Revising the administrative structure of the department of transportation. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1687 Prime Sponsor, Representative Sommers.: Regulating private vocational schools. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted and the substitute bill do pass. Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair;

Allen, Basich, Belcher, Hastings, D. Nelson, G. Nelson, Prince, Silver, Unsoeld, Vander Stoep, K. Wilson and Wineberry.

Absent: Representative Miller.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1688 Prime Sponsor, Representative Sommers: Regulating private degree-granting institutions. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Basich, Belcher, Hastings, D. Nelson, G. Nelson, Prince, Silver, Unsoeld, Vander Stoep, K. Wilson and Wineberry.

Absent: Representative Miller.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1723 Prime Sponsor, Representative Nutley: Revising regulation of public dances and recreational activities. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Brough, Doty, Hine, May, Rayburn, Smitherman, Winsley and Zellinsky

MINORITY recommendation: Do not pass. Signed by Representative Isaacson

Absent: Representatives Bristow, Ebersole and Patrick.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1783 Prime Sponsor, Representative R. King: Revising provisions relating to self-insured employers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1800 Prime Sponsor, Representative Dellwo: Qualifying parking facilities for industrial development revenue bond financing. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment.
On page 3, after line 3 strike section 2.

Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Doty, Hargrove, J. King, May, Niemi, Rayburn, Schmidt, Scott, Silver, L. Smith, Smitherman, Tanner, van Dyke, Vekich, B. Williams and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Schoon.

Absent: Representatives Dobbs and Thomas.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1824 Prime Sponsor, Representative Valle: Establishing the department of public health and environment. Reported by Committee on Social & Health Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Day, Vice

Chair; Armstrong, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lux, Padden, Scott, Tanner, West and Winsley.

Absent: Representative Lewis.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1873 Prime Sponsor, Representative Wang: Revising provisions relating to benefits for injured workers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1875 Prime Sponsor, Representative Rayburn: Revising provisions relating to industrial insurance benefits for retired workers and pensioners. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1899 Prime Sponsor, Representative Prince: Providing for the establishment of a state land bank. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Locke, Nutley, Prince, West and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 3, 1986

HB 1915 Prime Sponsor, Representative Wang: Revising provisions relating to industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representative O'Brien.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 2034 Prime Sponsor, Representative D. Nelson: Relating to natural resources. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Cole, Hankins, Haugen, Leonard, Lundquist, D. Nelson, Sayan and Thomas.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Sanders, van Dyke and J. Williams.

Voting nay: Representatives Belcher, Dobbs, Fuhrman, McMullen, Sanders, van Dyke and J. Williams.

Absent: Representatives Hargrove and S. Wilson.

Passed to Committee on Rules for second reading.

February 3, 1986

HCR 21 Prime Sponsor, Representatives R. King: Establishing the joint select committee on industrial compensation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute resolution be substituted therefor and the substitute resolution do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representative O'Brien.

Passed to Committee for second reading.

The House advanced to the seventh order of business.

THIRD READING

HOUSE BILL NO. 1341, by Representatives Belcher and P. King

Authorizing state employee relocation assistance.

The bill was read the third time and placed on final passage.

Representatives Belcher and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1341, and the bill passed the House by the following vote: Yeas, 88; nays, 3; absent, 5; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Madsen, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky - 88.

Voting nay: Representatives Betzoff, Hastings, Nealey - 3.

Absent: Representatives Ebersole, Hankins, Lux, May, Tanner - 5.

Excused: Representatives Wilson S. and Mr. Speaker - 2.

House Bill No. 1341, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 1350, by Representatives Sommers, Prince, D. Nelson, Jacobsen, Unsoeld, Miller, Brough, Wineberry, Holland, P. King, Nealey and Hine

Providing for annual adjustment to higher education tuition fees.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1350, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman.

Sommers, Sutherland, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky - 95.

Absent: Representative Tanner - 1.

Excused: Representatives Wilson S, and Mr. Speaker - 2.

Engrossed House Bill No. 1350, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1402, by Representatives Walk, Schmidt, Zellinsky, Haugen, Lundquist, Armstrong and P. King

Authorizing state patrol vehicle safety checks.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1402, and the bill passed the House by the following vote: Yeas, 78; nays, 17; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Leonard, Lewis, Locke, Long, Lundquist, Madsen, May, Miller, Nelson D, Nelson G, O'Brien, Patrick, Peery, Rayburn, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Walk, Walker, Wang, West, Williams B, Wilson K, Winsley, Zellinsky - 78.

Voting nay: Representatives Basich, Cole, Fisher, King R, Kremen, Lux, McMullen, Nealey, Niemi, Nutley, Padden, Prince, Rust, Sanders, Vekich, Williams J, Wineberry - 17.

Absent: Representative Tanner - 1.

Excused: Representatives Wilson S, and Mr. Speaker - 2.

House Bill No. 1402, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 1442, by Representatives Leonard, Lundquist, Sutherland, Belcher, Cole, Baugher, Lewis, Rayburn, Basich, Doty and Unsoeld

Modifying provisions on oil and gas leases on state lands.

The bill was read the third time and placed on final passage.

Representatives Leonard and Lundquist spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1442, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky - 95.

Absent: Representative Tanner - 1.

Excused: Representatives Wilson S, and Mr. Speaker - 2.

Engrossed House Bill No. 1442, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

HOUSE BILL NO. 191, by Representatives McMullen, Lundquist, Sutherland, S. Wilson, Sayan and May

Providing for rewards for information about violations of the food fish and shellfish laws.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives McMullen and Lundquist spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 191, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P., King R., Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D., Nelson G., Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Vaile, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B., Williams J., Wilson K., Wineberry, Winsley, Zellinsky - 96.

Excused: Representatives Wilson S. and Mr. Speaker - 2.

House Bill No. 191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1332, by Representatives Tilly, Brekke, Brough, Holland, Tanner, P. King, Winsley, J. Williams, McMullen, Leonard, Van Luven, Armstrong, Ballard and May

Allowing consumer choice of brand name or generic drugs.

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 1332 was substituted for House Bill No. 1332, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1332 was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1332, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P., King R., Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D., Nelson G., Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Vaile, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B., Williams J., Wilson K., Wineberry, Winsley, Zellinsky - 96.

Excused: Representatives Wilson S. and Mr. Speaker - 2.

Substitute House Bill No. 1332, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1351, by Representatives Holland, Sommers, Jacobsen, B. Williams, Vander Stoep, D. Nelson, Unsoeld, Miller, Long, G. Nelson and May

Authorizing sale of the Metropolitan Tract of the University of Washington.

The bill was read the second time. On motion of Ms. Sommers, Substitute House Bill No. 1351 was substituted for House Bill No. 1351, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1351 was read the second time.

Mr. Prince moved adoption of the following amendment by Representatives Prince, Jacobsen and Wineberry:

On page 2, line 13 after "Tract" insert ": PROVIDED, That the tract shall not be sold for a principal amount of less than two hundred million dollars."

Representatives Prince, Sommers and Jacobsen spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1363, by Representatives Crane, Walk, J. Williams, K. Wilson, Zellinsky, Valle, May, Fisher, Schmidt, Leonard, Haugen, Miller, Walker, Cole, Todd, Long, Holland, Isaacson, Schoon, Betrozoff, Chandler, Patrick, Ebersole, Lux, Rust, Nutley, Brough, Jacobsen, S. Wilson, P. King, Winsley, Belcher, Van Luven and Unsoeld

Preventing escape of debris from vehicles.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1363 was substituted for House Bill No. 1363, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1363 was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Crane, May and Betrozoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1363, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky - 94.

Voting nay: Representatives Baugher, Smith C - 2.

Excused: Representatives Wilson S, and Mr. Speaker - 2.

Substitute House Bill No. 1363, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1386, by Representatives Hine, Jacobsen and Isaacson

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

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1386, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Winsley, Zellinsky - 96.

Excused: Representatives Wilson S, and Mr. Speaker - 2.

House Bill No. 1386, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Mr. J. King, the House advanced to the eighth order of business.

On motion of Mr. J. King, HOUSE BILL NO. 1498 and HOUSE BILL NO. 2041 were referred from Committee on Rules to Committee on Ways & Means.

MOTION

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Friday, February 7, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

TWENTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, February 7, 1986

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Addison, Taylor, Thomas, Vander Stoep, S. Wilson and Mr. Speaker. Representatives Taylor, Thomas, S. Wilson and Mr. Speaker were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Carolyn Dunham and Robi Smith. Prayer was offered by Reverend Robert E. Jones, 1st Counselor Temple Presidency, Church of Jesus Christ of Latter-Day Saints of Bellevue.

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

MESSAGE FROM THE SENATE

February 6, 1986

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 3718,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

SSB 3718 by Committee on Ways & Means (originally sponsored by Senator McDermott)

Authorizing the transfer of certain public employees' retirement system service credit to the judicial retirement system.

Referred to Committee on Ways & Means.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-114, by Representatives G. Nelson, Long, Appelwick, J. Williams, C. Smith, Niemi, May, Jacobsen, K. Wilson, Van Luven, Rust, Allen, Chandler, van Dyke, Sanders, Cole, Holland, P. King, Wineberry, Tilly, Betrozoff, Miller, Patrick and Ballard

WHEREAS, It takes only one seed or one person to make a difference. This spring, the Young Storytellers for Peace intend to do just that. They will fly to the Soviet Union to begin planting the seeds of world peace through the powers of an ancient art--storytelling. By weaving magical fairy tales and folklore dear to Russians and Americans alike, the children will do what we adults have found so difficult to do--create lasting friendships with the Soviet people and open the doors to improved communication, understanding and trust. The trip they will be making is the first of its kind; and

WHEREAS, The Young Storytellers consist of a group of twenty-seven children, ages nine through fourteen, who were selected because of their commitment to the program and their superior ability to communicate verbally and nonverbally at a level that moves and motivates listeners. Twenty-five of the storytellers are from Washington State and two are Montana residents; and

WHEREAS, The storytellers from the State of Washington are: Jennifer Brown, Lindsay Burch, Colin James Callahan, Christine Carter, Aaron Cato, Kirsten Chandler, Colleen Conner, Paul R. Dunn, Britt Marie Ericson, Crista Gregory, Elaine Hales, Jake Jardine, Paul Anthony Kriloff, Shawn McCully, Heidi Mezich, Rebecca Osman, George Pappas, Shoshanna Press, Erin Quirk, Monica Ricarte, Justin Rice, Carol

Ricketts, Rasila Schroeder, Brian Sollom and Kathleen Whitesel; and the storytellers from the State of Montana are: Jenny Brown and Catnip Frederick; and

WHEREAS, All of the Young Storytellers undergo an intensive ten-week training in the art of storytelling, learning how to deliver stories with expression and feeling so that their listeners not only hear the stories but also feel them as well. They receive instruction in Russian language, culture and history; and

WHEREAS, The Young Storytellers have already proved to be an inspiration to their communities. Many of their teachers are incorporating Russian studies into their lesson plans. Community groups and hospital patients visited by the Young Storytellers have often commented on how touched they are by the stories and by their tellers; and

WHEREAS, Young Storytellers for Peace is a program of Storytell International, a Washington nonprofit, tax-exempt corporation. Founder and director of Young Storytellers for Peace is Michale Gabriel, a professional storyteller and communications consultant. Prior to her founding Young Storytellers, Ms. Gabriel was development director of the Henry M. Jackson School of International Studies at the University of Washington and was coordinator of Children's Services and Public Library Programming in Southfield, Michigan. An adjunct instructor in storytelling at Western and Central Washington Universities, she is the founder and director of "Storyforms" performances and seminars in Seattle; and

WHEREAS, Through a series of trips to the United Soviet Socialist Republic and negotiations with Soviet officials, Ms. Gabriel has won the support of the Moscow Peace Committee, the Soviet organization responsible for coordinating all peace activities and exchanges, the Moscow Youth Committee, the Leningrad Friendship Committee and the school systems in Moscow, Odessa and Leningrad; and

WHEREAS, Storytelling transcends cultural, political, religious and social boundaries and captivates hearts. Through story we can celebrate our humanity, express our common goals and experience one another in a way that touches us deeply;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives publicly applauds the peace efforts of the Young Storytellers for Peace and recognizes their investment in a future in which the people of the two super powers may live together in peace without war.

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to each member of Young Storytellers for Peace and to their Founder and Director, Ms. Michale Gabriel.

On motion of Mr. G. Nelson, the resolution was adopted.

MOTIONS

On motion of Mr. J. King, HOUSE BILL NO. 1859 was referred from Committee on Judiciary to Committee on Ways & Means;

On motion of Mr. J. King, HOUSE BILL NO. 2045 was referred from Committee on Rules to Committee on Transportation.

The House reverted to the seventh order of business.

THIRD READING

HOUSE BILL NO. 244, by Representatives O'Brien, P. King, Winsley, Hastings, May, Bond, Crane and Fisch

Creating a state medal of merit.

The bill was read the third time and placed on final passage.

Representatives Belcher and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 244, and the bill passed the House by the following vote: Yeas, 92; absent, 2; excused, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson

D. Nelson G. Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Smitherman, Sommers, Sutherland, Tanner, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, Williams B. Williams J. Wilson K. Wineberry, Winsley, Zellinsky - 92.

Absent: Representatives Addison, Vander Stoep - 2.

Excused: Representatives Taylor, Thomas, Wilson S. and Mr. Speaker - 4.

House Bill No. 244, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

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

Representatives Addison, Thomas and Vander Stoep appeared at the bar of the House.

The House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 5, 1986

HB 354 Prime Sponsor, Representative Braddock: Prohibiting excise taxation of interstate and foreign commerce. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representative Brekke.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 529 Prime Sponsor, Representative Wang: Authorizing sale of wine at auto racetracks. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Sayan, C. Smith, Walker and J. Williams.

Voting nay: Representative Patrick.

Absent: Representatives Ebersole and J. Williams.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 621 Prime Sponsor, Representative Leonard: Certifying radiologic technologists. Reported by Committee on Social & Health Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Lux, Padden, Scott, Tanner, West and Winsley.

Absent: Representative Tanner.

Referred to Committee on Ways & Means.

February 5, 1986

HB 1218 Prime Sponsor, Representative Walk: Relating to transportation. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, K. Wilson and Zellinsky.

Voting nay: Representative Lundquist.

Absent: Representative J. Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1270 Prime Sponsor, Representative Haugen: Relating to local government.
Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1392 Prime Sponsor, Representative Rayburn: Changing the designation of the coordinating agency for the association of irrigation districts.
Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Bristow, Brooks, Chandler, Doty, Kremen, Nealey and Peery.

Voting nay: Representative Ballard.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1393 Prime Sponsor, Representative Sayan: Adding judicial positions in Mason and Thurston counties and dividing the judicial district.
Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Niemi, Padden, Schoon, Tilly, Wang and West.

Voting nay: Representative Schmidt.

Absent: Representatives P. King, Schoon, Van Luven and Wang.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1434 Prime Sponsor, Representative Jacobsen: Providing state compensation for certain school district boards of directors for school district services.
Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Cole, Fuhrman, Holland, Long, Peery, Rayburn, Rust, Todd and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Betzoff, Schoon and Walker.

Voting nay: Representatives Betzoff, Chandler, P. King, Schoon, Taylor and Walker.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1440 Prime Sponsor, Representative R. King: Exempting from sales tax watercraft sold to residents of foreign countries for use outside this state. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1444 Prime Sponsor, Representative Haugen: Establishing time limits for teacher contract negotiations. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Fisch, O'Brien, Patrick, C. Smith, Walker and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Ebersole, Fisher, R. King and Sayan.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1460 Prime Sponsor, Representative Haugen: Authorizing Class P liquor licenses. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representative Ebersole.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1475 Prime Sponsor, Representative West: Regulating the sale of smokeless tobacco products. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendment:

On page 2, following line 15 insert:

"NEW SECTION. Sec. 3. If any part of this chapter is found to conflict with federal statute, the conflicting part of this chapter is hereby declared to be inoperative solely to the extent of the conflict."

Renumber the remaining section consecutively.

Signed by Representatives Brække, Chair; Day, Vice Chair; Armstrong, Bond, Dellwo, Dobbs, Leonard, Lewis, Padden, Scott, Tanner, West and Winsley.

Absent: Representative Braddock.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1492 Prime Sponsor, Representative Haugen: Revising authority of boundary review boards. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Rayburn, Smitherman, Winsley and Zellinsky

Absent: Representative Patrick.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1510 Prime Sponsor, Representative Belcher: Abolishing the state school equalization fund. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brække, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1511 Prime Sponsor, Representative Belcher: Revising provisions relating to state warrants. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke, Vekich and Walk.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1516 Prime Sponsor, Representative Appelwick: Modifying provisions on the state property tax levy. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1521 Prime Sponsor, Representative Grimm: Revising provisions relating to local government investments. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly and B. Williams.

Voting nay: Representatives Hastings and Vander Stoep.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1535 Prime Sponsor, Representative Sanders: Requiring a McNeil Island study. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, van Dyke, Vekich and Walk.

Voting nay: Representative Todd.

Referred to Committee on Ways & Means.

February 6, 1986

HB 1593 Prime Sponsor, Representative Day: Requiring health care facilities to establish rules for granting staff membership and profession privileges. Reported by Committee on Social & Health Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dobbs, Leonard, Lewis, Padden, Tanner, West and Winsley.

Absent: Representatives Bond, Dellwo, Lux, Scott and Tanner.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1609 Prime Sponsor, Representative Niemi: Providing for the certification of respiratory care practitioners. Reported by Committee on Social & Health Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Braddock, Brooks, Dellwo, Leonard, Lewis, Lux, Scott, Tanner and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Dobbs, Padden and West.

Voting nay: Representatives Bond, Dobbs, Padden and West.

Absent: Representative Tanner.

Referred to Committee on Ways & Means.

February 6, 1986

HB 1615 Prime Sponsor, Representative Nutley: Revising provisions relating to integrating city solid waste management plan into county comprehensive plan. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Voting nay: Representative Barnes.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1624 Prime Sponsor, Representative Peery: Authorizing school levies to be for a period in excess of one year. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betzoff, Chandler, Cole, Fuhrman, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Walker and Wang.

Absent: Representative Appelwick.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1691 Prime Sponsor, Representative Ballard: Allocating costs relating to mental health commitments. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Lux, Padden, Scott, Tanner, West and Winsley.

Absent: Representatives Bond and Tanner.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1704 Prime Sponsor, Representative Sommers: Establishing the state board for vocational education. Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Belcher, Miller, D. Nelson, G. Nelson, Prince, Silver, Unsoeld, Vander Stoep and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Basich.

Voting nay: Representatives Basich, Hastings and K. Wilson.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1717 Prime Sponsor, Representative Braddock: Adopting the long-term care corporations planning act of 1986. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, J. King, Locke, Long, Madsen,

G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly and B. Williams.

Voting nay: Representative Holland.

Absent: Representative Locke.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1743 Prime Sponsor, Representative Nutley: Providing for use tax collection. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 22 insert:

"NEW SECTION. Sec. 2. This act shall take effect July 1, 1986."

On page 1, line 1 of the title strike "and" and on line 2 after "82.12.040" insert "; and providing an effective date"

Signed by Representatives Braddock, Vice Chair; Appelwick, Brekke, Bristow, Hine, Holland, J. King, Madsen, Niemi, Rust, Sanders, Sayan, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

Absent: Representative G. Nelson.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1827 Prime Sponsor, Representative Valle: Apportioning the value of vessels for property tax purposes. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representative Locke.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1851 Prime Sponsor, Representative Bristow: Modifying the taxation of ingredients, components, and chemicals used in processing. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Appelwick, Basich, Brekke, Bristow, Hine, J. King, Locke, Madsen, Niemi, Rust, Sanders, Sayan, Sommers, Taylor, Vander Stoep and B. Williams.

Voting nay: Representative Braddock, Vice Chair.

Absent: Representatives Locke, G. Nelson and Sanders.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1866 Prime Sponsor, Representative Zellinsky: Revising the funding structure of the Washington state ferry system. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1872 Prime Sponsor, Representative Ebersole: Requiring reporting of the number of ninth through twelfth grade dropouts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betzoff, Chandler, Cole, Fuhrman, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Walker.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1891 Prime Sponsor, Representative Lux: Defining unprofessional conduct for purposes of the medical disciplinary board. Reported by Committee on Social & Health Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Armstrong, Ballard, Brooks, Dellwo, Leonard, Lewis, Lux, Tanner and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Dobbs, Padden and West.

Voting nay: Representatives Day, Vice Chair; Bond, Dobbs, Lux, Padden and West.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1894 Prime Sponsor, Representative Sommers: Modifying the definition of timber for tax purposes. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representative Locke.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1900 Prime Sponsor, Representative Baugher: Allowing agreement to run purebred or crossbred bulls and proportioning number of cows to bulls on range area. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 17 after "upon" strike "the open range" and insert "~~(the open)~~ a range area"

On page 1, line 17 after "female" strike "breeding" and insert "~~(breeding)~~"

Signed by Representatives Baugher, Vice Chair; Ballard, Bristow, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

MINORITY recommendation: Do not pass. Signed by Representative Vekich, Chair.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1902 Prime Sponsor, Representative Unsoeld: Relating to a program for reimbursement of diminished local government property tax levy capacity. (t.o.) Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky

Referred to Committee on Ways & Means.

February 5, 1986

HB 1937 Prime Sponsor, Representative Locke: Providing for school districts to operate child care programs. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Cole, Holland, P. King, Peery, Rayburn, Rust, Todd, Walker and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Schoon.

Voting nay: Representatives Betzoff, Fuhrman, Long, Schoon, L. Smith and Taylor.

Absent: Representative Chandler.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1968 Prime Sponsor, Representative Leonard: Requiring the establishment of approved pharmaceuticals for use by optometrists. Reported by Committee on Social & Health Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Armstrong, Ballard, Braddock, Dobbs, Leonard, Lux, Scott, Tanner and Winsley

Voting nay: Representatives Bond, Brooks and Padden.

Absent: Representatives Day, Vice Chair; Dellwo and West.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 2009 Prime Sponsor, Representative P. King: Authorizing local governmental group property and casualty insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Locke, Nutley, Prince and Winsley.

Absent: Representatives Grimm and West.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 2089 Prime Sponsor, Representative Lux: Relating to insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Grimm, Holland, P. King, Locke, Nutley, Prince and Winsley.

Absent: Representatives Grimm and West.

Passed to Committee on Rules for second reading.

February 6, 1986

HJM 29 Prime Sponsor, Representative Lux: Requesting the federal regulation of insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Crane, Dellwo, Grimm, Locke, Nutley, Prince and Winsley.

Voting nay: Representatives Barrett, Holland and P. King.

Absent: Representatives Addison, Prince and West.

Passed to Committee on Rules for second reading.

February 6, 1986

HJM 37 Prime Sponsor, Representative Haugen: Requesting United States Congress to amend the Jones Act to exclude commercial fishers and amend the Longshoremen's and Harbor Worker's Compensation Act to include commercial fishers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Crane, Dellwo, Grimm, Holland, Locke, Nutley, Prince and Winsley.

Voting nay: Representatives Barrett and P. King.

Absent: Representatives Addison and West.

Passed to Committee on Rules for second reading.

February 5, 1986

HJR 55 Prime Sponsor, Representative Peery: Specifying the time period for levies for renovation and construction of school facilities. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betzoff, Chandler, Cole, Fuhrman, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Walker and Wang.

Absent: Representatives Appelwick and Wang.

Passed to Committee on Rules for second reading.

SECOND READING

HOUSE BILL NO. 1655, by Representatives Unsoeld, Miller, D. Nelson, Allen, Long, Madsen, Sutherland, Jacobsen, Todd, Gallagher, Armstrong, Cole, Peery, Barnes, Wang and P. King; by request of Governor Gardner

Revising provisions relating to the low-level radioactive waste management program.

The bill was read the second time. On motion of Mr. J. King, Substitute House Bill No. 1655 was substituted for House Bill No. 1655, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1655 was read the second time.

Mr. Isaacson moved adoption of the following amendments:

On page 2, line 23, strike "and"

On page 2, line 25, strike "current"

On page 2, line 31, after "Management" and before the period insert "; and

(5) To make application for or otherwise pursue any federal funds to which the state may be eligible, through the federal resource conservation and recovery act or any other federal programs, for the management, treatment or disposal, and any remedial actions, of wastes that are both radioactive and hazardous at all Hanford low-level radioactive waste disposal facilities"

On page 2, line 34, strike "agency (" and insert "((agency"

On page 2, line 35, after "issue))" insert "department of social and health services"

On page 3, line 24 after "basic" insert "minimum"

On page 5, line 5 strike "authorized" and insert "((authorized)) directed"

Representatives Isaacson and Unsoeld spoke in favor of the amendments, and they were adopted.

On motion of Mr. Isaacson, the following amendment by Representatives Sutherland and Isaacson was adopted:

On page 4, line 33 after the first "the" insert "manifested"

Mr. Braddock moved adoption of the following amendment by Representatives Grimm and D. Nelson:

On page 5, after line 9 strike all material down through line 29.

Renumber the remaining sections consecutively.

Representatives Braddock and Isaacson spoke in favor of the amendment, and it was adopted.

On motion of Mr. Braddock, the following amendment to the title was adopted: On page 1, line 3 of the title strike "making appropriations;"

The bill was ordered engrossed. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Unsoeld and D. Nelson spoke in favor of passage of the bill, and Representative Isaacson opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1655, and the bill passed the House by the following vote: Yeas, 81; nays, 14; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Braddock, Brekke, Bristow, Brough, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wineberry, Winsley, Zellinsky - 81.

Voting nay: Representatives Baugher, Betzoff, Bond, Brooks, Chandler, Hankins, Hastings, Isaacson, Lewis, Prince, Sanders, Thomas, Tilly, Williams J - 14.

Excused: Representatives Taylor, Wilson S, and Mr. Speaker - 3.

Engrossed Substitute House Bill No. 1655, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. Padden moved that the Committee on Social & Health Services be relieved of HOUSE BILL NO. 1749 and the bill be placed at the top of today's second reading calendar.

Mr. Padden spoke in favor of the motion, and Mr. J. King opposed it.

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

ROLL CALL

The Clerk called the roll on the motion to relieve Committee on Social & Health Services of House Bill No. 1749 and place on today's second reading calendar, and the motion was lost by the following vote: Yeas, 43; nays, 52; excused, 3.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Winsley - 43.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky - 52.

Excused: Representatives Taylor, Wilson S, and Mr. Speaker - 3.

MOTION

Mr. Patrick moved that the Committee on Judiciary be relieved of HOUSE BILL NO. 1974 and the bill be placed at the top of today's second reading calendar.

Mr. Patrick spoke in favor of the motion.

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

Mr. J. King spoke against the motion.

ROLL CALL

The Clerk called the roll on the motion to relieve the Judiciary Committee of House Bill No. 1974 and place it on the second reading calendar, and the motion was lost by the following vote: Yeas, 43; nays, 52; excused, 3.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Winsley - 43.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky - 52.

Excused: Representatives Taylor, Wilson S, and Mr. Speaker - 3.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 6:00 p.m.

EVENING SESSION

The Speaker (Ms. Hine presiding) called the House to order at 6:00 p.m.

The House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 7, 1986

HB 483 Prime Sponsor, Representative Appelwick: Providing for judicial review of governmental actions when First Amendment rights are affected. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schoon, Tilly, Van Luven, Wang and West.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 488 Prime Sponsor, Representative Brekke: Revising provisions relating to solid waste. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Brekke, Jacobsen, R. King, Lux, Nutley and Valle.

MINORITY recommendation: Do not pass. Signed by Representative May.

Voting nay: Representatives Allen, Barnes, Brough, Isaacson, Lewis and May.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 803 Prime Sponsor, Representative Scott: Prescribing penalties for criminal mistreatment. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

MINORITY recommendation: Do not pass. Signed by Representative Niemi.

Absent: Representative Schoon.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1355 Prime Sponsor, Representative Madsen: Authorizing a Washington-bred horse marketing program. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Agriculture be substituted therefor and the substitute bill do pass with the following amendment:

On page 1, line 16 after "Washington-bred horses" insert ": PROVIDED, That the department shall present a proposal to the legislature no later than December 1, 1986, that provides for the elimination of all state funding for the program after June 30, 1989"

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Bristow, Hastings, Hine, Holland, Locke, Long, Madsen, G. Nelson, Niemi, Sanders, Sayan, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Voting nay: Representative Rust.

Absent: Representatives Brekke and Silver.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1357 Prime Sponsor, Representative Wang: Regulating cigarette sales. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith and Walker.

Voting nay: Representative J. Williams.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1367 Prime Sponsor, Representative Valle: Creating a joint select committee on educational career ladders. Reported by Committee on Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Ebersole Chair; Valle, Vice Chair; Appelwick, Betzoff, Chandler, Cole, Fuhrman, Holland, P. King, Long, Peery, Schoon, L. Smith, Taylor, Todd, Walker and Wang.

Voting nay: Representative Rust.

Absent: Representatives Cole, P. King and Long.

Referred to Committee on Ways & Means.

February 7, 1986

HB 1389 Prime Sponsor, Representative Jacobsen: Requiring needs assessment and certificate of need review for air and land ambulance services. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendment:
On page 4, line 13 strike "or replacement"

Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Braddock, Brooks, Dellwo, Leonard, Lewis, Lux, Scott, Tanner and Winsley.

Absent: Representatives Bond, Dobbs, Padden and West.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1450 Prime Sponsor, Representative Baugher: Authorizing performance standards for motor vehicle equipment. Reported by Committee on Transportation

MAJORITY recommendation: Do Pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Brough, Fisch, Fisher, Gallagher,

Hankins, Haugen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Thomas, Valle, Van Luven and Zellinsky.

Voting nay: Representative K. Wilson.

Absent: Representatives Bond, Tanner and J. Williams.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1493 Prime Sponsor, Representative Rayburn: Restricting the application of motorist service business sign restrictions. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, K. Wilson and Zellinsky.

Absent: Representatives Tanner and J. Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1496 Prime Sponsor, Representative Appelwick: Providing funds for the horse racing commission. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Appelwick, Basich, Bristow, Hastings, Hine, Holland, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Smitherman, Sommers, Taylor and Tilly.

MINORITY recommendation: Do not pass. Signed by Representatives Braddock, Vice Chair; Locke, Vander Stoep and B. Williams.

Absent: Representatives Brekke, Silver and L. Smith.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1528 Prime Sponsor, Representative Appelwick: Revising reporting requirements for uncollected pledges of campaign contributions. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Day, Fisch, Madsen and Sommers.

Voting nay: Representatives Miller, Nealey and Walker.

Absent: Representative Barrett.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1530 Prime Sponsor, Representative Jacobsen: Establishing rules of conduct for private business entities receiving public assistance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Ebersole, Fisch, Fisher, R. King, O'Brien and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Betrozoff, Chandler, Patrick, C. Smith, Walker and J. Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1534 Prime Sponsor, Representative Doty: Permitting people to ride in fifth-wheel trailers. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Bond, Brough, Fisch, Gallagher, Hankins, Haugen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Van Luven, J. Williams and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representative Fisher.

Voting nay: Representatives Baugher, Fisher, Gallagher, Sutherland, Valle and K. Wilson.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1537 Prime Sponsor, Representative Rust: Adopting the endangered wildlife conservation act. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Brekke, Jacobsen, R. King, Lux, Nutley and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Allen, Brough, Isaacson and May.

Voting nay: Representatives Allen, Barnes, Brough, Isaacson, Lewis and May.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1538 Prime Sponsor, Representative Rust: Adopting the plant protection act of 1986. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1540 Prime Sponsor, Representative Nutley: Regulating the effective date of solid waste functional standards. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1549 Prime Sponsor, Representative Lux: Revising provisions relating to air pollution. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1561 Prime Sponsor, Representative Scott: Requiring reports of gunshot wounds in patients treated by health care professionals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Schmidt, Schoon, Wang and West.

Absent: Representatives Padden and Van Luven.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1581 Prime Sponsor, Representative R. King: Revising provisions relating to claims closure in industrial insurance cases. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representatives O'Brien.

Passed to Committee on Rules for second reading.

February 5, 1986

HB 1607 Prime Sponsor, Representative Sommers: Revising provisions relating to negotiations by community college academic personnel. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 15, after "years." strike all material down through "of)" on line 16 and insert "Any provision of these agreements ((will not be binding upon future actions of)) pertaining to compensation"

On page 1, after line 16, insert the following:

"Sec. 2. Section 2, chapter 196, Laws of 1971 ex. sess. as last amended by section 12, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.020 are each amended to read as follows:

As used in this chapter:

'Employee organization' means any organization which includes as members the academic employees of a community college district, or the academic employees of individual community colleges if more than one-half of the academic employees in one community college in the district are employed full time and more than one-half of the academic employees in another community college in the district are employed part time and which has as one of its purposes the representation of the employees in their employment relations with the community college district.

'Academic employee' means any teacher, counselor, librarian, or department head, who is employed by any community college district, with the exception of the chief administrative officer of, and any administrator in, each community college district.

'Administrator' means any person employed either full or part time by the community college district and who performs administrative functions as at least fifty percent or more of his assignments, and has responsibilities to hire, dismiss, or discipline other employees. Administrators shall not be members of the bargaining unit unless a majority of such administrators and a majority of the bargaining unit elect by secret ballot for such inclusion pursuant to rules and regulations as adopted in accordance with RCW 28B.52.080.

'Commission' means the public employment relations commission.

Sec. 3. Section 3, chapter 196, Laws of 1971 ex. sess. as amended by section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030 are each amended to read as follows:

Representatives of an employee organization, which organization shall by secret ballot have won a majority in an election to represent the academic employees within its community college district or community college campus as permitted under RCW 28B.52.020, shall have the right, after using established administrative channels, to meet, confer and negotiate with the board of trustees of the community college district or its delegated representative(s) to communicate the considered professional judgment of the academic staff prior to the final adoption by the board of proposed community college district policies relating to, but not limited to, curriculum, textbook selection, in-service training, student teaching programs, personnel, hiring and assignment practices, leaves of absence, salaries and salary schedules and noninstructional duties.

Sec. 4. Section 5, chapter 196, Laws of 1971 ex. sess. as last amended by section 13, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.060 are each amended to read as follows:

The commission is authorized to conduct fact-finding and mediation activities upon the consent of both parties as a means of assisting in the settlement of unresolved matters considered under this chapter.

In the event that any matter being jointly considered by ~~((the))~~ an employee organization and the board of trustees of the community college district is not settled by the means provided in this chapter, either party, twenty-four hours after serving written notice of its intended action to the other party, may, request the assistance and advice of the commission."

On page 1, line 2 of the title, after "28B.52.035" insert ", 28B.52.020, 28B.52.030, and 28B.52.060"

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1680 Prime Sponsor, Representative Sommers: Providing for sunset review of the ferry workers' collective bargaining statutes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Voting nay: Representative Betzoff.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1685 Prime Sponsor, Representative Scott: Establishing reporting requirements for liability insurance for licensed day care centers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Grimm, Holland, P. King, Locke, Nutley, Prince and Winsley.

Absent: Representative West.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1695 Prime Sponsor, Representative Haugen: Requiring foreign commercial fishing vessels to stow fishing gear in state waters. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Cole, Dobbs, Fuhrman, Hankins, Hargrove, Haugen, Leonard, Lundquist, McMullen, D. Nelson, Sayan, Thomas, van Dyke and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representative Sanders.

Absent: Representatives Leonard and S. Wilson.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1709 Prime Sponsor, Representative Belcher: Consolidating agencies into the department of community development. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke, Vekich and Walk

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1713 Prime Sponsor, Representative Bristow: Changing provisions relating to weed control. Reported by Committee on Agriculture

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Ballard, Bristow, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

Absent: Representative Ballard.

Passed to Committee on Rules for second reading.

February 6 1986

HB 1722 Prime Sponsor, Representative Lux: Requiring an air contaminant source operating permit. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1728 Prime Sponsor, Representative Kremen: Authorizing rules and definitions for dairy product standards. Reported by Committee on Agriculture

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Ballard, Bristow, Brooks, Chandler, Doty, Kremen and Peery.

MINORITY recommendation: Do not pass. Signed by Representative Nealey.

Voting nay: Representatives Madsen and Nealey.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1730 Prime Sponsor, Representative K. Wilson: Authorizing department of ecology study of demands on competing uses of state's water resources to resolve conflicts associated with determining instream flows. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lux, May, Nutley and Valle.

Voting nay: Representative Lewis.

Absent: Representative Lux.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1734 Prime Sponsor, Representative Haugen: Eliminating application procedures for commercial salmon fishing licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Cole, Dobbs, Fuhrman, Hankins, Hargrove, Haugen, Leonard, Lundquist, McMullen, D. Nelson, Sanders, Sayan, van Dyke and J. Williams.

Absent: Representative S. Wilson.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1767 Prime Sponsor, Representative McMullen: Sunsetting the data processing authority. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Todd, van Dyke, Vekich and Walk.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1787 Prime Sponsor, Representative Unsoeld: Modifying industrial wastewater discharge standards. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Absent: Representative Brough.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1802 Prime Sponsor, Representative Wang: Deleting provisions on marginal labor force attachment. Reported by Committee on Commerce & Labor

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representatives Ebersole and J. Williams.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1805 Prime Sponsor, Representative Jacobsen: Increasing the authority of certain agencies to use local private printing companies. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Todd, van Dyke and Walk.

MINORITY recommendation: Do not pass. Signed by Representative Vekich.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1815 Prime Sponsor, Representative Ebersole: Permitting vehicles operated by nursing homes to get disabled parking privileges. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1822 Prime Sponsor, Representative Appelwick: Providing for judges pro tempore of the court of appeals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Hargrove, P. King, G. Nelson, Schmidt, Schoon, Tilly and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Dellwo, Locke, Niemi and West.

Voting nay: Representatives Dellwo, Lewis, Locke, Niemi, Schoon, Van Luven and West.

Absent: Representative Padden.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1830 Prime Sponsor, Representative Ebersole: Authorizing bonds for common school capital projects. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betrozoff, Chandler, Cole, Fuhrman, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Walker and Wang.

Absent: Representative P. King.

Referred to Committee on Ways & Means.

February 4, 1986

HB 1856 Prime Sponsor, Representative Armstrong: Modifying physician-patient privilege. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Voting nay: Representative Hargrove.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1857 Prime Sponsor, Representative Rust: Establishing categories of damages in personal injury action. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1858 Prime Sponsor, Representative Armstrong: Prescribing limitations on actions arising at birth or prenatal care. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Crane, Dellwo, Hargrove, Lewis, G. Nelson, Schmidt, Schoon, Tilly, Van Luven and West.

MINORITY recommendation: Do not pass. Signed by Representatives P. King, Locke and Niemi.

Voting nay: Representatives P. King, Locke, Niemi, Padden and Wang.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1911 Prime Sponsor, Representative Cole: Requiring the secretary of corrections to operate the Firland corrections center. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Ballard, Brooks, Dellwo, Leonard, Lewis, Lux, Scott and Winsley.

Voting nay: Representative Tanner.

Absent: Representatives Armstrong, Bond, Braddock, Dobbs, Padden and West.

Referred to Committee on Ways & Means.

February 6, 1986

HB 1925 Prime Sponsor, Representative Allen: Eliminating provisions relating to noise control. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Voting nay: Representative Brough.

Absent: Representative Lux.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1929 Prime Sponsor, Representative Locke: Revising provisions relating to contribution among joint tort feasons. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Crane, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven and West.

Voting nay: Representatives Appelwick, Crane, P. King and Wang.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1942 Prime Sponsor, Representative Armstrong: Authorizing payment of court award of damages by installment. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Crane, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Voting nay: Representatives P. King and Niemi.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1944 Prime Sponsor, Representative Tanner: Extending the sales and use tax deferral program. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMullen, Chair; Day, Dobbs, Doty, Hargrove, May, Rayburn, Schmidt, L. Smith, Smitherman, Tanner, Thomas, van Dyke, Vekich and Wineberry.

Voting nay: Representatives Kremen, Vice Chair; Braddock, Niemi and Silver.

Absent: Representative J. King.

Referred to Committee on Ways & Means.

February 6, 1986

HB 2083 Prime Sponsor, Representative Lux: Relating to self-insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Barrett, Crane, Dellwo, Grimm, Holland, P. King, Locke, Nutley, Prince and Winsley.

Absent: Representatives Addison, Prince and West.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 2112 Prime Sponsor, Representative Walk: Regulating motor freight carriers.
Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Betrozoff, Bond, Brough, Hankins, Haugen, Lundquist, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, J. Williams and Zellinsky.

Voting nay: Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Fisch, Fisher, Gallagher, Kremen, McMullen, Patrick, Valle, Van Luven and K. Wilson.

Passed to Committee on Rules for second reading.

February 7, 1986

HJR 58 Prime Sponsor, Representative Fisher: Lengthening legislative terms.
Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass with the following amendment:

On page 2, at the beginning of line 4 strike "resign or seek other elective" and insert "vacate the"

Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Day, Fisch, Madsen, Miller, Nealey, Sommers and Walker.

Passed to Committee on Rules for second reading.

February 6, 1986

HCR 22 Prime Sponsor, Representative Wang: Creating a joint select committee on disability employment and economic participation. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams

Absent: Representatives Ebersole and J. Williams.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 614 Prime Sponsor, Representative Grimm: Revising methods for the expenditure of services and activities fees at institutions of higher education.
Reported by Committee on Higher Education

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Basich, Belcher, Miller, D. Nelson, G. Nelson, Prince, Unsoeld, K. Wilson and Wineberry.

Absent: Representatives Hastings, Silver and Vander Stoep.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1421 Prime Sponsor, Representative Niemi: Modifying provisions relating to mental health insurance coverage. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, Nutley, Prince and Winsley.

Absent: Representatives Grimm, P. King and West.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1451 Prime Sponsor, Representative Appelwick: Adopting the 1977 amendments to Article 8 of the Uniform Commercial Code. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives P. King and Lewis.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1539 Prime Sponsor, Representative Smitherman: Eliminating the expiration of certain community college tuition and fee waivers. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Basich, Belcher, Hastings, Miller, D. Nelson, G. Nelson, Prince, Unsoeld, Vander Stoep, K. Wilson and Wineberry.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1580 Prime Sponsor, Representative Bristow: Revising criminal statutes of limitations. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1598 Prime Sponsor, Representative Valle: Revising the sexual offender treatment program. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Passed to Committee on Rules for second reading.

February 4, 1986

HB 1614 Prime Sponsor, Representative Long: Delaying certain new prerequisites for the issuance of vehicle licenses. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 7 after "January 1, 1988," insert:

NEW SECTION, Sec. 2. The legislature recognizes that a program to require a person to possess a valid driver's license as a prerequisite for the registration of motor vehicles can help improve highway safety in the state. The legislature also recognizes that such a program should be carefully analyzed and planned before implementation to ensure that it is as cost effective as possible.

NEW SECTION, Sec. 3. The legislative transportation committee shall review the merits and costs of implementing the program established by chapter 424, Laws of 1985, and report back to the legislature prior to January 1, 1987. If funding for this program is not approved by the legislature as of July 1, 1987, chapter 424, Laws of 1985 is repealed."

Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Bond, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Voting nay: Representatives Brough and Tanner.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1622 Prime Sponsor, Representative Sayan: Revising flood control management plans. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky

Absent: Representative Allen.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1644 Prime Sponsor, Representative Miller: Exempting music and drama students from certain higher education tuition and fees. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 25 after "enrolled in" insert "performance classes in"

On page 1, line 25 after "drama" strike "classes"

On page 2, line 6 after "(3)" strike all material through "classes, f" and insert "F"

On page 2, beginning on line 18 after "charge," insert "For the purposes of this subsection, the credit hours taken by a student for one performance class in music or drama shall not be considered in determining whether the student is registered for more than eighteen credit hours."

Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Basich, Belcher, Miller, D. Nelson, G. Nelson, Prince, Unsoeld, Vander Stoep, K. Wilson and Wineberry.

Absent: Representatives Hastings and Silver.

Referred to Committee on Ways & Means.

February 7, 1986

HB 1681 Prime Sponsor, Representative Sayan: Revising criteria for salary surveys for marine employees of the state. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd and Walk.

MINORITY recommendation: Do not pass. Signed by Representatives van Dyke and Vekich.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1699 Prime Sponsor, Representative Lux: Requiring property and casualty insurers to report loss and expense experiences. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Nutley, Prince and Winsley.

Absent: Representatives Grimm and West.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1726 Prime Sponsor, Representative Locke: Revising regulation of charitable solicitations. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1731 Prime Sponsor, Representative K. Wilson: Authorizing the placement of runaway juveniles in the home of a parent. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, Niemi, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Voting nay: Representatives Locke, Niemi, Padden and West.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1764 Prime Sponsor, Representative Walk: Designating hazardous materials command agencies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 33 after "company," strike "except due to negligence on the employee's part"

Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1768 Prime Sponsor, Representative McMullen: Providing for the establishment of museum districts. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Bristow, Ebersole, May, Rayburn, Smitherman, Winsley and Zellinsky

MINORITY recommendation: Do not pass. Signed by Representatives Allen, Doty and Isaacson

Voting nay: Representatives Allen, Brough, Doty, Hine, Isaacson and Patrick.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1784 Prime Sponsor, Representative Day: Changing provisions relating to disclosures required in securities registration statements. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, Locke, Nutley, Prince and Winsley.

Voting nay: Representatives Lux, Chair and Holland.

Absent: Representatives Grimm, P. King and West.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1786 Prime Sponsor, Representative Unsoeld: Creating the twenty-fourth community college district. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

On page 7, beginning on line 1 strike all material through "July 1, 1986." on line 4 and insert a new section as follows:

"NEW SECTION, Sec. 12. This act shall take effect on July 1, 1986, except that sections 2 and 10 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Basich, Belcher, Miller, D. Nelson, G. Nelson, Unsoeld, K. Wilson and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Vander Stoep.

Voting nay: Representatives Hastings, Prince and Vander Stoep.

Absent: Representative Silver.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1804 Prime Sponsor, Representative Vander Stoep: Modifying provisions regulating port commission formation. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representative Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky

Voting nay: Representatives Hine, Isaacson and Zellinsky.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1838 Prime Sponsor, Representative Barnes: Changing provisions relating to campaign financing disclosure. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Day, Fisch, Madsen, Miller, Sommers and Walker.

MINORITY recommendation: Do not pass. Signed by Representative Nealey.

Absent: Representative Barrett.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1840 Prime Sponsor, Representative Jacobsen: Simplifying implementation of governmental deferred compensation plans. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky

Absent: Representative Ebersole.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1842 Prime Sponsor, Representative Rust: Modifying fees for hazardous waste sites. Reported by Committee on Environmental Affairs

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Jacobsen, R. King, Nutley and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Brough, Lewis and May.

Absent: Representatives Isaacson and Lux.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1869 Prime Sponsor, Representative Locke: Changing provisions relating to crime victims' compensation. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives P. King and Padden.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1870 Prime Sponsor, Representative McMullen: Requiring charter and tour operators to maintain an escrow account. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Doty, J. King, May, Rayburn, Schmidt, Schoon, Scott, Silver, L. Smith, Smitherman, Tanner, van Dyke, Vekich, B. Williams and Wineberry.

Absent: Representatives Day, Dobbs and Thomas.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1892 Prime Sponsor, Representative Locke: Limiting the taxation of telecommunications services by cities. Reported by Committee on Energy & Utilities

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Gallagher, Isaacson, Jacobsen, Long, Madsen, Miller, Nealey, Sutherland, Unsoeld and Van Luven.

Absent: Representative Bond.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1895 Prime Sponsor, Representative Tanner: Providing for the purchase of the U.S.S. Olympia. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Todd, van Dyke, Vekich and Walk.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1931 Prime Sponsor, Representative Brough: Prohibiting sale of overweight vehicles to public agencies. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 6 after "or" strike "sales representative" and insert "dealer"

On page 1, line 7 after "sale" insert "or lease"

On page 1, line 7 after "vehicle" strike "having" and insert "to be used on a public highway and designed to carry"

Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Thomas, Valle, Van Luven, K. Wilson and Zellinsky.

Voting nay: Representative Lundquist.

Absent: Representatives Schmidt and J. Williams.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1950 Prime Sponsor, Representative Brooks: Revising provisions on medical practice. Reported by Committee on Social & Health Services

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Brooks, Dellwo, Leonard, Lewis, Lux, Scott, Tanner and Winsley.

Absent: Representatives Bond, Braddock, Dobbs and Padden.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1956 Prime Sponsor, Representative Grimm: Clarifying terms of judges of the state court of appeals. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives P. King and Van Luven.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1964 Prime Sponsor, Representative Niemi: Establishing a temporary office of state public defender. Reported by Committee on State Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Hankins, O'Brien, Sanders, Todd, van Dyke, Vekich and Walk.

Absent: Representative Taylor.

Referred to Committee on Ways & Means.

February 7, 1986

HB 1967 Prime Sponsor, Representative McMullen: Providing for the lease of state lands for county fairgrounds. Reported by Committee on Local Government

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky

MINORITY recommendation: Do not pass. Signed by Representative Isaacson

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1972 Prime Sponsor, Representative P. King: Authorizing entities to self-insure for property damage and casualty insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Grimm, Holland, P. King, Nutley, Prince and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Locke.

Absent: Representative West.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 1976 Prime Sponsor, Representative Locke: Requiring notice to prosecuting attorney before releasing mentally disordered persons. Reported by Committee on Judiciary

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Loven, Wang and West.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 2011 Prime Sponsor, Representative P. King: Requiring maintenance of separate trust accounts for insurance agents. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Crane, Dellwo, Grimm, Holland, P. King, Locke, Nutley, Prince and Winsley.

Voting nay: Representative Barrett.

Absent: Representative West.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 2014 Prime Sponsor, Representative Vekich: Revising regulation of agriculture commission merchants. Reported by Committee on Agriculture

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Ballard, Bristow, Brooks, Chandler, Doty, Kremen, Nealey and Peery.

Absent: Representative Madsen.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 2017 Prime Sponsor, Representative Jacobsen: Directing the utilities and transportation commission to study local telephone switching costs. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Jacobsen, Sutherland, Unsoeld and Van Loven.

Voting nay: Representatives Gallagher, Isaacson, Long, Madsen, Miller and Nealey.

Absent: Representative Bond.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 2018 Prime Sponsor, Lux: Revising provisions of insurance unfair practices and frauds. Reported by Committee on Financial Institutions & Insurance.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Crane, Dellwo, Grimm, Holland, Locke and Nutley.

Voting nay: Representatives Barrett, Crane, P. King, Prince and Winsley.

Absent: Representative West.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 2045 Prime Sponsor, Representative Haugen: Regulating claims involving highway design. Reported by Committee on Transportation

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Walk, Chair; Baugher,

Betrozoff, Bond, Brough, Fisch, Gallagher, Hankins, Haugen, Kremen, Lundquist, Patrick, Prince, C. Smith, Thomas, Valle, Van Luven and Zellinsky.

MINORITY recommendation: Do not pass. Signed by Representatives Wineberry, Vice Chair; Fisher, McMullen, Sutherland and J. Williams.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 2080 Prime Sponsor, Representative Lux: Relating to day care liability insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Locke, Nutley, Prince and Winsley.

Absent: Representatives Grimm and West.

Passed to Committee on Rules for second reading.

February 7, 1986

HB 2088 Prime Sponsor, Representative Lux: Relating to insurance. Reported by Committee on Financial Institutions & Insurance.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, Locke, Nutley and Winsley.

Voting nay: Representative Prince.

Absent: Representatives Grimm and West.

Passed to Committee on Rules for second reading.

February 7, 1986

HJM 31 Prime Sponsor, Representative Todd: Requesting information regarding missing American servicemen. Reported by Committee on State Government.

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Fuhrman, O'Brien, Sanders, Todd, van Dyke, Vekich and Walk.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

February 7, 1986

HJM 38 Prime Sponsor, Representative D. Nelson: Requesting the state to encourage short-term nuclear waste storage so that long-term alternative deadlines may be extended for purposes of further study of long-term alternatives. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 13 strike "the safest" and insert "a safe"

On page 1, line 29 strike "the safest" and insert "a safe"

Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Gallagher, Jacobsen, Long, Madsen, Sutherland and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Isaacson.

Voting nay: Representatives Isaacson, Miller, Nealey and Van Luven.

Absent: Representative Bond.

Passed to Committee on Rules for second reading.

February 7, 1986

HJR 54 Prime Sponsor, Representative Hankins: Authorizing the governor to reorganize the executive branch. Reported by Committee on State Government.

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Perry, Vice Chair; Baugher, Brooks, Hankins, O'Brien, Todd and Walk.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman, Sanders and van Dyke.

Absent: Representative Taylor.

Passed to Committee on Rules for second reading.

February 7, 1986

HCR 25 Prime Sponsor, D. Nelson: Requesting that all means be utilized by state government to prevent United States department of energy from declaring Hanford as a safe repository without characterization studies having been completed. Reported by Committee on Energy & Utilities.

MAJORITY recommendation: The substitute resolution be substitute therefor and the substitute resolution do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Gallagher, Jacobsen, Long, Madsen, Miller, Sutherland and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representative Isaacson.

Voting nay: Representatives Barnes, Isaacson, Nealey and Van Luven.

Absent: Representative Bond.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. Bristow, the House adjourned until 1:15 p.m., Monday, February 10, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

TWENTY-NINTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Wash., Monday, February 10, 1986

The House was called to order at 1:15 p.m. by the Speaker. The Clerk called the roll and all members were present except Representative Brooks, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shannon Todd and Bill Robinson. Prayer was offered by Reverend Melvin Hiatt, Minister from the Apostolic Faith Church of Seattle.

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

MESSAGE FROM THE SENATE

February 7, 1986

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 4684,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

SSB 4684 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Owen, Kreidler, Deccio, Kiskaddon, McDonald, Metcalf, Saling, Bauer and Johnson; by request of Department of Corrections)

Providing for restitution by inmates.

Referred to Committee on Social & Health Services.

The House advanced to the eighth order of business.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 86-113, by Representatives Van Luven, Locke, West, Hine, Sanders and Isaacson

WHEREAS, Sunday, February 2, 1986 marked the beginning of Boy Scout anniversary week; and

WHEREAS, The theme of Boy Scout Week is "Catch the Scouting Spirit"; and

WHEREAS, Saturday, February 8, 1986 is the seventy-sixth anniversary of the Boy Scouts of America; and

WHEREAS, Since 1910 over seventy-two million people have participated in Boy Scouting programs; and

WHEREAS, Scouting promotes respect for God and country; and

WHEREAS, The Boy Scout law inspires people always to be trustworthy, loyal, helpful, friendly, courteous, kind, obedient, cheerful, thrifty, brave, clean and reverent; and

WHEREAS, Boy Scout programs have played a significant role in the lives of many of our national and state political leaders; and

WHEREAS, Former President Gerald R. Ford, United States Senator Daniel J. Evans and Ellison Onizuka, American Astronaut of Japanese descent who recently gave his life on the space shuttle Challenger, all attained the rank of Eagle Scout; and

WHEREAS, Six members of this body, Representatives Dick Bond, Jim Hargrove, Gary Locke, Gary Nelson, Joe Tanner and Steve Van Luven are Eagle Scouts; and

WHEREAS, Ninety percent of the state's Congressional delegation has been or is connected with Boy Scout programs; and

WHEREAS, Sixty-three of the members of this body have participated in Boy Scouting;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives officially recognize the valuable service the Boy Scouts of America perform for the youth of our state and our country; and

BE IT FURTHER RESOLVED, That the House of Representatives applaud all of our state Boy Scout Councils for a job well done; and

BE IT FURTHER RESOLVED, That the members of this body do all they can in their home districts to promote the programs and ideals of the Boy Scouts of America; and

BE IT FINALLY RESOLVED, That a copy of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the National Office of the Boy Scouts of America in Irving, Texas; the Western Regional Office of the Boy Scouts in Sunnyvale, California; and the twelve Boy Scout Councils serving Washington State.

On motion of Mr. Van Luven, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 86-116, by Representatives D. Nelson, J. King, Allen, Lux, Hine, Locke, Brekke, P. King, Belcher, Rust, Fisher, Cole, Jacobsen, Niemi, Leonard, Unsoeld, Wang, O'Brien, Tanner, Armstrong, Valle and Wineberry

WHEREAS, It is the policy of the Legislature to recognize dedication and commitment in all fields of endeavor; and

WHEREAS, Pro-Peace is an international citizens movement endorsed by hundreds of celebrities, political leaders, civic organizations, college campuses and student governments; and

WHEREAS, Pro-Peace originated on the idea that each individual can make a difference and alter history by marching for global peace and nuclear disarmament; and

WHEREAS, Five thousand people will begin walking from Los Angeles, California on March 1, 1986 across the entire United States; and

WHEREAS, The marchers were chosen from over eleven thousand applicants in an extensive mental, biographical and physical examination process; and

WHEREAS, Thirty people from all over Washington State have been chosen for this honor and will leave their homes, jobs and families to walk sixteen miles a day through mountains, deserts and plains experiencing all types of inclement weather conditions; and

WHEREAS, This ambitious nine-month cross-country march will be supported by a movable city of two thousand geodesic tents, six mobile kitchens and donations of several million dollars; and

WHEREAS, The Great Peace March will be supported by rallies and civic ceremonies as it passes through small towns and large cities; and

WHEREAS, Pro-Peace will culminate in Washington, D.C. and thousands more will gather to walk the last fifteen miles to our nation's capital in the spirit of peace; and

WHEREAS, The thirty Washington State participants are: Rhoda Evans, Alich Dadaski, Robert Hayes, Donna Sammons, Art Reagon, Patrice Davis, Jan Cook, Kent and Mark Jewell and Lynn Hiemer, all of Seattle; Jeanine Brannigan of Tacoma; Tom Reiter, Norma Rasmussen and Ben Spees of Des Moines; Mari Ireina and Andrea Cochran of Langley; Ursula Pike of Hoquiam; Maggie Bassetti of Crystal Mountain; Steven Zobrist of Kent; Marilyn Cram and Kelly Bodish of La Conner; Sarah Brown of Silverdale; Kris Alber of Bremerton; Joe Orlins of Bellevue; Kimberly Hawkes of Redmond; Melissa Dixon of Vancouver; Anne Hendry of Pullman; Timothy Meyers of Spokane; Laura Linberg-Cole of Ellensburg and John S. Combettes of Oak Harbor;

NOW, THEREFORE, BE IT RESOLVED, That we, the members of the House of Representatives of the State of Washington pause in our endeavors to commend the thirty Washington State members of the Great Peace March on their commitment, to pay homage to this project in the spirit of peace and to join in the inspiration of the movement to make global peace a reality; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the Headquarters of Pro-Peace and to Jeanine Brannigan, Pro-Peace Area Coordinator.

On motion of Mr. D. Nelson, the resolution was adopted.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1351, by Committee on Higher Education (originally sponsored by Representatives Holland, Sommers, Jacobsen, B. Williams, Vander Stoep, D. Nelson, Unsoeld, Miller, Long, G. Nelson and May)

Authorizing sale of the Metropolitan Tract of the University of Washington.

The bill was read the third time and placed on final passage.

Representatives Holland and Sommers spoke in favor of passage of the bill, and Representatives Prince and Jacobsen spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1351, and the bill passed the House by the following vote: Yeas, 69; nays, 28; excused, 1.

Voting yea: Representatives Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brough, Chandler, Dobbs, Doty, Fisher, Fuhrman, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, King J, King P, Kremen, Leonard, Locke, Long, Lux, May, Miller, Nelson D, Nelson G, Nutley, Padden, Patrick, Peery, Rust, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Valle, van Dyke, Van Luven, Vander Stoep, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Zellinsky, and Mr. Speaker - 69.

Voting nay: Representatives Appelwick, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Gallagher, Jacobsen, King R, Lewis, Lundquist, Madsen, McMullen, Nealey, Niemi, O'Brien, Prince, Rayburn, Sayan, Scott, Thomas, Unsoeld, Vekich, Walk, Walker, Wineberry, Winsley - 28.

Excused: Representative Brooks - 1.

Engrossed Substitute House Bill No. 1351, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. J. King moved that the rules be suspended and ENGROSSED SUBSTITUTE HOUSE BILL NO. 470 be returned to second reading for the purpose of amendment.

Representatives J. King and Barrett spoke in favor of the motion and it was carried.

The House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1408, by Representatives Haugen, Brough and Todd

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

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1408 was substituted for House Bill No. 1408, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1408 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1408, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust,

Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

Substitute House Bill No. 1408, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1462, by Representatives Lux, Winsley, Nutley, Holland, Locke, Zellinsky, Grimm, Dellwo, Van Luven, P. King, Addison, Crane, Fisch, Leonard, D. Nelson, Cole, Unsoeld, Fisher, Tilly, Allen, R. King, Wineberry, Wang, Vekich and Rayburn

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

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1463, by Representatives Leonard, Appelwick, Cole, Scott, Crane, Lux, Day, Dellwo, Rayburn, Winsley and P. King; by request of Board of Pharmacy

Revising provisions relating to controlled substances.

The bill was read the second time.

On motion of Ms. Sommers, the following amendment by Representatives Sommers and Brekke was adopted:

On page 6, line 20 strike "submit a report to the legislature" and insert "inform the committees of reference of the legislature"

Mr. Appelwick moved adoption of the following amendments by Representatives Leonard and Appelwick:

On page 20, line 23 after "substance;" strike "or" and insert "(or)"

On page 20, line 25 after "substances" and before the period insert "; or

(4) has violated any state or federal rule or regulation regarding controlled substances"

POINT OF ORDER

Mr. Lewis: "Mr. Speaker, I would ask if this amendment to page 20, after lines 23 and 25 is leading into the next amendment to page 25 after line 9?"

SPEAKER'S RULING

The Speaker: "After looking at this, I don't believe that they are linked. They are separate issues."

Mr. Appelwick spoke in favor of the amendments, and they were adopted.

Mr. Appelwick moved adoption of the following amendment by Representatives Leonard and Appelwick:

On page 25, after line 9 insert the following:

"NEW SECTION. Sec. 10. A new section is added to chapter 18.64 RCW to read as follows:

Any person who desires to distribute sample or complimentary controlled substances to practitioners in the state of Washington shall pay a registration fee determined by the board and, thereafter, on or before a date to be determined by the board, a like fee for renewal of the registration. Any person who shall distribute sample or complimentary controlled substances in this state without having properly registered shall be guilty of a misdemeanor, and each day such conduct continues shall be deemed a separate offense.

Sec. 11. Section 69.50.302, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.302 are each amended to read as follows:

(a) Every person who manufactures, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, distribution, or dispensing of any controlled substance within this state, including agents or employees of manufacturers or distributors distributing samples of controlled substances to practitioners must obtain annually a registration issued by the state board of pharmacy in accordance with its rules.

(b) Persons registered by the board under this chapter to manufacture, distribute, dispense, or conduct research with controlled substances may possess, manufacture, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this Article.

(c) The following persons need not register and may lawfully possess controlled substances under this chapter:

(1) an agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he is acting in the usual course of his business or employment: PROVIDED, That this exemption shall not include any agent or employee distributing sample controlled substances to practitioners (~~(without an order)~~);

(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) an ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

(d) The board may waive by rule the requirement for registration of certain manufacturers, distributors, or dispensers if it finds it consistent with the public health and safety: PROVIDED, That personal practitioners licensed or registered in the state of Washington under the respective professional licensing acts shall not be required to be registered under this chapter unless the specific exemption is denied pursuant to RCW 69.50.305 for violation of any provisions of this chapter.

(e) A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The board may inspect the establishment of a registrant or applicant for registration in accordance with the board's rule.

Sec. 12. Section 31, chapter 1, Laws of 1973 as last amended by section 8, chapter 414, Laws of 1985 and RCW 42.17.310 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Lists or any records which reveal the location of storage sites or facilities utilized for storing controlled substances by persons registered with the board of pharmacy pursuant to section 1 of this 1986 act.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld."

POINT OF ORDER

Mr. Lewis: "Mr. Speaker, I would like a ruling in relation to this amendment to House Rule 12(D) and (E)."

With the consent of the House, Mr. Appelwick withdrew the amendment.

On motion of Mr. Fisch, the following amendment was adopted:

On page 21, line 21 after "transportation," strike everything through "receipt" and insert "~~((for the purpose of sale or receipt))~~ sale, receipt, possession, or concealment"

On motion of Mr. Van Luven, the following amendment was adopted:

On page 25, after line 9 insert the following:

"NEW SECTION, Sec. 10. The parent or legal guardian of any minor to whom a controlled substance, as defined in RCW 69.50.101, is sold or transferred, shall have a cause of action against the person who sold or transferred the controlled substance for all damages to the minor or his or her parent or legal guardian caused by such sale or transfer. Damages shall include: (a) Actual damages, including the cost for treatment or rehabilitation of the minor child's drug dependency, (b) forfeiture to the parent or legal guardian of the cash value of any proceeds received from such sale or transfer of a controlled substance, and (c) reasonable attorney fees.

This section shall not apply to a practitioner, as defined in RCW 69.50.010(t), who sells or transfers a controlled substance to a minor pursuant to a valid prescription or order."

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1463, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

Engrossed House Bill No. 1463, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1497, by Representatives Scott, Thomas, Crane, Armstrong, Lewis, P. King, Zellinsky, Hargrove, May, Schoon and Winsley

Strengthening the court's contempt powers over certain juveniles.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1499, by Representatives Zellinsky, Patrick, Armstrong, Hargrove and Tanner

Revising provisions relating to alcohol breath testing.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Zellinsky and West spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1499, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Belzoff, Bond, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Nutley, Sayan - 2.

Excused: Representative Brooks - 1.

House Bill No. 1499, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1545, by Representatives Baugher, Rayburn, Vekich, Bristow, Doty, Nealey, Sutherland, Sayan and Todd

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

The bill was read the second time. On motion of Mr. Vekich, Substitute House Bill No. 1545 was substituted for House Bill No. 1545, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1545 was read the second time.

Mr. Vekich moved adoption of the following amendment by Representatives Vekich, Bristow, Baugher, Kremen, Rayburn and Peery:

On page 1, beginning on line 5, strike all of section 1 and section 2 through line 1 on page 7, and insert the following:

"Sec. 1. Section 75.20.100, chapter 12, Laws of 1955 as last amended by section 75, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.20.100 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any ~~((river or stream or that will utilize any))~~ of the salt or fresh waters of the state ~~((or materials from the stream beds))~~, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department ~~((having jurisdiction of the site))~~ of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. The ~~((appropriate))~~ department of fisheries or the department of game shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher

high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the ((appropriate)) department of fisheries or the department of game shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the ((hydraulic permit)) approval within two years of the date of issuance. If ((approval is denied, the appropriate)) either the department of fisheries or the department of game denies approval, that department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.04 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the ((appropriate)) department of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For the purposes of this section and section 2 of this 1986 act, 'bed' shall mean ((that portion of a river or stream and the shorelands within ordinary high water lines)) the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

The phrase 'to construct any form of hydraulic project or perform other work' shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

For each application, the department(s) of fisheries and the department of game shall mutually agree on ((which one)) whether the department of fisheries or the department of game shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If ((a)) the department of fisheries or the department of game receives an application concerning a site not in its jurisdiction, it shall transmit the application to the ((appropriate)) other department within three days and notify the applicant.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of game, through their authorized representatives, shall issue immediately upon request oral ((permits to a riparian owner or lessee)) approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written ((permit)) approval prior to commencing work. Conditions of an oral ((permit)) approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes. These irrigation or stock watering diversion projects shall be governed by section 2 of this 1986 act.

NEW SECTION. Sec. 2. In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes and when the construction or other work will use, divert, obstruct, or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. The department of fisheries or the department of game shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain

general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department of fisheries or the department of game shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. The permittee must notify the appropriate agency at least two working days before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If either the department of fisheries or the department of game denies approval, that department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department of fisheries or the department of game to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department granting approval may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department issuing the approval to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department that issued the approval may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For each application, the department of fisheries and the department of game shall mutually agree on whether the department of fisheries or the department of game shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of game receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of game, through their authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section."

Representatives Vekich, Nealey and Doty spoke in favor of the amendment, and it was adopted.

The Clerk read the following amendment by Representatives Nealey and Doty:
Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 75.20.100, chapter 12, Laws of 1955 as last amended by section 75, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.20.100 are each amended to read as follows:

In the event that any person or government agency desires to construct any form of hydraulic project or perform other work that will use, divert, obstruct, or change the natural flow or bed of any (~~river or stream or that will utilize any~~) of the salt or fresh waters of the

state ~~((or materials from the stream beds))~~, such person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure the written approval of the department ~~((having jurisdiction of the site))~~ of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. The ~~((appropriate))~~ department of fisheries or the department of game shall grant or deny approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within the mean higher high water line in salt water or within the ordinary high water line in fresh water, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay. Immediately upon determination that the forty-five day period is suspended, the ~~((appropriate))~~ department of fisheries or the department of game shall notify the applicant in writing of the reasons for the delay. Approval is valid for a period of up to five years from date of issuance. The permittee must demonstrate substantial progress on construction of that portion of the project relating to the ~~((hydraulic permit))~~ approval within two years of the date of issuance. If ~~((approval is denied, the appropriate))~~ either the department of fisheries or the department of game denies approval, ~~that~~ department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Chapter 34.04 RCW applies to any denial of project approval, conditional approval, or requirements for project modification upon which approval may be contingent. If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the ~~((appropriate))~~ department of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For the purposes of this section and section 2 of this 1986 act, 'bed' shall mean ~~((that portion of a river or stream and the shorelands within ordinary high water lines))~~ the land below the ordinary high water lines of state waters. This definition shall not include irrigation ditches, canals, storm water run-off devices, or other artificial watercourses except where they exist in a natural watercourse that has been altered by man.

The phrase 'to construct any form of hydraulic project or perform other work' shall not include the act of driving across an established ford. Driving across streams or on wetted stream beds at areas other than established fords requires approval. Work within the ordinary high water line of state waters to construct or repair a ford or crossing requires approval.

For each application, the department~~((s))~~ of fisheries and the department of game mutually agree on ~~((which one))~~ whether the department of fisheries or the department of game shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If ~~((a))~~ the department of fisheries or the department of game receives an application concerning a site not in its jurisdiction, it shall transmit the application to the ~~((appropriate))~~ other department within three days and notify the applicant.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of game, through their authorized representatives, shall issue immediately upon request oral ~~((permits to a riparian owner or lessee))~~ approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written ~~((permit))~~ approval prior to commencing work. Conditions of an oral ~~((permit))~~ approval shall be reduced to writing within thirty days and complied with as provided for in this section. Oral approval shall be granted immediately upon request, for a stream crossing during an emergency situation.

This section shall not apply to the construction of any form of hydraulic project or other work which diverts water for agricultural irrigation or stock watering purposes authorized under or recognized as being valid by the state's water codes. These irrigation or stock watering diversion projects shall be governed by section 2 of this 1986 act.

NEW SECTION. Sec. 2. In the event that any person or government agency desires to construct any form of hydraulic project or other work that diverts water for agricultural irrigation or stock watering purposes and when the construction or other work will use, divert, obstruct,

or change the natural flow or bed of any river or stream or will utilize any waters of the state or materials from the stream beds, the person or government agency shall, before commencing construction or work thereon and to ensure the proper protection of fish life, secure a written approval from the department of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life. This approval shall not be unreasonably withheld. The department of fisheries or the department of game shall grant or deny the approval within forty-five calendar days of the receipt of a complete application and notice of compliance with any applicable requirements of the state environmental policy act, made in the manner prescribed in this section. The applicant may document receipt of application by filing in person or by registered mail. A complete application for an approval shall contain general plans for the overall project, complete plans and specifications of the proposed construction or work within ordinary high water line, and complete plans and specifications for the proper protection of fish life. The forty-five day requirement shall be suspended if (1) after ten working days of receipt of the application, the applicant remains unavailable or unable to arrange for a timely field evaluation of the proposed project; (2) the site is physically inaccessible for inspection; or (3) the applicant requests delay.

Immediately upon determination that the forty-five day period is suspended, the department of fisheries or the department of game shall notify the applicant in writing of the reasons for the delay.

An approval shall remain in effect without need for periodic renewal for projects that divert water for agricultural irrigation or stock watering purposes and that involve seasonal construction or other work. The permittee must notify the appropriate agency at least two working days before commencing the construction or other work within the area covered by the approval.

The permittee must demonstrate substantial progress on construction of that portion of the project relating to the approval within two years of the date of issuance. If either the department of fisheries or the department of game denies approval, that department shall provide the applicant, in writing, a statement of the specific reasons why and how the proposed project would adversely affect fish life. Protection of fish life shall be the only ground upon which approval may be denied or conditioned. Issuance, denial, conditioning, or modification shall be appealable to the hydraulic appeals board established in RCW 43.21B.005 within thirty days of the notice of decision. The burden shall be upon the department of fisheries or the department of game to show that the denial or conditioning of an approval is solely aimed at the protection of fish life.

The department granting approval may, after consultation with the permittee, modify an approval due to changed conditions. The modifications shall become effective unless appealed to the hydraulic appeals board within thirty days from the notice of the proposed modification. The burden is on the department issuing the approval to show that changed conditions warrant the modification in order to protect fish life.

A permittee may request modification of an approval due to changed conditions. The request shall be processed within forty-five calendar days of receipt of the written request. A decision by the department that issued the approval may be appealed to the hydraulic appeals board within thirty days of the notice of the decision. The burden is on the permittee to show that changed conditions warrant the requested modification and that such modification will not impair fish life.

If any person or government agency commences construction on any hydraulic works or projects subject to this section without first having obtained written approval of the department of fisheries or the department of game as to the adequacy of the means proposed for the protection of fish life, or if any person or government agency fails to follow or carry out any of the requirements or conditions as are made a part of such approval, the person or director of the agency is guilty of a gross misdemeanor. If any such person or government agency is convicted of violating any of the provisions of this section and continues construction on any such works or projects without fully complying with the provisions hereof, such works or projects are hereby declared a public nuisance and shall be subject to abatement as such.

For each application, the department of fisheries and the department of game shall mutually agree on whether the department of fisheries or the department of game shall administer the provisions of this section, in order to avoid duplication of effort. The department designated to act shall cooperate with the other department in order to protect all species of fish life found at the project site. If the department of fisheries or the department of game receives an application concerning a site not in its jurisdiction, it shall transmit the application to the other department within three days and notify the applicant.

In case of an emergency arising from weather or stream flow conditions or other natural conditions, the department of fisheries or department of game, through their authorized representatives, shall issue immediately upon request oral approval for removing any obstructions, repairing existing structures, restoring stream banks, or to protect property threatened by the stream or a change in the stream flow without the necessity of obtaining a written approval prior to commencing work. Conditions of an oral approval shall be reduced to writing within thirty days and complied with as provided for in this section.

Sec. 3. Section 2, chapter 47, Laws of 1979 ex. sess. and RCW 43.21B.005 are each amended to read as follows:

There is created an environmental hearings office of the state of Washington. The environmental hearings office shall consist of the pollution control hearings board created in RCW 43.21B.010, the forest practices appeals board created in RCW 76.09.210, ~~((and))~~ the shorelines hearings board created in RCW 90.58.170, and the hydraulic appeals board created in section 4 of this 1986 act. The chairman of the pollution control hearings board shall be the chief executive officer of the environmental hearings office. Membership, powers, functions, and duties of the pollution control hearings board, the forest practices appeals board, ~~((and))~~ the shorelines hearings board, and the hydraulic appeals board shall be as provided by law.

The chief executive officer of the environmental hearings office may appoint, discharge, and fix the compensation of such staff as may be necessary or may contract for required services. Employees of the environmental hearings office shall serve each board at the direction of the chief executive officer of the environmental hearings office.

NEW SECTION. Sec. 4. (1) There is hereby created within the environmental hearings office under RCW 43.21B.005 the hydraulic appeals board of the state of Washington.

(2) The hydraulic appeals board shall consist of three members: The director of the department of ecology or the director's designee, the director of the department of agriculture or the director's designee, and either the director of the department of fisheries or the director's designee or the director of the department of game or the director's designee depending on which of those two agencies issued the permit being appealed. A decision must be agreed to by at least two members of the board to be final.

(3) The board may adopt rules necessary for the conduct of its powers and duties or for transacting other official business.

(4) The board shall make findings of fact and prepare a written decision in each case decided by it, and that finding and decision shall be effective upon being signed by two or more board members and upon being filed at the hydraulic appeals board's principal office, and shall be open to public inspection at all reasonable times.

(5) The board has exclusive jurisdiction to hear appeals arising from the approval, denial, conditioning, or modification of a hydraulic approval issued by either the department of fisheries or the department of game under the authority granted in section 2 of this act for the diversion of water for agricultural irrigation or stock watering purposes.

(6) (a) Any person aggrieved by the approval, denial, conditioning, or modification of a hydraulic approval pursuant to section 2 of this act may seek review from the board by filing a request for the same within thirty days of notice of the approval, denial, conditioning, or modification of such approval.

(b) The review proceedings authorized in (a) of this subsection are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases.

NEW SECTION. Sec. 5. (1) In all appeals over which the hydraulic appeals board has jurisdiction, a party taking an appeal may elect either a formal or informal hearing. Such election shall be made according to the rules of practice and procedure to be adopted by the hydraulic appeals board. In the event that appeals are taken from the same decision, order, or determination, by different parties and only one of such parties elects a formal hearing, a formal hearing shall be granted.

(2) In all appeals, the hydraulic appeals board shall have all powers relating to administration of oaths, issuance of subpoenas, and taking of depositions but such powers shall be exercised in conformity with chapter 34.04 RCW.

(3) In all appeals involving a formal hearing, the hydraulic appeals board, and each member thereof, shall be subject to all duties imposed upon and shall have all powers granted to, an agency by those provisions of chapter 34.04 RCW relating to contested cases.

(4) All proceedings, including both formal and informal hearings, before the hydraulic appeals board or any of its members shall be conducted in accordance with such rules of practice and procedure as the board may prescribe. Such rules shall be published and distributed.

(5) Judicial review of a decision of the hydraulic appeals board shall be de novo except when the decision has been rendered pursuant to the formal hearing, in which event judicial review may be obtained only pursuant to RCW 34.04.130 and 34.04.140.

NEW SECTION. Sec. 6. The department of fisheries and the department of game may each levy civil penalties of up to one hundred dollars per day for violation of any provisions of RCW 75.20.100 or section 2 of this act. The penalty provided shall be imposed by notice in writing, either by certified mail or personal service to the person incurring the penalty, from the director of the appropriate department or that director's designee describing the violation. Any person incurring any penalty under this chapter may appeal the same under chapter 34.04 RCW to the director of the department levying the penalty. Appeals shall be filed within thirty days of receipt of notice imposing any penalty. The penalty imposed shall become due and payable thirty days after receipt of a notice imposing the penalty unless an appeal is filed. Whenever an appeal of any penalty incurred under this chapter is filed, the penalty shall

become due and payable only upon completion of all review proceedings and the issuance of a final order confirming the penalty in whole or in part.

If the amount of any penalty is not paid within thirty days after it becomes due and payable the attorney general, upon the request of the director of the department of fisheries or the department of game shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action. All penalties recovered under this section shall be paid into the state treasury and transferred to either the state game fund or the department of fisheries to use for rehabilitation of resource damage.

Sec. 7. Section 75.20.050, chapter 12, Laws of 1955 as amended by section 71, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.20.050 are each amended to read as follows:

It is the policy of this state that a flow of water sufficient to support game fish and food fish populations be maintained at all times in the streams of this state.

The director of ecology shall give the director of fisheries and the director of game notice of each application for a permit to divert or store water(~~(-or other hydraulic permit)~~). The director of fisheries and director of game have thirty days after receiving the notice to state their objections to the application. The permit shall not be issued until the thirty-day period has elapsed.

The director of ecology may refuse to issue a permit if, in the opinion of the director of fisheries or director of game, issuing the permit might result in lowering the flow of water in a stream below the flow necessary to adequately support food fish and game fish populations in the stream.

The provisions of this section shall in no way affect existing water rights.

NEW SECTION. Sec. 8. Sections 2 and 4 through 6 of this act are each added to chapter 75.20 RCW.*

With the consent of the House, Mr. Nealey withdrew the amendment.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Baugher, C. Smith and Vekich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1545, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luvén, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

Engrossed Substitute House Bill No. 1545, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1572, by Representatives Todd, Long and Unsoeld; by request of Utilities and Transportation Commission

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

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives D. Nelson and Isaacson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1572, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

House Bill No. 1572, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1635, by Representatives Wang, Hankins, Belcher, O'Brien, Allen, Hine, Jacobsen, Cole, Brekke, Brough, Miller, R. King, P. King, Armstrong, Locke, Wineberry and Todd; by request of Governor Gardner

Requiring a study analyzing the feasibility of providing space for day care for children of state employees.

The bill was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1656, by Representatives Unsoeld, Hankins, Belcher, O'Brien, Hine, Jacobsen, Cole, Brekke, Miller, Long, Allen, Day, Dellwo, Wang, Leonard, Winsley, R. King, Locke, Lux, Wineberry and Todd; by request of Governor Gardner

Requiring a study in order to create a supportive atmosphere in which state employees may meet child day care needs.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For amendments, see Journal, 12th Day, January 24, 1986.)

On motion of Ms. Belcher, the committee amendments were adopted.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1763, by Representatives Walk, Schmidt and Gallagher; by request of State Patrol

Revising vehicle inspection law.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For amendments, see Journal, 15th Day, January 27, 1985.)

On motion of Mr. Walk, the committee amendments were adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1763, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Brooks - 1.

Engrossed House Bill No. 1763, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

REPORTS OF STANDING COMMITTEES

February 8, 1986

HB 289 Prime Sponsor, Representative Sommers: Defining full time undergraduate students for purposes of tuition and fee rates. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Higher Education be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, J. King, Madsen, Niemi, Rust, Sayan, Smitherman, Sommers, Tilly, Vander Stoep and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representative Holland.

Absent: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith and Taylor.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 508 Prime Sponsor, Representative Vekich: Requiring timber from public lands to be sold on a sustainable yield basis. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Natural Resources be substituted therefor and the substitute bill do pass with the following amendment:

On page 2, line 6 after "resources," insert "After deductions for management costs as provided in RCW 79.64.040, one-half of all moneys received from the sale of the deficit timber volume on lands held in trust for the common schools is declared to be in excess of the amount necessary for the purpose of the common school construction fund and shall be deposited in the permanent common school fund."

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hine, J. King, Locke, Madsen, Sayan, Smitherman, Tilly, Vander Stoep and B. Williams.

Voting nay: Representatives Appelwick, Holland, Niemi, Rust and Sommers.

Absent: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith and Taylor.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 588 Prime Sponsor, Representative Sommers: Revising provisions relating to retirement contribution rates. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Brekke and Silver.

Passed to Committee on Rules for second reading.

February 10, 1986

HB 621 Prime Sponsor, Representative Leonard: Certifying radiologic technologists. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Social & Health Services be substituted therefor and the substitute bill do pass. Signed by

Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hine, Holland, J. King, Long, Madsen, Niemi, Rust, Sanders, Sayan, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

Absent: Representatives Appelwick, Hastings, Holland, Locke, G. Nelson, Niemi, Silver, L. Smith and Tilly.

Passed to Committee on Rules for second reading.

February 8, 1986

ESHB 1077 Prime Sponsor, Committee on Ways & Means: Implementing procedures to control and monitor health care costs. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Hine, Holland, J. King, Locke, Niemi, Rust, Sanders, Sayan, Smitherman, Sommers, Taylor and B. Williams.

Voting nay: Representatives Madsen and Vander Stoep.

Absent: Representatives Appelwick, Hastings, Long, G. Nelson, Silver, L. Smith and Tilly.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1399 Prime Sponsor, Representative Locke: Revising sentencing of adult felons. Reported by Committee on Ways & Means.

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hine, Holland, J. King, Long, Madsen, Niemi, Rust, Sanders, Sayan, Smitherman, Sommers, Taylor and B. Williams.

Absent: Representatives Appelwick, Hastings, Locke, G. Nelson, Niemi, Silver, L. Smith and Tilly.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1400 Prime Sponsor, Representative Rayburn: Creating the indeterminate sentence review board. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Judiciary be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hine, Holland, J. King, Madsen, Niemi, Rust, Sanders, Sayan, Smitherman, Sommers, Vander Stoep and B. Williams.

Absent: Representatives Appelwick, Hastings, Locke, G. Nelson, Niemi, Silver, L. Smith and Tilly.

Passed to Committee on Rules for second reading.

February 10, 1986

HB 1429 Prime Sponsor, Representative Rust: Authorizing grants for mediations. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Madsen, Niemi, Rust, Sayan, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representative Sanders.

Absent: Representatives Appelwick, Hastings, Long, G. Nelson, Silver, L. Smith and Tilly.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1505 Prime Sponsor, Representative Smitherman: Establishing a pilot project to employ those hard to employ. Reported by Committee on Ways & Means

MAJORITY recommendation: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Madsen, Niemi, Rust, Sayan, Smitherman, Sommers, Tilly, Vander Stoep and B. Williams.

MINORITY recommendation: Representative Vander Stoep. Absent: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith and Taylor.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1506 Prime Sponsor, Representative Grimm: Revising forest landowner protection and suppression rates. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hine, Locke, Madsen, Niemi, Rust, Sayan, Smitherman, Sommers and Vander Stoep.

Voting nay: Representatives Bristow, Holland, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith and Taylor.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1565 Prime Sponsor, Representative Valle: Providing for the selection of bond counsel by state and local government. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment:

On page 3, after line 33 insert the following:

"NEW SECTION, Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining sections consecutively.

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Holland, J. King, Madsen, Niemi, Rust, Sayan, Smitherman, Sommers, Tilly, Vander Stoep and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representative Hine.

Absent: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith and Taylor.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1609 Prime Sponsor, Representative Niemi: Providing for the certification of respiratory care practitioners. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Social & Health Services be substituted therefor and the substitute bill do pass. Signed by Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hine, J. King, Long, Madsen, Niemi, Rust, Sanders, Sayan, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

Absent: Representatives Appelwick, Hastings, Locke, G. Nelson, Niemi, Silver, L. Smith and Tilly.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1631 Prime Sponsor, Representative Braddock: Modifying provisions relating to nursing home cost reimbursement. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Madsen, Niemi, Rust, Sanders, Sayan, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

Absent: Representatives Appelwick, Hastings, Long, G. Nelson, Silver, L. Smith and Tilly.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1682 Prime Sponsor, Representative Appelwick: Providing for the business and occupation taxation of investment business income. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, J. King, Locke, Niemi, Rust, Sayan, Smitherman and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Holland, Tilly and Vander Stoep.

Voting nay: Representatives Holland, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith and Taylor.

Passed to Committee on Rules for second reading.

February 6, 1986

HB 1698 Prime Sponsor, Representative Madsen: Providing for the extension of taxes when valuation is in dispute. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Brekke and Silver.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1765 Prime Sponsor, Representative Braddock: Modifying provisions of assistance available to incapacitated ineligible spouses of SSI beneficiaries. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Lock, Madsen, Niemi, Rust, Sayan, Smitherman, Sommers, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith and Taylor.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1829 Prime Sponsor, Representative Ebersole: Requiring a study of categorical educational services. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice

Chair: Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Madsen, Niemi, Rust, Sayan, Smitherman, Sommers, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith and Taylor.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1830 Prime Sponsor, Representative Ebersole: Authorizing bonds for common school capital projects. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair, Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Madsen, Rust, Sayan, Smitherman, Vander Stoep and B. Williams.

Voting nay: Representatives Appelwick, Niemi and Sommers.

Absent: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith and Taylor.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1846 Prime Sponsor, Representative Sutherland: Taxing certain warehouse operations under the business and occupation tax instead of the public utility tax. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Madsen, Niemi, Rust, Sayan, Smitherman, Sommers, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith and Taylor.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1859 Prime Sponsor, Representative Armstrong: Giving financial incentives to local governments to improve their criminal justice and court systems. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Brekke, Bristow, Hine, J. King, Locke, Madsen, Niemi, Rust, Sayan, Smitherman, Sommers and Vander Stoep.

Voting nay: Representatives Basich, Holland, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith and Taylor.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1954 Prime Sponsor, Representative J. King: Authorizing the use of the local tax on lodging for capital improvements the debt for which has already been incurred. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Madsen, Rust, Sayan, Smitherman, Sommers, Tilly and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Grimm, Chair; Locke, Niemi and Vander Stoep.

Absent: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith and Taylor.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 1992 Prime Sponsor, Representative Wineberry: Restricting state investments in countries with apartheid policies. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill be substituted therefor and the substitute bill do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, Locke, Madsen, Niemi, Rust, Sayan, Smitherman, Sommers, Tilly and Vander Stoep.

MINORITY recommendation: Do not pass. Signed by Representative B. Williams.

Absent: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith and Taylor.

Passed to Committee on Rules for second reading.

February 8, 1986

HB 2021 Prime Sponsor, Representative J. King: Creating Washington health care project commission. Reported by Committee on Ways & Means

MAJORITY recommendation: The substitute bill by Committee on Social & Health Services be substituted therefor and the substitute bill do pass with the following amendments:

On page 4, after line 36 insert "The sum of one hundred and fifty thousand dollars of which ninety thousand is from the general fund—state and sixty thousand is from the general fund—federal, or so much thereof as may be necessary is appropriated to the department of social and health services for the purposes identified in sections 2 and 3 of this act."

On page 1, line 2 of the title strike "an appropriation" and insert "appropriations"

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Madsen, Niemi, Rust, Sayan, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

MINORITY recommendation: Do not pass. Signed by Representative Sanders.

Absent: Representatives Appelwick, Hastings, Long, G. Nelson, Silver, L. Smith and Tilly.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. J. King, the House adjourned until 9:00 a.m., Tuesday, February 11, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

THIRTIETH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, February 11, 1986

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Schoon, Smitherman and Todd. Representative Todd was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Krishelle Bovencamp and Marcy Reisenauer. Prayer was offered by Reverend Mark Schaufler, of the Faith Assembly Church of Olympia.

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

MESSAGE FROM THE SENATE

February 10, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3161,
SENATE BILL NO. 3259,
SUBSTITUTE SENATE BILL NO. 3316,
SUBSTITUTE SENATE BILL NO. 4459,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

ESSB 3161 by Committee on Commerce & Labor (originally sponsored by Senators McDermott, Warnke, Vognild, Talmadge, Wojahn and Moore)

Prescribing protective measures for purchasers of health studio services.

Referred to Committee on Judiciary.

SB 3259 by Senators Rasmussen and Warnke

Exempting specified handicapped persons from hunting and fishing license requirements.

Referred to Committee on Natural Resources.

SSB 3316 by Committee on Commerce & Labor (originally sponsored by Senators Fleming, McDermott and Patterson)

Providing for the licensing of athletic trainers.

Referred to Committee on Commerce & Labor.

SSB 4459 by Committee on Ways & Means (originally sponsored by Senators Halsan, Hansen, Boltiger, Benitz, Rasmussen, Owen and Bailey)

Exempting the raising and wholesale of plantation Christmas trees from certain excise taxes.

Referred to Committee on Ways & Means.

The House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1795, by Representatives Belcher, Long, Thomas, Wineberry, Armstrong and Brough

Requiring additional information in child support orders.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1795, and the bill passed the House by the following vote: Yeas, 91; absent, 6; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Absent: Representatives Hine, Schoon, Smith L, Smitherman, Vander Stoep, Vekich - 6.

Excused: Representative Todd - 1.

House Bill No. 1795, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Todd appeared at the bar of the House.

HOUSE BILL NO. 544, by Representatives Isaacson, D. Nelson, Long, Jacobsen, Hankins, Todd, Miller, Nealey, Armstrong, Madsen and Barnes

Revising provisions relating to allocation of funds to the radioactive waste policy and review board.

The bill was read the second time and passed to Committee on Rules for third reading.

Representatives Schoon and Smitherman appeared at the bar of the House.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 470, by Committee on Social & Health Services (originally sponsored by Representatives Brekke, Leonard, Ballard, Lux, Armstrong, Sayan, Braddock, Tanner and Taylor)

Providing for the registration and certification of mental health professionals.

The bill was read the second time.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove and Brekke:

On page 4, line 11 strike "established or legally cognizable" and insert "bona fide"

Representatives Hargrove and Brekke spoke in favor of the amendment, and it was adopted.

On motion of Ms. L. Smith, the following amendment by Representatives L. Smith and Locke was adopted:

On page 4, line 18 after "without" and before "charge" insert "a mandatory"

On motion of Ms. Brekke, the following amendment was adopted:

On page 7, line 8 strike section 10 and insert:

"NEW SECTION. Sec. 10. For the purpose of assuring the informed consent of voluntary clients, counselors shall provide clients at the commencement of any program of treatment with accurate disclosure information concerning their practice, in accordance with a form provided by the department, which will inform clients of the purposes of and recourses available under this chapter, including the right of clients to refuse treatment, the responsibility of clients for choosing the counselor and treatment modality which best suits their needs, and the extent of confidentiality provided by this chapter. The disclosure information provided by the counselor

shall include any relevant education and training, the therapeutic orientation of the practice, the proposed course of treatment where known, any financial requirements, and such other information as the director may require by rule."

On motion of Mr. Locke, the following amendments by Representatives Locke, Brekke and Padden were adopted:

On page 22, line 28 strike "clergy" On page 22, line 30 strike "he" and insert "~~(he)~~ such person"

On page 23, line 8 after "him" insert "or her"

On page 23, line 14 after "him" insert "or her"

The bill was ordered reengrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Brekke spoke in favor of passage of the bill, and Ms. L. Smith opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute House Bill No. 470, and the bill passed the House by the following vote: Yeas, 73; nays, 25.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Jacobsen, King J. King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Barnes, Betzoff, Bond, Bristow, Chandler, Dobbs, Fuhrman, Hastings, Holland, Isaacson, Nealey, Padden, Sanders, Silver, Smith C, Smith L, Thomas, van Dyke, Van Luven, Walker, Wang, West, Williams B, Williams J, Winsley - 25.

Reengrossed Substitute House Bill No. 470, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 507, by Representatives Betzoff, Walk, J. Williams, Schmidt, Brough, Fisher, Hankins, Brekke, Prince, Tanner, Chandler, C. Smith, Baugher, Sutherland, Patrick, Van Luven, Thomas, Valle, Zellinsky, K. Wilson, Bond, Kremen, Winsley and Ballard

Improving freeway traffic flow.

The bill was read the second time.

The Clerk read the following amendment by Representative Tilly:

On page 2, line 13 following "traffic." insert "It shall be permissible to travel up to sixty-five miles per hour so as to avoid impeding the flow of other traffic."

With the consent of the House, Mr. Tilly withdrew the amendment.

The Clerk read the following amendment by Representatives G. Nelson, Long, Scott and Cole:

On page 2, line 14 insert:

"(4) It is a traffic infraction to drive in the high occupancy left lane of a multilane roadway with less than two occupants in the vehicle."

Renumber the remaining subsections.

With the consent of the House, Mr. G. Nelson withdrew the amendment.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 507, and the bill passed the House by the following vote: Yeas, 96; nays, 2.

Voting yea: Representatives Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P, King R, Kremen,

Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Appelwick, Niemi - 2.

House Bill No. 507, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1431, by Representatives Nealey, Sayan, Taylor, Belcher, Peery, Fuhrman, van Dyke, Vekich and Hankins

Defining official and authorized uses of the state seal.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Mr. Nealey yielded to question by Mr. Isaacson.

Mr. Isaacson: "Representative Nealey, there are a number of different items around, such as belt buckles and so forth, that have already been issued. Would this bill make those illegal also?"

Mr. Nealey: "No, I understand that it will not do that. It cannot be used for the promotion of any product in industry. It cannot be used for any political campaign. Really, the freedom of choice of what happens is pretty much up to the Secretary of State."

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1431, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Bailard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1431, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1342, by Representatives Wang, Patrick, Locke, Wineberry, Appelwick, Dellwo, Niemi, Gallagher, O'Brien, Isaacson, Jacobsen, C. Smith, Armstrong, Nealey, Doty, Unsoeld, Lux, Crane and Fisch

Affording exhibitors a fair opportunity to bid for motion pictures released in this state.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1342 was substituted for House Bill No. 1342, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1342 was read the second time.

Mr. Wang moved adoption of the following amendments by Representatives Wang, Patrick, Wineberry, Niemi, Cole, Chandler, R. King and J. Williams:

On page 2, after line 27 insert a new paragraph to read as follows:

"(9) 'Independent distributor' means a distributor whose total film rental earned in the preceding calendar year was less than twenty-five million dollars."

Renumber the following paragraphs consecutively.

On page 3, after line 10 insert a new paragraph as follows:

"(12) 'Single screen exhibitor' means an exhibitor that operates only one theater with one screen and is not in whole or in part owned or operated by or affiliated with any other exhibitor, or any other person that in whole or in part owns, operates, or is affiliated with another theater."

Renumber the following paragraphs consecutively.

On page 6, after line 1 insert a new subsection to read as follows:

"(g) If a single screen exhibitor request an independent distributor to award a license for a specific film by a method other than bidding, the independent distributor may award the license in question by any method."

Renumber the following subsection accordingly.

Representatives Wang and Patrick spoke in favor of the amendments, and Mr. Barrett opposed them.

The amendments were adopted.

Mr. J. Williams moved adoption of the following amendment:

On page 3, line 28 beginning with "Unacceptable" strike all material through "located" on line 34 and insert "Unacceptable bid. In determining an unacceptable bid the distributor may consider the location, quality, seating capacity and grossing record of the theater offered, the financial responsibility of the exhibitor, the proposed length of run, rental terms, guarantee and any other factor relevant to the film revenue."

Representatives J. Williams, Wang and Patrick spoke in favor of the amendment, and it was adopted.

The Clerk read the following amendment by Representative Betzoff:

On page 3, line 28 beginning with "(15)" strike all material through "located" on line 34.

With the consent of the House, Mr. Betzoff withdrew the amendment.

Mr. J. Williams moved adoption of the following amendment:

On page 3, line 20 beginning with "(14)" strike all material through "located" on line 34.

Representative J. Williams spoke in favor of the amendment, and Representatives Wang and Patrick opposed it.

The amendment was not adopted.

Ms. Walker moved adoption of the following amendment:

On page 4, line 27 strike "shall" and insert "may"

Ms. Walker spoke in favor of the amendment, and Mr. Wang spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Walker to page 4, line 27 of Substitute House Bill No. 1342, and the amendment was not adopted by the following vote: Yeas, 36; nays, 62.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Betzoff, Bond, Brough, Day, Dobbs, Hankins, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, Madsen, May, Miller, Nelson G, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Thomas, van Dyke, Van Luvan, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 36.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, McMullen, Nealey, Nelson D, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sayan, Scott, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 62.

The Clerk read the following amendment by Representative Smitherman:

On page 5, line 29 beginning with "(f)" strike all material through "judgment" on page 6, line 4.

With the consent of the House, Mr. Smitherman withdrew the amendment.

Mr. Smitherman moved adoption of the following amendment by Representatives Smitherman and Wang:

On page 6, line 1 after "necessary" insert ": PROVIDED FURTHER, That if at any time the picture licensed does not generate revenues sufficient to cover the winning exhibitor's costs of operation and overhead, the distributor and exhibitor may then renegotiate the terms of their agreement."

Representatives Smitherman and Barrett spoke in favor of the amendment, and it was adopted.

The Clerk read the following amendment by Representative J. Williams:
On page 6, line 3 beginning with "unless" strike all material through "judgment" on line 4.

With the consent of the House, Mr. J. Williams withdrew the amendment.

Mr. J. Williams moved adoption of the following amendment:

On page 6, line 5 beginning with "Sec. 5." strike sections 5 and 6 and renumber the remaining sections consecutively.

Mr. J. Williams spoke in favor of the amendment, and Mr. Wang opposed it.

The amendment was not adopted.

Mr. Van Luven moved adoption of the following amendment:

On page 7, following line 2 insert:

"NEW SECTION, Sec. 11. This chapter shall not apply to any four wall exhibition of a motion picture when the distributor rents the theater from the exhibitor for a negotiated fee for the run of the picture in an area designated by the distributor."

Mr. Van Luven spoke in favor of the amendment, and Mr. Locke spoke against it.

The amendment was not adopted.

Mr. J. Williams moved adoption of the following amendment:

On page 7, beginning on line 3 strike all of section 11.

Representatives J. Williams, West, Padden and Barnes spoke in favor of the amendment, and Representatives Wang, Locke and Patrick opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative J. Williams to page 7, line 3 of Substitute House Bill No. 1342, and the amendment was not adopted by the following vote: Yeas, 42; nays, 56.

Voting yea: Representatives Ballard, Barnes, Barrett, Betrozoff, Bond, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nelson G, Padden, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zelinsky - 42.

Voting nay: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nealey, Nelson D, Niemi, Nutley, O'Brien, Patrick, Peery, Rayburn, Rust, Sayan, Scott, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, and Mr. Speaker - 56.

Mr. Barrett moved adoption of the following amendment:

On page 1, line 5 beginning with "Sec. 1." strike all material through "immediately." on page 7, line 6 and insert the following:

"NEW SECTION, Sec. 1. It is in the public interest to promote a diverse, competitive motion picture exhibition industry. Fair procedures for determining the right to exhibit motion pictures in this state are necessary to prevent unfair or deceptive acts or practices or unreasonable restraints of trade in such business within the state.

A select committee is hereby established to study and analyze the motion picture exhibition practices in Washington state and to develop recommendations for maintaining a fair and competitive industry.

The committee shall consist of six voting members as follows: Three members from each caucus of the house of representatives selected by the speaker of the house of representatives; one member from each caucus shall be a member of the house judiciary committee and one member from each caucus shall be a member of the house commerce and labor committee.

The committee may use legislative staff and facilities and may request assistance from state agencies to carry out the mandates of this resolution. All expenses of the committee shall be paid by the house of representatives.

The committee shall report its findings and recommendations to the house of representatives by the commencement of the 1987 regular session of the legislature. The committee shall

cease to exist on April 1, 1987, unless the house of representatives determines it is necessary to extend the committee to continue required analysis and legislative oversight for proper implementation."

Representatives Barrett, Isaacson, Bond, Barnes and J. Williams spoke in favor of the amendment, and Representatives Patrick, Niemi and Wang opposed it.

Mr. Isaacson spoke again in favor of the amendment.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Barrett to page 1 of Substitute House Bill No. 1342, and the amendment was not adopted by the following vote: Yeas, 36; nays, 62.

Voting yea: Representatives Ballard, Barnes, Barrett, Betzoff, Bond, Brough, Day, Dellwo, Dobbs, Doty, Gallagher, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, Madsen, May, Miller, Nelson G. Padden, Prince, Sanders, Schmidt, Schoon, Silver, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 36.

Voting nay: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Ebersole, Fisch, Fisher, Fuhrman, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, McMullen, Nealey, Nelson D, Niemi, Nutley, O'Brien, Patrick, Peery, Rayburn, Rust, Sayan, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 62.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE JOINT MEMORIAL NO. 33, by Representatives Sutherland, Long, Valle, Crane and Peery

Requesting by Joint Memorial that amendments to the Nuclear Waste Policy Act require the U.S. Department of Energy to select the best nuclear waste repository site from among all potential geologic media.

The memorial was read the second time.

On motion of Ms. Long, the following amendments by Representatives Long, Isaacson and Sutherland were adopted:

On page 1, line 15 following "of" strike "all" and insert "other"

On page 1, line 16 following "media" insert "which should be identified and evaluated"

On page 2, line 6 following "examine" strike "all" and insert "other"

On motion of Mr. Isaacson, the following amendment by Representatives Isaacson and Sutherland was adopted:

On page 2, line 8 after "characterization" insert ", including sinking of exploratory shafts and evaluation of in situ geologic and hydrologic suitability"

The memorial was ordered engrossed. On motion of Mr. J. King, the rules were suspended, the second reading considered the third and the memorial was placed on final passage.

Mr. Sutherland spoke in favor of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Memorial No. 33, and the memorial passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed House Joint Memorial No. 33, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1345, by Representatives Belcher, Madsen and Unsoeld

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

The bill was read the second time.

Mr. Padden moved adoption of the following amendment:

On page 2, following line 15 insert:

"(4) The systems committee by a vote of four or more members may order the legislative system coordinator to cease and desist from engaging in any practice objectionable to the systems committee."

Mr. Padden spoke in favor of the amendment, and Ms. Belcher opposed it.

Mr. Padden spoke again in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Padden to House Bill No. 1345, and the amendment was not adopted by the following vote: Yeas, 45; nays, 53.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 45.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 53.

Mr. Padden moved adoption of the following amendments:

On page 2, line 22, following "of the" strike "secretary" and insert "minority leader of the senate"

On page 2, line 25 following "of the" strike "chief clerk" and insert "minority leader of the house of representatives"

Mr. Padden spoke in favor of the amendments, and Ms. Belcher opposed them.

Mr. Padden spoke again in favor of the amendments.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Padden to page 2 of Substitute House Bill No. 1345, and the amendments were not adopted by the following vote: Yeas, 47; nays, 51.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hargrove, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley - 47.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, Zellinsky, and Mr. Speaker - 51.

On motion of Mr. Dellwo, the following amendments by Representatives Dellwo and Belcher were adopted:

On page 3, line 22 after "Sec. 6." insert "(1)"

On page 3, after line 31 insert the following:

"(2) Except as provided otherwise in subsection (3) of this section, determinations regarding the security, disclosure, and disposition of information placed or maintained in the center

shall rest solely with the originator and shall be made in accordance with any law regulating the disclosure of such information. The originator is the person who directly places information in the center.

(3) When utilizing the center to carry out the bill drafting functions required under RCW 1.08.027, the code reviser shall be considered the originator as defined in section 6 of this 1986 act. However, determinations regarding the security, disclosure and disposition of drafts placed or maintained in the center shall be made by the person requesting the code reviser's services and the code reviser, acting as the originator, shall comply with and carry out such determinations as directed by that person. A measure once introduced shall not be considered a draft under this subsection."

On page 5, line 15 after "act" insert ": PROVIDED, That all computer services needed by the statute law committee for the remainder of the 1985-87 fiscal biennium, for service levels originally approved by the legislature, shall be provided to the Statute Law Committee by the legislative service center, and thereafter the legislative service center shall charge the Statute Law Committee for the computer services pursuant to section 5(2) of this act. If apportionments of budgeted funds are required because of the transfers directed by this section, the director of financial management, after consultation with the chairs of the house and senate ways and means committees, shall make a determination as to the proper allocation and certify the same to the entities concerned and to the state auditor. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification"

On page 5, line 20 strike "This act is" and insert "Sections 1 through 10 and section 12 of this act are" and on line 20 after "immediately," insert "The remaining sections of this act shall take effect on July 1, 1986."

On page 1, line 3 of the title after "RCW 1.08.100;" insert "providing an effective date;"

The bill was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. J. King, the House was recessed until 3:00 p.m.

AFTERNOON SESSION

The House was called to order at 3:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

HOUSE BILL NO. 1457, by Representatives Dellwo, Allen, Hine, Hankins, Fisch, Isaacson, Basich, Tilly, Sayan, Barrett, Lux, Van Luven and P. King

Revising provisions relating to health insurance for public employees.

The bill was read the second time. On motion of Mr. Zellinsky, Substitute House Bill No. 1457 was substituted for House Bill No. 1457, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1457 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Dellwo and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1457, and the bill passed the House by the following vote: Yeas, 96; absent, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Addison, Padden - 2.

Substitute House Bill No. 1457, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1488, by Representatives Valle, Betrozoff, P. King, May, Armstrong, Peery, Kremen, Day and Rayburn

Establishing a trade development services program.

The bill was read the second time. On motion of Mr. McMullen, Substitute House Bill No. 1488 was substituted for House Bill No. 1488, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1488 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Valle and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1488, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Braddock - 1.

Substitute House Bill No. 1488, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1523, by Representatives Sanders, Sutherland, Isaacson, Lundquist, S. Wilson, Cole and Leonard

Modifying the residency requirements under the game code.

The bill was read the second time. Committee on Natural Resources recommendation: Majority, do pass as amended. (For amendment, see Journal, 16th Day, January 28, 1986.)

On motion of Mr. Sutherland, the committee amendment was adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sanders and Sutherland spoke in favor of passage of the bill, and Representative Baugher spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1523, and the bill passed the House by the following vote: Yeas, 95; nays, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Baugher, Hargrove, Lewis - 3.

Engrossed House Bill No. 1523, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1564, by Representatives Haugen, Hine, Barnes, Allen, Brough, Long and Tanner

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

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1564 was substituted for House Bill No. 1564, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1564 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Haugen spoke in favor of passage of the bill, and Ms. Brough opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1564, and the bill passed the House by the following vote: Yeas, 95; nays, 3.

Voting yea: Representatives Addison, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Allen, Brough, Miller - 3.

Substitute House Bill No. 1564, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1587, by Representatives Kremen, Allen, Braddock, Zellinsky, Schoon, Thomas, Tanner, McMullen, Silver, Smitherman, May, Peery, Scott, Lundquist, J. King, C. Smith, Long, Van Luven, Winsley, J. Williams and Doty

Providing for expanded international trade.

The bill was read the second time. On motion of Mr. McMullen, Substitute House Bill No. 1587 was substituted for House Bill No. 1587, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1587 was read the second time.

Mr. Todd moved adoption of the following amendments:

On page 2, line 17 after "services" strike the colon and insert "through Washington ports:"

On page 3, line 2 after "company" strike "at any one time"

Representatives Todd and McMullen spoke in favor of the amendments, and they were adopted.

Mr. McMullen moved adoption of the following amendment:

On page 4, after line 31 insert:

"(7) An export trading company may provide export services only for the export of goods and services manufactured, grown, or produced in the United States. An export trading company shall not import any goods or services manufactured, grown, or produced outside of the United States into this state or any other state."

Mr. McMullen spoke in favor of the amendment, and Representatives Lundquist and Braddock spoke against it.

Mr. McMullen spoke again in favor of the amendment, and Mr. Lundquist again opposed it.

Ms. Sommers spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative McMullen to Substitute House Bill No. 1587, and the amendment was adopted by the following vote: Yeas, 51; nays, 47.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Belcher, Bond, Brekke, Bristow, Brough, Cole, Day, Dellwo, Dobbs, Ebersole, Fisher, Gallagher, Grimm, Hastings, Haugen, Hine, Isaacson, Jacobsen, King J, King P, Leonard, McMullen, Nelson D, Nelson G, Nutley, O'Brien, Peery, Rayburn, Rust, Sanders, Sayan, Scott, Smitherman, Sommers, Tanner, Tilly, Todd, Unsoeld, Valle, van Dyke, Vekich, Walk, Wilson K, Wineberry, Winsley, and Mr. Speaker - 51.

Voting nay: Representatives Ballard, Barnes, Barrett, Baugher, Betrozoff, Braddock, Brooks, Chandler, Crane, Doty, Fisch, Fuhrman, Hankins, Hargrove, Holland, King R, Kremen, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Niemi, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sutherland, Taylor, Thomas, Van Luven, Vander Stoep, Walker, Wang, West, Williams B, Williams J, Wilson S, Zellinsky - 47.

Mr. Schoon moved adoption of the following amendment by Representatives Schoon and Kremen:

On page 4, after line 36 insert:

"NEW SECTION, Sec. 6. Any port which establishes an export trading company pursuant to this chapter shall report to the legislature annually not later than January 1 on the business activity of the export trading company and any financial assistance which has been provided by the port to the export trading company."

Remember the remaining sections consecutively and correct internal references accordingly.

Representatives Schoon and McMullen spoke in favor of the amendment, and Ms. Sommers opposed it.

The amendment was not adopted.

Mr. Schoon moved adoption of the following amendment by Representatives Schoon and Kremen:

On page 9, after line 2 insert:

"NEW SECTION, Sec. 10. Sections 1 through 6 of this act shall expire July 1, 1991."

Mr. Schoon spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Schoon and Kremen to Substitute House Bill No. 1587, and the amendment was adopted by the following vote: Yeas, 64; nays, 34.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Brekke, Brooks, Brough, Chandler, Day, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, King P, King R, Kremen, Lewis, Long, Lux, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Padden, Patrick, Prince, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smitherman, Sutherland, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Zellinsky - 64.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Bristow, Cole, Crane, Dellwo, Fisher, Grimm, Hine, Jacobsen, King J, Leonard, Locke, Lundquist, Madsen, Niemi, Nutley, O'Brien, Peery, Rayburn, Smith L, Sommers, Tanner, Todd, Unsoeld, Valle, Vekich, Wineberry, Winsley, and Mr. Speaker - 34.

On motion of Mr. Schoon, the following amendment to the title of the bill was adopted:

On page 1, line 2 of the title after "42.30.110;" insert "providing an expiration date;"

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1618, by Representatives Appelwick, Armstrong, G. Nelson and P. King

Providing for parenting plans in dissolution actions.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 1618 was substituted for House Bill No. 1618, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1618 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1662, by Representatives Hankins, Haugen, Isaacson, Baugher, Ballard, Ebersole, C. Smith, Rayburn, Sanders, Belcher, Sutherland, van Dyke, Peery, Walker, Thomas, Brooks, Allen, Brough, Walk, Taylor and Winsley

Authorizing fire protection districts to assist hazardous materials response team.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1662, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1662, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1702, by Representatives Valle, Grimm, O'Brien, Dellwo and Addison; by request of Office of Financial Management

Appropriating funds for the developmentally disabled.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1702, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1702, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1708, by Representatives Belcher, Brooks, Vekich, Dellwo, Unsoeld and P. King; by request of Governor Gardner

Modifying liquor control board membership terms.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Ms. Belcher spoke in favor of passage of the bill, and Mr. Isaacson spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1708, and the bill passed the House by the following vote: Yeas, 84; nays, 14.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Barnes, Bond, Chandler, Dobbs, Fuhrman, Isaacson, Nealey, Padden, Sanders, Smith C, van Dyke, West, Williams J, Wilson S - 14.

House Bill No. 1708, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1729, by Representatives C. Smith, Walk, Prince, Nealey, Zellinsky, Bond, Lundquist, Fisch and Baugher

Repealing provisions on collection of tax on special fuel dispensed from a keylock metered pump.

The bill was read the second time. Committee on Transportation recommendation: Majority do pass as amended. (For amendments, see Journal, 19th Day, January 31, 1986.)

On motion of Mr. Walk, the committee amendments were adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. C. Smith spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1729, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1729, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1449, by Representatives Haugen, Nutley, Bristow, Hine, Dellwo, Allen, Long, West, Silver, J. King, Barrett, Miller, P. King and May

Authorizing municipal resource recovery facilities and solid waste handling systems.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1449 was substituted for House Bill No. 1449, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1449 was read the second time.

Ms. Haugen moved adoption of the following amendments:

On page 1, beginning on line 26 strike "and/or operated by the city or town or owned and/or operated" and insert ", leased, and/or operated in whole or in part by the city or town, or owned, leased, and/or operated in whole or in part"

On page 3, line 26 strike "and/or operated by the county or owned and/or operated" and insert ", leased, and/or operated in whole or in part by the county, or owned, leased, and/or operated in whole or in part"

Representatives Haugen and Brough spoke in favor of the amendments, and they were adopted.

On motion of Ms. Haugen, the following amendments were adopted:

On page 2, line 30 after "contract" insert ": PROVIDED, That where a contract for design is entered into separately from other services permitted under this act, procurement shall be in accord with chapter 39.80 RCW"

On page 4, line 22 after "contract" insert ": PROVIDED, That where a contract for design is entered into separately from other services permitted under this act, procurement shall be in accord with chapter 39.80 RCW"

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen, Brough and D. Nelson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1449, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1449, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1732, by Representative D. Nelson

Modifying requirements of county-city solid waste plans.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. D. Nelson spoke in favor of passage of the bill, and Mr. Isaacson spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1732, and the bill passed the House by the following vote: Yeas, 67; nays, 31.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, Vekich, Walk, Wang, West, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Ballard, Barnes, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Fuhrman, Hankins, Hargrove, Hastings, Holland, Isaacson, Lundquist, Nealey, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Thomas, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Williams J - 31.

House Bill No. 1732, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 7:00 p.m.

EVENING SESSION

The House was called to order at 7:00 p.m. by the Speaker.

SECOND READING

HOUSE BILL NO. 1556, by Representatives Walk, Schmidt, Zellinsky, Haugen, Vekich, S. Wilson, Fisch, McMullen, Brough, Valle, Smitherman, Schoon, Lundquist, Thomas, J. Williams and Dellwo

Revising the administrative structure of the department of transportation.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Walk and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1556, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsold, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1680, by Representatives Sommers, B. Williams, Sayan, Tilly, Brekke, Grimm, G. Nelson, Zellinsky, Schmidt, Haugen, S. Wilson, Cole, Braddock, Brough, J. Williams and Silver; by request of Legislative Budget Committee

Providing for sunset review of the ferry workers' collective bargaining statutes.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1680 was substituted for House Bill No. 1680, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1680 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1866, by Representatives Zellinsky, Schmidt, Walk, Smitherman, McMullen, Haugen, Fisch, Wineberry, Thomas, Brough, Lundquist, Winsley, Schoon and May

Revising the funding structure of the Washington state ferry system.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1866 was substituted for House Bill No. 1866, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1866 was read the second time and passed to Committee on Rules for third reading.

Representative Thomas was excused.

HOUSE BILL NO. 1669, by Representatives Fisch, Hargrove, Gallagher, Walk, Basich and Valle

Giving board of pilotage commission jurisdiction to regulate state licensed pilots on coastwise and enrolled vessels.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1669 was substituted for House Bill No. 1669, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1669 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fisch and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1669, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1669, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1762, by Representatives Hargrove, Smitherman, McMullen, Zellinsky, R. King, Valle, Fisch and Lundquist

Revising vessel pilot regulation.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1762 was substituted for House Bill No. 1762, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1762 was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Hargrove and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1762, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1762, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1928, by Representatives Zellinsky, Walk, Smitherman, Hargrove, Dellwo, Haugen and Fisch

Funding investigation of accidents involving state-licensed pilots and legal fees.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Zellinsky and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1928, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

House Bill No. 1928, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT MEMORIAL NO. 32, by Representatives Zellinsky, Smitherman, Hargrove, McMullen, Valle, Fisch and Kremen

Requesting concurrent state and federal jurisdiction over pilot discipline.

The memorial was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Zellinsky and Schmidt spoke in favor of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 32, and the memorial passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

House Joint Memorial No. 32, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 771, by Representatives Valle, Patrick, Rust, Hankins, Unsoeld, Haugen, K. Wilson, Fisch and Jacobsen

Creating a state bicycle safety program.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 771 was substituted for House Bill No. 771, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 771 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1399, by Representatives Locke, West, Armstrong, P. King, Padden and Van Luven

Revising sentencing of adult felons.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1399 was substituted for House Bill No. 1399, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1399 was read the second time.

Mr. Patrick moved adoption of the following amendment:

On page 34, line 23, following "Sec. 17," insert "Section 15, Chapter 138, Laws of 1981 and RCW 10.95.150 are each amended to read as follows:

In all cases in which a sentence of death has been imposed, the appeal, if any, and sentence review to or by the supreme court of Washington shall be decided and an opinion on the merits shall be filed within ~~((one year))~~ eight months of receipt by the clerk of the supreme court of Washington of the verbatim report of proceedings and clerk's papers filed under RCW 10.95.110. If this time requirement is not met, the chief justice of the supreme court of Washington shall state on the record the extraordinary and compelling circumstances causing the delay and the facts supporting such circumstances. A failure to comply with the time requirements of this subsection shall in no way preclude the ultimate execution of a sentence of death."

Renumber remaining sections consecutively.

POINT OF ORDER

Mr. Armstrong: "Mr. Speaker, I would like to have a ruling on scope and object of this amendment."

SPEAKER'S RULING

The Speaker: "Representative Armstrong, the Speaker has examined Substitute House Bill No. 1399, which is an act regarding the sentencing of adult felons. This change in the law is under Title 9, dealing with determinate sentencing. The amendment amends chapter 10.95, which deals with appeals to the Supreme Court and with the judicial process. I believe the amendment is outside the scope and object and find your point of order well taken."

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

Representatives Locke and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1399, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1399, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1400, by Representatives Rayburn, Padden, Fisch, West, Madsen and Armstrong

Creating the indeterminate sentence review board.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1400 was substituted for House Bill No. 1400, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1400 was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1400, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Brough - 1.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1400, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1432, by Representatives Valle, Allen, Rust, Isaacson, Barnes, Unsoeld, Schoon, Jacobsen, Sanders, Brough and Long

Restricting smoking in state offices.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 1432 was substituted for House Bill No. 1432, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1432 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Valle and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1432, and the bill passed the House by the following vote: Yeas, 80; nays, 17; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Dellwo, Doty, Ebersole, Fisch, Fisher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schoon, Smith L, Smitherman, Sommers, Sutherland, Tanner, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 80.

Voting nay: Representatives Barrett, Day, Dobbs, Fuhrman, Gallagher, Lewis, Madsen, Padden, Schmidt, Scott, Silver, Smith C, Taylor, van Dyke, Williams J, Wilson S, Zellinsky - 17.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1432, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1460, by Representatives Haugen, Zellinsky, Appelwick, S. Wilson, Ebersole, McMullen, May, Cole, Leonard and P. King

Authorizing class P liquor licenses.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1460 was substituted for House Bill No. 1460, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1460 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and Isaacson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1460, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Todd, Unsoeld, Valle, van Dyke, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Hargrove, Sutherland, Tilly, Van Luven, Wilson K - 5.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1460, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1475, by Representatives West, Valle, Schoon, Brooks, Barrett, Haugen, Patrick and Long

Regulating the sale of smokeless tobacco products.

The bill was read the second time. Committee on Social & Health Services recommendation: Majority, do pass as amended. (For amendment, see Journal, 26th Day, February 7, 1986.)

On motion of Ms. Brekke, the committee amendment was adopted.

On motion of Ms. Brekke, the following amendments were adopted:

On page 1, line 9 strike "him" and insert "~~(him)~~ that person"

On page 1, line 14 strike "him" and insert "~~(him)~~ that person"

Ms. L. Smith moved adoption of the following amendment by Representatives L. Smith, Haugen, Allen, Schoon and Hargrove:

On page 1, following line 26 insert:

"(5) Shall allow the creation, designation, or approval of an area under the jurisdiction and control of such person to be used for the use or consumption of chewing tobacco, snuff, or tobacco in any form by persons under eighteen years; or"

Renumber the remaining subsection consecutively.

Ms. L. Smith spoke in favor of the amendment, and Mr. Ebersole spoke against it.

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

Ms. Cole spoke against the amendment, and Representatives Lux and Lundquist spoke in favor of it.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative L. Smith and others to House Bill No. 1475, and the amendment was adopted by the following vote: Yeas, 61; nays, 36; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Ballard, Barnes, Barrett, Baugher, Betzoff, Bond, Brough, Chandler, Dellwo, Dobbs, Doty, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Lewis, Locke, Lundquist, Lux, May, McMullen, Miller, Nealey, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Todd, van Dyke, Van Luven, Vekich, Walk, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 61.

Voting nay: Representatives Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hastings, King R, Kremen, Leonard, Long, Madsen, Nelson D, Niemi, Prince, Rayburn, Rust, Sayan, Scott, Sommers, Unsoeld, Valle, Vander Stoep, Walker, Wang, Wilson K, Wineberry - 36.

Excused: Representative Thomas - 1.

Mr. D. Nelson moved adoption of the following amendment by Representatives D. Nelson and West:

On page 2, following line 3 insert:

"NEW SECTION. Sec. 2. A new section is added to chapter 26.28 RCW to read as follows:

Every person under the age of eighteen years who shall possess cigarettes, cigars, chewing tobacco, snuff, or tobacco in any form shall be guilty of a misdemeanor."

Renumber the following sections and correct internal references.

Representatives D. Nelson, Schoon and West spoke in favor of the amendment, and Representatives Vekich, Vander Stoep, Lundquist, Taylor and Sayan opposed it.

Mr. D. Nelson spoke again in favor of the amendment.

The amendment was not adopted.

On motion of Mr. D. Nelson, the following amendments by Representatives D. Nelson and West were adopted:

On page 2, following line 3 insert:

"NEW SECTION. Sec. 2. It is unlawful to sell, or offer for sale, at retail any cigarettes, cigars, chewing tobacco, snuff, or tobacco in any form without first having obtained a retailers license under RCW 19.91.130 or any successor statute.

NEW SECTION. Sec. 3. The retailers license required under section 3 of this act may be denied, revoked, or suspended for the sale or gift of a tobacco product to a person under the age of eighteen years in violation of RCW 26.28.080(4)."

On page 1, line 2 of the title after "69.40 RCW;" insert "and to chapter 26.28 RCW"

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1480, by Representative Appelwick

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

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1480 was substituted for House Bill No. 1480, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1480 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1480, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1480, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1495, by Representative Brekke

Permitting health care assistants to perform in certain functions.

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 1495 was substituted for House Bill No. 1495, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1495 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brekke and Lewis spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1495, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Schoon - 1.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1505, by Representatives Smitherman, Wineberry, Hargrove, Brekke, McMullen, Schoon, Unsoeld, J. King, Jacobsen, B. Williams, D. Nelson, Zellinsky, Tanner, Ballard, S. Wilson, Fisher, Kremen, Braddock, Peery, Long, Silver, Addison, Brough, May, Doty, Wang, P. King, Todd and Niemi

Establishing a pilot project to employ those hard to employ.

The bill was read the second time. On motion of Mr. Smitherman, Second Substitute House Bill No. 1505 was substituted for House Bill No. 1505, and the second substitute bill was placed on the calendar for second reading.

Second Substitute House Bill No. 1505 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1534, by Representatives Doty, Lundquist, Zellinsky, Schmidt and Lewis

Permitting people to ride in fifth-wheel trailers.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1534 was substituted for House Bill No. 1534, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1534 was read the second time and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1566, by Representatives Haugen, S. Wilson, Long, Scott, P. King, Allen, R. King, G. Nelson and Unsoeld

Revising election procedures for public utility districts.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1566 was substituted for House Bill No. 1566, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1566 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and Brough spoke in favor of passage of the bill, and Representative Miller opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1566, and the bill passed the House by the following vote: Yeas, 86; nays, 11; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Smitherman, Sommers, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Betzoff, Chandler, Fuhrman, Lux, Miller, Schoon, Silver, Smith C, Smith L, Sutherland, Williams B - 11.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1566, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1593, by Representatives Day, Smitherman, Lewis, Winsley, R. King, J. King, Patrick, Wang, Bond and Chandler

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

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 1593 was substituted for House Bill No. 1593, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1593 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Day and Lewis spoke in favor of passage of the bill, and Mr. G. Nelson spoke against it.

Mr. Day spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1593, and the bill passed the House by the following vote: Yeas, 93; nays, 3; absent, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Barnes, Fuhrman, Nelson G - 3.

Absent: Representative Unsoeld - 1.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1654, by Representatives Haugen and May

Revising local government debt computations.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1654 was substituted for House Bill No. 1654, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1654 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen, May, Hine and Lux spoke in favor of passage of the bill, and Mr. Hastings opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1654, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Bond, Fuhrman, Hastings, Lundquist, van Dyke - 5.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1654, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1675, by Representatives Fisch, Vekich, Hargrove, Wang, P. King and Lux

Authorizing the creation of employee cooperatives.

The bill was read the second time. On motion of Mr. McMullen, Substitute House Bill No. 1675 was substituted for House Bill No. 1675, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1675 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1675, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1675, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1691, by Representatives Ballard, Locke, Hastings, Wang, West and Winsley

Allocating costs relating to mental health commitments.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1691, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luvan, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

House Bill No. 1691, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1709, by Representatives Belcher, Hankins, Peery, Brooks and Unsoeld; by request of Governor Gardner

Consolidating agencies into the department of community development.

The bill was read the second time. On motion of Ms. Belcher, Substitute House Bill No. 1709 was substituted for House Bill No. 1709, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1709 was read the second time.

Mr. B. Williams moved adoption of the following amendment:

On page 89, after line 33 insert the following:

"NEW SECTION, Sec. 138. The director of community development shall conduct, or cause to be conducted, a depth study of the department of community development. The depth study shall include analyses and recommendations regarding (a) methods of improving organizational structure and lines of communications, (b) methods of increasing supervisory spans of control and the number of employees involved in direct service delivery, and (c) methods of reducing levels of supervision.

The study required by this section shall be completed and the recommendations shall be implemented no later than December 1, 1986. No later than January 1, 1987, the director of community development shall submit a report to the governor, the state government committee of the house of representatives, and the governmental operations committee of the senate regarding the findings of the study and the implementation of the recommendations."

Renumber the remaining sections consecutively and correct internal references accordingly.

Mr. B. Williams spoke in favor of the amendment, and Representatives Belcher and Sayan spoke against it.

Mr. B. Williams spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative B. Williams to Substitute House Bill No. 1709, and the amendment was not adopted by the following vote: Yeas, 40; nays, 57; excused, 1.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schoon, Silver, Smith C, Smith L, Taylor, Tilly, van Dyke, Van Luvan, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 40.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 57.

Excused: Representative Thomas - 1.

On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and Substitute House Bill No. 1709 was placed on final passage.

Representatives Belcher and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1709, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Nelson G, Tilly - 2.

Excused: Representative Thomas - 1.

Substitute House Bill No. 1709, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Appelwick, the House adjourned until 9:00 a.m., Wednesday, February 12, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

THIRTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, February 12, 1986

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Grimm, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Paul Emfield and Christian Villegas. Prayer was offered by Reverend Mark Schaulfer from the Faith Assembly of Lacey.

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

MESSAGE FROM THE SENATE

February 11, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 4481,
 SENATE BILL NO. 4513,
 SUBSTITUTE SENATE BILL NO. 4536,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4552,
 SUBSTITUTE SENATE BILL NO. 4596,
 SENATE BILL NO. 4701,
 ENGROSSED SENATE BILL NO. 4703,
 SENATE BILL NO. 4708,
 SENATE BILL NO. 4747,
 SENATE BILL NO. 4759,
 SUBSTITUTE SENATE BILL NO. 4769,
 SUBSTITUTE SENATE BILL NO. 4814,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 132,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

ESB 4481 by Senators Talmadge, Newhouse, Metcalf, Halsan, Gaspard, Granlund, Bluechel, Garrett and Lee

Modifying provisions detailing reporting of abuse or neglect of children or adult dependents.

Referred to Committee on Judiciary.

SB 4513 by Senators Peterson, Patterson and Conner; by request of Department of Licensing

Authorizing voluntary fingerprinting of juveniles.

Referred to Committee on Transportation.

SSB 4536 by Committee on Transportation (originally sponsored by Senators Bauer, Peterson, Patterson and Granlund)

Prescribing a penalty for initial nonregistration of a vehicle.

Referred to Committee on Transportation.

ESSB 4552 by Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Newhouse, Goltz, Bailey, Benitz, Gaspard and Bauer)

Modifying livestock range regulations.

Referred to Committee on Agriculture.

SSB 4596 by Committee on Human Services & Corrections (originally sponsored by Senators Granlund, Kiskaddon, Wojahn, Garrett and Johnson)

Revising provisions relating to community mental health services for children.

Referred to Committee on Social & Health Services.

SB 4701 by Senators Talmadge, Bluechel, Garrett and Bender

Revising aggravating circumstances under the sentencing reform act.

Referred to Committee on Judiciary.

ESB 4703 by Senators Talmadge, Bluechel, Garrett, Rasmussen and Bender

Defining nonhearsay evidence.

Referred to Committee on Judiciary.

SB 4708 by Senators Talmadge, Bluechel, Garrett, Gaspard, Bender, Peterson and Granlund

Revising provisions relating to competence of witnesses.

Referred to Committee on Judiciary.

SB 4747 by Senators Garrett and Stratton

Updating the Model Traffic Ordinance.

Referred to Committee on Transportation.

SB 4759 by Senator Conner

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

Referred to Committee on Judiciary.

SSB 4769 by Committee on Agriculture (originally sponsored by Senators Hansen, Bailey, Barr, Goltz, Bauer, Gaspard and Benitz)

Revising the excise taxation of feed.

Referred to Committee on Agriculture.

SSB 4814 by Committee on Ways & Means (originally sponsored by Senators McDermott and Bailey)

Providing education for children on abuse and neglect and creating a pilot project on educating and training young mothers.

Referred to Committee on Education.

SSJM 132 by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Bender, Owen, Newhouse, Deccio, Zimmerman, Bauer, Barr and Rasmussen)

Urging Congress to take necessary steps toward a full accounting of United States service personnel missing in Southeast Asia.

Referred to Committee on State Government.

MOTION

On motion of Mr. Appelwick, the bills and the memorial listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

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

SECOND READING

HOUSE BILL NO. 1725, by Representatives Ebersole, Valle, Cole, Holland, Peery, Betrozoff and P. King; by request of Superintendent of Public Instruction

Providing an alternative method for review of learning objectives program.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For committee amendment, see Journal, 19th Day, January 31, 1986.)

On motion of Mr. Ebersole, the committee amendment was adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1725, and the bill passed the House by the following vote: Yeas, 93; absent, 4; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Bond, Lewis, Sayan, Schoon - 4.

Excused: Representative Grimm - 1.

Engrossed House Bill No. 1725, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

The Speaker called the House to order.

Representative Grimm appeared at the bar of the House.

HOUSE BILL NO. 1875, by Representatives Rayburn, Chandler, Wang, Patrick, R. King, Ballard, Armstrong, Winsley and May; by request of Joint Select Committee on Industrial Insurance

Revising provisions relating to industrial insurance benefits for retired workers and pensioners.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1875 was substituted for House Bill No. 1875, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1875 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rayburn and Chandler spoke in favor of passage of the bill, and Mr. Lux spoke against it.

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. McMullen.

Mr. McMullen: "Representative Wang, I'm concerned that we are changing the rules in midstream on certain people. Section 5 is dealing with retired people. Is it the intent of this legislation that it would only apply to the people who apply to reopen their claims after the effective date of this act and not before?"

Mr. Wang: "Yes, Representative McMullen, that is correct."

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1875, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Lux - 1.

Substitute House Bill No. 1875, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1873, by Representatives Wang and R. King; by request of Joint Select Committee on Industrial Insurance

Revising provisions relating to benefits for injured workers.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1873 was substituted for House Bill No. 1873, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1873 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1873, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1873, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1490, by Representatives Baugher, R. King, Chandler, Wang, Ballard, Lux, Patrick and Rayburn; by request of Joint Select Committee on Industrial Insurance

Modifying reimbursements for certain industrial insurance payments.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1490, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher,

Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1783, by Representatives R. King, Wang, Chandler, Patrick, Lux and Cole; by request of Joint Select Committee on Industrial Insurance

Revising provisions relating to self-insured employers.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1783 was substituted for House Bill No. 1783, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1783 was read the second time.

Mr. Hargrove moved adoption of the following amendments by Representatives Hargrove, Vekich, McMullen, Bristow, Lundquist, Kremen and Basich:

On page 6, line 1, after "(3)" insert "A self-insured group engages in persistent gross underreserving; or

(4)"

Renumber the remaining subsections consecutively.

On page 6, after line 15, insert the following:

"NEW SECTION, Sec. 8. A new section is added to chapter 51.14 RCW to read as follows:

Any two or more employers who are members of a bona fide forest industry trade association may enter into agreements to form self-insurance groups for the purposes of this chapter if the following conditions are met:

(1) All the employers in the group are members of an organization that has been in existence for at least two years;

(2) The organization was formed for a purpose other than that of obtaining workers' compensation coverage;

(3) The employers in the group constitute at least fifty percent of the total employers in such organization;

(4) The formation and operation of the group program in the organization will substantially improve accident prevention and claim management for the employers in the group; and

(5) The employers in the group have an annual premium volume of two hundred fifty thousand dollars and a net worth of one million dollars.

The self-insurance groups formed under this section shall be organized and operated under rules adopted by the director under RCW 51.14.160. Such a self-insurance group shall be deemed an employer for the purposes of this chapter, and may qualify as a self-insurer if it meets all the other requirements of this chapter.

Sec. 9, Section 8, chapter 191, Laws of 1982 as amended by section 3, chapter 174, Laws of 1983 and RCW 51.14.160 are each amended to read as follows:

The director shall promulgate rules to carry out the purposes of RCW 51.14.150:

(1) Governing the formation of self-insurance groups for the purposes of this chapter;

(2) Governing the organization and operation of the groups to assure their compliance with the requirements of this chapter;

(3) Requiring ~~((adequate monetary reserves, determined under accepted actuarial practices, to be maintained by each group))~~ appropriate financial management and practices to assure financial solvency of the group, including the following provisions:

(a) The group shall be subject to the same initial minimum surplus requirement as a mutual casualty insurance company is subject to under the state insurance laws;

(b) The group shall maintain such minimum surplus on an ongoing basis;

(c) The group shall employ or retain individuals with demonstrated competence in setting adequate workers' compensation claim reserves; and

(d) The department shall review and monitor the group's reserves and may require an increase of reserves if it appears probable that such reserves are understated; and

(4) Requiring each group to carry adequate reinsurance with the department of labor and industries."

POINT OF ORDER

Mr. Wang: "Mr. Speaker, I would ask you to rule on the scope and object of these amendments."

SPEAKER'S RULING

The Speaker: "House Bill 1783 is 'An Act Relating to securing the obligations of self-insured employers...' under the workers' compensation system. It deals with the security requirements to protect against default by self-insured employees. The amendment authorizes group self-insurance in the forest industry. This amendment expands the class of employers authorized to self-insure for workers' compensation. The amendment goes beyond the scope of the original bill which deals only with security requirements for self-insurers. Your point is well taken, Representative Wang."

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

Representatives R. King and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1783, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsold, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1783, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1581, by Representatives R. King, J. King, Wang, Chandler, Patrick and Fisch

Revising provisions relating to claims closure in industrial insurance cases.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1581 was substituted for House Bill No. 1581, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1581 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives R. King and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1581, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsold, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1581, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE CONCURRENT RESOLUTION NO. 21, by Representatives R. King, Patrick, Wang, Chandler, Lux and Ballard; by request of Joint Select Committee on Industrial Insurance

Establishing the joint select committee on industrial compensation.

The resolution was read the second time. On motion of Mr. Wang, Substitute House Concurrent Resolution No. 21 was substituted for House Concurrent Resolution No. 21, and the substitute resolution was placed on the calendar for second reading.

Substitute House Concurrent Resolution No. 21 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives R. King and Chandler spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Concurrent Resolution No. 21, and the resolution was adopted by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brække, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Krømen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Loven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Concurrent Resolution No. 21, having received the constitutional majority, was declared adopted.

POINT OF PERSONAL PRIVILEGE

Mr. Todd: "This day--February 12--is a special day for me. It's the day that I celebrate the birth of one of my relatives, Abraham Lincoln. My great, great, great aunt, Mary Todd Lincoln, the wife of our sixteenth President of the United States, is my connection to Abraham Lincoln.

"All of us as Americans have our own special connections to Abe Lincoln. He has meant so much to our nation, our heritage and our history. Abraham Lincoln was truly a great man. In every part of his life, he provided examples of those qualities that make men great--honesty, hard work, commitment, compassion and sacrifice.

"We remember his boyhood, growing up in a log cabin, which he helped build with his father on the wild Indiana frontier. He studied by fire light and would walk for miles just to borrow a book.

"We remember his early years as a legislator in the Illinois General Assembly. There he first spoke out against slavery, declaring, 'The institution of slavery is founded on both injustice and bad policy.' We remember his early debates against Stephen Douglas over the Kansas-Nebraska Act, a law that allowed settlers to take slaves into the new territories. Mr. Lincoln vehemently opposed this law, believing our founding fathers, through the Declaration of Independence, meant to prevent the spread of slavery.

"Mr. Lincoln, in fact, patterned his political beliefs on ideals expressed in the Declaration of Independence. He once said: 'I have never had a feeling, politically, that did not spring from the sentiments embodied in the Declaration of Independence....' More than anything else, however, we remember Abraham Lincoln as the President who reunited the United States of America. Faced with a crisis that no other president has ever known, including a war that saw more than 600,000 Americans die on their own soil, he demonstrated what seemed like limitless courage and an unshakable faith in democracy. In his Gettysburg address, which lasted a mere three minutes, he summed up the qualities that are the very foundation of our country. He began: 'Four score and seven years ago, our fathers brought forth on this continent, a new nation, conceived in liberty, and dedicated

to the proposition that all men are created equal...' and he concluded '...that government of the people, by the people, for the people shall not perish from the earth.'

"Abraham Lincoln, who could have easily given into bitterness and hatred over the war, led the nation in forgiving the south. Some of the most compassionate words ever spoken were in his second inaugural address when he asked for 'malice toward none, with charity for all.'

"When we look back on the life of Abraham Lincoln and the troubled times he faced, we are forced to reflect on our own lives and the problems facing this state, this country and this earth. Slavery still exists in the form of apartheid in South Africa. Democracy still struggles to be a reality in many countries, as we have seen in the Philippine elections. And division of war, like that between the North and South, has never left this world. In fact, it has gotten much, much worse, with the ability to destroy ourselves many times over. Let's never forget that these evils can be overcome, but only with great sacrifice. Abraham Lincoln dedicated his life, and finally, gave his life for the ideals of freedom, democracy and peace. This soft-spoken man has taught us so much. Let us never forget."

MOTION

On motion of Mr. J. King, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The House was called to order at 3:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

SECOND READING

HOUSE BILL NO. 1800, by Representatives Dellwo, Day, Haugen, Silver and May

Qualifying parking facilities for industrial development revenue bond financing.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass with the following amendment:

On page 3, after line 3, strike section 2.

On motion of Mr. McMullen, the committee amendment was adopted.

Mr. Schoon moved adoption of the following amendment by Representatives Schoon, J. King, B. Williams and Tanner:

On page 1, line 29 after "parks," insert "In addition, the term 'industrial development facilities' means any project or facility where the interest on the revenue bonds issued for the project or facility is exempt from taxation under section 103(b) of Title 26 of the United States Code."

Representatives Schoon, McMullen and B. Williams spoke in favor of the amendment, and Representatives J. King and Silver spoke against it.

The amendment was not adopted.

Mr. Addison moved adoption of the following amendments by Representatives Addison and Lux:

On page 2, line 4, after "use," insert "The term industrial development facilities also shall include any facilities where the bonds to pay for the facilities are granted preferred status under section 2 of this act."

On page 3, after line 3, insert a new section as follows:

"NEW SECTION Sec. 2. A new section is added chapter 39.86 RCW to read as follows:

(1) Bond issues to pay for waste water treatment facilities and solid waste disposal facilities are preferred uses of ceiling under this chapter and filed notifications for such issues shall take precedence over any proposal for industrial development bonds or government activity bonds and for which the issuer has not actually received an allocation under this chapter.

(2) If at any time there is insufficient ceiling to cover a notification for a bond issue or issues for waste water treatment facilities or solid waste disposal facilities, then any remaining allocation in the industrial development bond category shall be used for such facilities. If there is insufficient or no allocation remaining in that category, then the balance required shall be

taken from any remaining allocation in the government activity bond category. If there is insufficient or no allocation remaining in the government activity bond category, then at the option of issuer, the bond issue or issues shall be placed on the waiting list established under RCW 39.86.040(4) and the notification for such issue or issues shall be considered as filed before any other issues not for such facilities and which are on the waiting list. The provisions of subsection (2) of RCW 39.86.030 shall not apply to waste water treatment facilities or solid waste disposal facilities. The board shall adopt such rules and regulations as it deems appropriate to carry out the provisions of this section granting preferred status to bond issues to pay for such facilities."

Renumber the remaining section consecutively.

POINT OF ORDER

Mr. McMullen: "I ask the Speaker for a ruling on the scope and object of this amendment."

SPEAKER'S RULING (MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding): "It appears the amendment by Representative Addison enlarges the scope of the bill. It deals with the allocation of state industrial development bonds and puts a ceiling on private activity bonds. The primary purpose of House Bill 1800 is to include parking facilities. I'm going to rule the amendment is out of order."

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1870, by Representatives McMullen, Schmidt, Fisch, Haugen and May

Requiring charter and tour operators to maintain an escrow account.

The bill was read the second time. On motion of Mr. McMullen, Substitute House Bill No. 1870 was substituted for House Bill No. 1870, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1870 was read the second time.

On motion of Mr. McMullen, the following amendments by Representatives McMullen and Schmidt were adopted:

On page 1, line 23 after "(e)" add "a charter party carrier, (f) an auto transportation carrier, (g)"

On page 3, line 14 strike "seven" and insert "fourteen"

On motion of Ms. Schmidt, the following amendments were adopted:

On page 4, after line 16 insert:

"NEW SECTION. Sec. 10. This act shall take effect January 1, 1987."

On page 1, line 2 of the title after "Title 19 RCW;" insert "providing an effective date;"

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1870, and the bill passed the House by the following vote: Yeas, 98.

Voting yeas: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Loven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1870, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1899, by Representatives Prince, Lux, Chandler, C. Smith, Vekich, Jacobsen and Nealey

Providing for the establishment of a state land bank.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Prince, Lux and Vekich spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1899, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1899, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1919, by Representatives Walk, Hastings, Schmidt, Wineberry, Winsley and May

Requiring large, slow trucks on freeways to use hazard warning lights.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass with the following amendment:

On page 1, line 6 after "A" strike "motor truck" and insert "truck, truck tractor or tractor"

On motion of Mr. Walk, the committee amendment was adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Hastings spoke in favor of passage of the bill, and Representatives Allen and Nealey spoke against it.

Mr. Hastings spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1919, and the bill passed the House by the following vote: Yeas, 72; nays, 26.

Voting yea: Representatives Addison, Appelwick, Armstrong, Ballard, Basich, Baugher, Betzoff, Bond, Braddock, Brekke, Bristow, Brough, Cole, Crane, Doty, Ebersole, Fisch, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Jacobsen, King J, King P, King R, Leonard, Lewis, Locke, Long, Lundquist, Madsen, May, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Taylor, Thomas, Tilly, Valle, van Dyke, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Allen, Barnes, Barrett, Belcher, Brooks, Chandler, Day, Dellwo, Dobbs, Fisher, Fuhrman, Hine, Holland, Isaacson, Kremen, Lux, Nealey, Nelson G, Padden, Prince, Sommers, Tanner, Todd, Unsoeld, Van Luven, Wang - 26.

Engrossed House Bill No. 1919, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

The Speaker called the House to order.

HOUSE BILL NO. 1950, by Representatives Brooks and May

Revising provisions on medical practice.

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 1950 was substituted for House Bill No. 1950, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1950 was read the second time.

On motion of Mr. Brooks, the following amendments by Representatives Brooks and Brekke were adopted:

On page 1, line 22 after "proceedings." strike "Assistant attorneys general assigned as legal advisors to the board are subject to the continuing approval of the board."

On page 3, line 17 after "board" strike "and, along with the executive secretary, are subject to the continuing approval of the board"

Mr. Lux moved adoption of the following amendment by Representatives Lux and Brekke:

On page 4, after line 27 insert a new section as follows:

"NEW SECTION, Sec. 9. There is added to chapter 18.72 a new section to read as follows:

It shall be 'unprofessional conduct' for the purposes of this chapter and chapter 18.130 RCW, for a licensed physician to fail to accept the medicare-determined reasonable charge as payment in full (except for any medicare-authorized deductibles and coinsurance) when treating a patient who is a medicare beneficiary under the supplementary medical insurance benefits for the aged and disabled part of the federal medicare program, part B of Title XVIII of the federal social security act, and who is at or below two hundred percent of the poverty level, as determined by the department of social and health services: PROVIDED, However, that this section shall not be construed to require any licensed physician to accept medicare patients."

Mr. Lux spoke in favor of the amendment.

The amendment was not adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1950, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Baillard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1950, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1954, by Representatives J. King, Appelwick and Holland; by request of Governor Gardner

Authorizing the use of the local tax on lodging for capital improvements the debt for which has already been incurred.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1954, and the bill passed the House by the following vote: Yeas, 64; nays, 34.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Bond, Braddock, Brekke, Brooks, Crane, Doty, Ebersole, Fisher, Gallagher, Hankins, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Long, Madsen, May, McMullen, Miller, Nealey, Nelson G, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith L, Smitherman, Sommers, Tanner, Tilly, Todd, Valle, Van Luven, Vekich, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 64.

Voting nay: Representatives Belcher, Betzoff, Bristow, Brough, Chandler, Cole, Day, Dellwo, Dobbs, Fisch, Fuhrman, Grimm, Hargrove, Leonard, Lewis, Locke, Lundquist, Lux, Nelson D, Niemi, Padden, Silver, Smith C, Sutherland, Taylor, Thomas, Unsoeld, van Dyke, Vander Stoep, Walk, Walker, Wang, West, Winsley - 34.

House Bill No. 1954, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1962, by Representatives Cole, Nutley, Patrick, Wang, Betzoff, Chandler, Ebersole, J. Williams, Long, Fisch, R. King, Walker, O'Brien and Fisher

Modifying provisions regulating engineers and surveyors.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1962, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1962, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1986, by Representatives Isaacson, Lux, Hankins, Winsley, May, Lewis, Jacobsen and Schoon

Including adopted children within the definition "child of the insured" for insurance purposes.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 1986 was substituted for House Bill No. 1986, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1986 was read the second time.

On motion of Mr. Isaacson, the following amendments by Representatives Isaacson and Lux were adopted:

On page 1, beginning with "A child" on line 9, strike all material through "RCW 26.33.090(5)" on line 16 and insert "A child of an insured, subscriber or enrollee shall be considered a dependent child for insurance purposes under this title upon being physically placed with the insured, subscriber, or enrollee for the purposes of adoption under the laws of the state

in which the insured, subscriber, or enrollee resides; and upon assumption by the insured, subscriber, or enrollee of the financial responsibility for the medical expenses of the child. Eligibility for coverage is governed by applicable contract, policy or agreement provisions including any established underwriting guidelines.

Such obligation for coverage shall terminate when the first of any of the following events occur:

- (1) Termination of physical placement with the insured, subscriber, or enrollee; or
- (2) Termination of the adoption proceedings; or
- (3) Termination of financial responsibility for the child by the insured, subscriber, or enrollee."

On page 1, line 22 following "children" insert "as defined in the contract"

On page 2, line 7 following "children" insert "as defined in the contract"

On page 2, line 17 strike "plan"

On page 2, line 19 following "children" insert "as defined in the contract"

On page 2, line 19 strike "provide the same coverage" and insert "cover, on the same basis as other dependents," and on line 32 strike "provide the same coverage" and insert "cover, on the same basis as other dependents."

On page 2, line 19 strike "insured" and insert "subscriber" and on line 20 strike "insured" and insert "subscriber"

On page 2, line 25 following "health" insert "care"

On page 2, line 31 following "children" insert "as defined in the agreement"

On page 3, line 6 strike "July 1, 1986" and insert "January 1, 1987" and on line 8 strike "July 1, 1986" and insert "January 1, 1987"

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Mr. Isaacson yielded to question by Mr. Lux.

Mr. Lux: "Representative Isaacson, I want to ask about the requirement for 'physical placement' with the parent, in the new wording in section 1. What is your purpose in making this change?"

Mr. Isaacson: "One concern is the question of foreign-born children. I don't want to require health care coverage in a case where the child has yet to arrive in the USA and be physically transferred to the adoptive parents. It isn't appropriate to require coverage before the adoptive parents have control; whether it's prior to arriving in this country, before coming home from the hospital after birth, or prior to physical placement of the child by the state or adoption agency."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1986, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brøkke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1986, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1758, by Representatives Belcher, Hankins, Baugher, Brooks and Lewis; by request of Governor Gardner

Consolidating the administrative functions of certain state licensing programs.

The bill was read the second time. On motion of Ms. Belcher, Substitute House Bill No. 1758 was substituted for House Bill No. 1758, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1758 was read the second time.

On motion of Ms. Belcher, the following amendments were adopted:

On page 7, line 20 strike "~~((board)) department~~" and insert "board"

On page 8, line 11 strike "~~((board)) director~~" and insert "board"

On page 9, beginning on line 35, strike everything through "RCW." on page 11, line 34.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Mr. Sanders moved adoption of the following amendment by Representatives Sanders and Taylor:

Beginning on page 1, line 18 strike all material through the end of line 19, page 15.

Renumber the remaining sections consecutively and correct internal references.

Representatives Sanders, Taylor, Silver and Long spoke in favor of the amendment, and Representative Belcher opposed it.

Mr. Sanders spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Sanders and Taylor to Substitute House Bill No. 1758, and the amendment was not adopted by the following vote: Yeas, 47; nays, 51.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Gallagher, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams J, Wilson S, Winsley, Zellinsky - 47.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, and Mr. Speaker - 51.

Mr. Taylor moved adoption of the following amendments by Representatives Sanders and Taylor:

Beginning on page 15, line 20 strike all material through the end of page 32, line 36.

Renumber the remaining sections consecutively and correct internal references.

On page 33, line 23 strike "~~the board of pharmacy;))~~" and insert ") the board of pharmacy;"

Beginning on page 50, line 32 strike all material through the end of line 5, page 58.

Renumber the remaining sections consecutively and correct internal references.

On page 58, line 6 after "91." strike everything down to and including "18.64.007" on line 10 and insert "Section 24, chapter 234, Laws of 1983 and RCW 18.04.065 are each repealed"

Representatives Taylor, Brooks and Vander Stoep spoke in favor of the amendments, and Representative Belcher opposed them.

Mr. Taylor spoke again in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Sanders and Taylor to Substitute House Bill No. 1758, and the amendments were not adopted by the following vote: Yeas, 49; nays, 49.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Jacobsen, Kremen, Lewis, Long, Lundquist, Lux, May, Miller, Nealey, Nelson G, Niemi, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams J, Wilson S, Winsley, Zellinsky - 49.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove,

Haugen, Hine, King J, King P, King R, Leonard, Locke, Madsen, McMullen, Nelson D, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, and Mr. Speaker - 49.

Mr. Barnes moved adoption of the following amendment by Representatives Barnes and Lundquist:

Beginning on page 34, line 19 strike all material through the end of line 31, page 50.

Renumber remaining sections consecutively and correct internal references accordingly.

Representatives Barnes, Lundquist and Sanders spoke in favor of the amendment, and Ms. Belcher opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Barnes and Lundquist to Substitute House Bill No. 1758, and the amendment was not adopted by the following vote: Yeas, 44; nays, 54.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams J, Wilson S, Winsley - 44.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 54.

Ms. Thomas moved adoption of the following amendment:

On page 58, after line 5, insert the following:

*Sec. 91, Section 13, chapter 182, Laws of 1982 and RCW 19.02.038 are each amended to read as follows:

The business license center shall, with the assistance and full cooperation of the board of review (~~(-conclude the following tasks by the dates indicated)~~) consolidate administration of licenses under a master license, where lawful, and:

(1) ~~((By February 1, 1982:))~~ Ensure that packets containing the forms for the use of the master licensing system, as well as forms for those licenses commonly needed to begin most kinds of businesses, and materials explaining the use of the forms, the system, and the center are available at each headquarters and each field office of the departments of revenue, employment security, labor and industry, and licensing and at the office of the secretary of state;

(2) ~~((By July 1, 1982, revise))~~ Prepare the application forms distributed in subsection (1) of this section such that all of the forms have a common format;

(3) ~~((By January 1, 1983:~~

~~((a)))~~ Identify and maintain a list of those licenses needed to begin most kinds of businesses in the state that should be consolidated and processed under the master license system;

~~((b)))~~ (4) Develop and maintain a checklist for each major category of industry that identifies the license renewal requirements for licenses not included in the master license system;

~~((c)))~~ (5) Identify a schedule for implementing the long-range goals of the business license center, including the use of a common data base by state agencies;

~~((d)))~~ (6) For licenses not processed under the master license system and for which renewal fees are fixed rather than variable, develop a schedule for processing the licenses under the system;

~~((e)))~~ (7) Authorize those offices of the various county auditors that are served by automated fee deposit systems to act as agents for the center to collect fees payable under the master license system;

~~((4) By July 1, 1983:~~

~~((a)))~~ (8) Assign a common business identifier to each master license system account for use by all state agencies;

~~((b)))~~ (9) Develop a common format for issuing all licenses to businesses for which inspections are not required; ~~(and~~

~~(5) By June 30, 1985:))~~ (10) Use the computer services of an agency of the state that has been designated as the state's principal computer services agency, if one has been so designated; and

(11) By January 1, 1987, provide a master license and assign a common business identifier to any person requesting to be registered with the department of revenue under RCW 82.32.030 and provide, where lawful, any other license requested by the person that is available as of the date the master application is received, from the business license center."

Renumber the sections consecutively and correct all internal references accordingly.

POINT OF ORDER

Mr. J. King: "Mr. Speaker, I would ask you to rule on the scope and object of this amendment."

SPEAKER'S RULING

The Speaker: "Substitute House Bill 1758 deals with consolidation of administrative functions of state licensing agencies. The amendment amends the business license center act to expand the duties of the center. The duties of the business license center are a different subject than consolidation of agency administrative functions. Your point is well taken, Representative King."

On motion of Ms. Belcher, the following amendment to the title was adopted: On page 1, line 3 of the title after "18.04.215," strike "18.04.320."

The bill was ordered engrossed and passed to Committee on Rules for third reading.

The Speaker declared the House to be at ease until 7:15 p.m.

EVENING SESSION

The House was called to order at 7:15 p.m. by the Speaker.

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

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1342, by Committee on Commerce & Labor (originally sponsored by Representatives Wang, Patrick, Locke, Wineberry, Appelwick, Dellwo, Niemi, Gallagher, O'Brien, Isaacson, Jacobsen, C. Smith, Armstrong, Nealey, Doty, Unsoeld, Lux, Crane and Fisch)

Affording exhibitors a fair opportunity to bid for motion pictures released in this state.

The bill was read the third time and placed on final passage.

Representatives Wang, Cole, Locke and J. King spoke in favor of passage of the bill, and Representatives Lewis, Isaacson, Smitherman and Lux spoke against it.

Mr. Crane demanded the previous question and the demand was sustained.

On motion of Mr. Padden, the following remarks by Representative Lux were ordered spread upon the Journal:

Mr. Lux: "I had hoped that this bill would never get this far. I had hoped that I wouldn't have to make a decision on something that is as confusing and as compounding as this bill, but here I am. Unfortunately, we only have two buttons up here. We should have a third button and it should be: 'Stick it in your ear.' My confusion with this particular legislation is that I haven't had the time to read all the material I've been given and I would like to postpone this for three or four weeks until we have time to go through all the material. Seriously, the understanding that I have is that art films, festivals and X-rated movies are not in this bill. X-rated movies are those that depict conception and how we bring life on the planet and the movies that we are talking about deal with Rambo and Zambo and how you to blow the blood and the guts up against the wall. As far as I'm concerned I don't really care. I think we shouldn't be making these kinds of decisions down here."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1342, and the bill passed the House by the following vote: Yeas, 56; nays, 42.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Brooks, Brough, Chandler, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Hine, Jacobsen, King J. King R. Leonard, Locke, Lux, McMullen, Nealey, Nelson D, Niemi, Nutley, O'Brien, Patrick, Peery, Rayburn, Rust, Sayan, Scott, Smith C, Smith L, Sommers, Sutherland, Tanner, Taylor, Tilly, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Winsley - 56.

Voting nay: Representatives Ballard, Barnes, Barrett, Betzoff, Bond, Bristow, Day, Dobbs, Doty, Hankins, Haugen, Holland, Isaacson, King P, Kremen, Lewis, Long, Lundquist, Madsen, May, Miller, Nelson G, Padden, Prince, Sanders, Schmidt, Schoon, Silver, Smitherman, Thomas, Todd, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 42.

Engrossed Substitute House Bill No. 1342, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1462, by Representatives Lux, Winsley, Nutley, Holland, Locke, Zellinsky, Grimm, Dellwo, Van Luven, P. King, Addison, Crane, Fisch, Leonard, D. Nelson, Cole, Unsoeld, Fisher, Tilly, Allen, R. King, Wineberry, Wang, Vekich and Rayburn

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

The bill was read the third time and placed on final passage.

Representatives Lux, Winsley and Cole spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1462, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1462, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 1345, by Representatives Belcher, Madsen and Unsoeld

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

The bill was read the third time and placed on final passage.

Representatives Belcher and Hankins spoke in favor of passage of the bill, and Representative Padden opposed it.

POINT OF INQUIRY

Ms. Belcher yielded to question by Mr. Dellwo.

Mr. Dellwo: "Representative Belcher, upon the passage of this legislation, would the Code Reviser's Office still have the authority to secure and employ automatic data processing services as may be necessary to discharge the bill drafting, codification, publication and other duties as directed by law?"

Ms. Belcher: "Yes, that is the intent of the bill."

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1345, and the bill passed the House by the following vote: Yeas, 65; nays, 33.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Smitherman, Sommers,

Sutherland, Tanner, Todd, Unsoeld, Valle, Van Luven, Vekich, Waik, Walker, Wang, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Betrozoff, Bond, Chandler, Dobbs, Doty, Fisch, Fuhrman, Hastings, Holland, Lewis, Long, Lundquist, May, Nealey, Padden, Patrick, Prince, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Vander Stoep, West, Williams J, Wilson S - 33.

Engrossed House Bill No. 1345, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

February 10, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1703,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

February 11, 1986

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 3036,
 SUBSTITUTE SENATE BILL NO. 3310,
 ENGROSSED SENATE BILL NO. 3355,
 SUBSTITUTE SENATE BILL NO. 3369,
 SUBSTITUTE SENATE BILL NO. 3419,
 ENGROSSED SENATE BILL NO. 3636,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3458,
 SUBSTITUTE SENATE BILL NO. 4221,
 SENATE BILL NO. 4452,
 SENATE BILL NO. 4537,
 SUBSTITUTE SENATE BILL NO. 4563,
 SUBSTITUTE SENATE BILL NO. 4572,
 SENATE BILL NO. 4662,
 SENATE BILL NO. 4691,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4704,
 ENGROSSED SENATE BILL NO. 4705,
 ENGROSSED SENATE BILL NO. 4706,
 SUBSTITUTE SENATE BILL NO. 4711,
 SENATE BILL NO. 4723,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4773,
 SUBSTITUTE SENATE BILL NO. 4797,
 SENATE BILL NO. 4890,

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1703.

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

INTRODUCTIONS AND FIRST READING

HCR 26 by Representatives Valle, Long, K. Wilson, Schoon, Ebersole, Betrozoff, Walker, Rayburn, Holland, Taylor, Wang, Todd, P. King, L. Smith, Chandler, Cole, Fuhrman, Wineberry, Winsley, Smitherman, May and Isaacson

Creating a joint select committee to study career ladder.

Referred to Committee on Education.

- SSB 3036 by Committee on Judiciary (originally sponsored by Senator Williams)
 Making the showing of child pornography to minors a class C felony.
 Referred to Committee on Judiciary.
- SSB 3310 by Committee on Judiciary (originally sponsored by Senators Talmadge and Sellar)
 Facilitating election administration.
 Referred to Committee on Constitution, Elections & Ethics.
- ESB 3355 by Senators McDermott, Moore, Deccio, Rasmussen and Talmadge
 Continuing group insurance coverage for unemployed persons.
 Referred to Committee on Financial Institutions & Insurance.
- SSB 3369 by Committee on Governmental Operations (originally sponsored by Senators Talmadge, Fleming, DeJarnatt and Kreidler)
 Authorizing municipalities to make reparations to certain employees who suffered salary losses during World War II.
 Referred to Committee on Local Government.
- SSB 3419 by Committee on Governmental Operations (originally sponsored by Senators Thompson, Zimmerman and McManus)
 Modifying requirements for approval of plats.
 Referred to Committee on Local Government.
- ESSB 3458 by Committee on Financial Institutions (originally sponsored by Senator Conner)
 Mandating lower insurance rates for persons over 55 who have taken an accident prevention course.
 Referred to Committee on Financial Institutions & Insurance.
- ESB 3636 by Senator Moore
 Relating to insurance.
 Referred to Committee on Ways & Means.
- SSB 4221 by Committee on Ways & Means (originally sponsored by Senator Rinehart)
 Funding the state toxicological laboratory.
 Referred to Committee on Ways & Means.
- SB 4452 by Senators McDermott, Zimmerman, Gaspard, Barr, Rasmussen and Conner; by request of Legislative Budget Committee
 Modifying LBC oversight assignments.
 Referred to Committee on State Government.
- SB 4537 by Senators Bauer, Peterson, Patterson, Bender and Vogndil
 Eliminating mandatory court appearance on a charge of driving with an expired license.
 Referred to Committee on Transportation.
- SSB 4563 by Committee on Agriculture (originally sponsored by Senators Bauer, Newhouse, Hansen, Barr and Gaspard)
 Authorizing leases of agricultural fair property by first class or larger counties.
 Referred to Committee on Local Government.

SSB 4572 by Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Goltz, Thompson, Zimmerman and Bluechel)

Modifying shoreline management provisions.

Referred to Committee on Environmental Affairs.

SB 4662 by Senators Kreidler, Bluechel and Talmadge

Authorizing the department of ecology to participate in certain hazardous waste programs.

Referred to Committee on Environmental Affairs.

SB 4691 by Senators Kiskaddon, Newhouse and Vognild

Revising definition of child for industrial insurance purposes.

Referred to Committee on Commerce & Labor.

ESSB 4704 by Committee on Judiciary (originally sponsored by Senators Talmadge, Bluechel, Gaspard, Bender, Wojahn and Granlund)

Revising provisions relating to assault.

Referred to Committee on Judiciary.

ESB 4705 by Senators Talmadge, Bluechel, Garrett, Gaspard, Rasmussen, Bender, Wojahn, Vognild, Peterson and Granlund

Revising provisions relating to sexual offenses.

Referred to Committee on Judiciary.

ESB 4706 by Senators Talmadge, Bluechel, Garrett, Gaspard, Bender and Granlund

Prescribing penalties for criminal mistreatment.

Referred to Committee on Judiciary.

SSB 4711 by Committee on Ways & Means (originally sponsored by Senators McDermott and Rasmussen; by request of Department of Revenue)

Exempting eligible foods purchased with food stamps from sales and use tax.

Referred to Committee on Ways & Means.

SB 4723 by Senators Rinehart, Sellar and Kreidler; by request of State Library

Modifying the authority of the state library commission with regard to the acceptance and allocation of certain grants.

Referred to Committee on State Government.

ESSB 4773 by Committee on Parks & Ecology (originally sponsored by Senators Talmadge, Lee, Kreidler and Bluechel)

Providing for pumpout facilities at certain marinas.

Referred to Committee on Environmental Affairs.

SSB 4797 by Committee on Parks & Ecology (originally sponsored by Senators Bender, Bluechel, Kreidler, Kiskaddon, Talmadge and Zimmerman)

Requiring a report on the underground storage tank problem in Washington state.

Referred to Committee on Environmental Affairs.

SB 4890 by Senators Gaspard, Benitz, McManus, McDermott and Saling

Establishing a coordinating committee on environmental education.

Referred to Committee on Education.

MOTION

On motion of Mr. J. King, the bills and resolution listed on today's supplemental introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

The House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1981, by Representatives Todd, D. Nelson, Peery, Ebersole, J. King, Unsoeld and Long

Revising the requirements for energy conservation plans.

The bill was read the second time. On motion of Mr. D. Nelson, Substitute House Bill No. 1981 was substituted for House Bill No. 1981, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1981 was read the second time.

Mr. Todd moved adoption of the following amendment by Representatives Todd, Long and D. Nelson:

On page 3, line 26 strike all language after "PROVIDED," through page 3, line 27 and insert "That the deduction authorized by subsection 1(b) of this section shall be allowed on or after January 1, 1987 only for those electrical companies that have made energy efficiency improvements on more than thirty percent of the electrically heated residences in their service territories by January 1, 1987 and that do not utilize the tax credit provisions of subsection 6 of this section."

Representatives Todd and Long spoke in favor of the amendment, and Mr. Isaacson opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Todd and others to Substitute House Bill No. 1981, and the amendment was adopted by the following vote: Yeas, 63; nays, 34; absent, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barrett, Basich, Belcher, Braddock, Brekke, Bristow, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Schoon, Scott, Silver, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, and Mr. Speaker - 63.

Voting nay: Representatives Baillard, Barnes, Baugher, Betzoff, Bond, Brooks, Chandler, Dobbs, Fuhrman, Hankins, Hastings, Isaacson, Lewis, Lundquist, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Walker, West, Williams B, Williams J, Zellinsky - 34.

Absent: Representative Winsley - 1.

On motion of Mr. Todd, the following amendments were adopted:

On page 3, line 14 strike "~~(shall)~~ may" and insert "shall"

On page 4, line 22 after "section" insert "or the deduction authorized by subsection 1(b) of this section"

The bill was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

Mr. Barrett moved that the Committee on Ways & Means be relieved of HOUSE BILL NO. 1944, and that it be placed at the top of today's second reading calendar.

SPEAKER'S RULING

The Speaker: "Representative Barrett, your motion is out of order. Rule 25(D)(2) indicates that a majority of the members can relieve a committee of a bill. The cut-off resolution, SCR 125, indicates that Monday, February 10, 1986, the 29th Day, was the final day for a committee to report a bill out with the exceptions of the supplemental budget, appropriations and public worth. Your motion is out of order."

HOUSE BILL NO. 1992, by Representatives Wineberry, Grimm, Vander Stoep, J. King, Holland, Allen, Niemi, Tilly, O'Brien, Appelwick, Basich, Unsoeld, Jacobsen, Hine, Fisher, McMullen, Smitherman, Locke, Belcher, Lux, D. Nelson, Braddock, Madsen, Rust, Kremen, Addison, Cole, Sayan, Leonard, Todd, Lewis, Vekich, Hargrove, Bristow and Hankins

Restricting state investments in countries with apartheid policies.

The bill was read the second time. On motion of Mr. Grimm, Substitute House Bill No. 1992 was substituted for House Bill No. 1992, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1992 was read the second time.

Mr. G. Nelson moved adoption of the following amendment:

On page 1, line 12 following "ownership" insert "or any provision of funds which support the operation of a business firm"

Representatives G. Nelson and Wineberry spoke in favor of the amendment, and it was adopted.

Mr. G. Nelson moved adoption of the following amendment:

On page 1, line 13 following "any corporation" insert "operating as a nonprofit or for profit entity and"

Representatives G. Nelson and Wineberry spoke in favor of the amendment and it was adopted.

Mr. Bond moved adoption of the following amendment:

On page 1, beginning with "In" on line 28 strike all material through "Inc." on page 2, line 3.

Mr. Bond spoke in favor of the amendment, and Mr. Grimm opposed it.

The amendment was not adopted.

Mr. Dobbs moved adoption of the following amendment:

On page 2, line 6 strike "only"

Mr. Dobbs spoke in favor of the amendment, and Mr. Braddock spoke against it.

The amendment was not adopted.

Mr. Padden moved adoption of the following amendment:

On page 2, beginning with "This" on line 6 strike all material through "Namibia." on line 7.

Mr. Padden spoke in favor of the amendment, and Mr. Braddock opposed it.

The amendment was not adopted.

Mr. West moved adoption of the following amendments:

On page 2, line 27 following "a country" insert "; or which adopts a policy to ratify and abide by the Sullivan Principles which contain codes of conduct for companies operating in South Africa"

On page 2, line 34 following "country" insert "; or which adopts a policy to ratify and abide by the Sullivan Principles which contain codes of conduct for operating in South Africa"

Representatives West and Bond spoke in favor of the amendments, and Representative Wineberry opposed them.

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

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative West to Substitute House Bill No. 1992, and the amendments were not adopted by the following vote: Yeas, 37; nays, 61.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Fuhrman, Hankins, Hastings, Isaacson, Long, Lundquist, May, Miller, Nealey, Nelson G. Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C. Smith L. Taylor, Thomas, Tilly, van Dyke, West, Williams B, Williams J, Wilson S - 37.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher,

Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsöld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 61.

Mr. Padden moved adoption of the following amendments:

On page 2, following line 9 add "Discrimination' means an official policy of denying political, educational, or economic rights on the basis of race, creed, color, national origin, or religion."

On page 2, line 2 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 2, line 13 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 2, line 19 strike "an" and on line 20 strike "apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 2, line 20 strike "an" and on line 21 strike "apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 2, line 26 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 2, line 33 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 3, line 4 strike "an" and on line 5 strike "apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 3, line 31 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 5, line 13 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 5, line 18 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 9, line 15 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 9, line 20 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 11, line 16 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 11, line 21 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 13, line 6, strike "an apartheid" and insert "a" and on line 7 following "policy" insert "of discrimination, including apartheid"

On page 13, line 12 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 17, line 1 strike "an apartheid" and insert "a" and on line 2 following "policy" insert "of discrimination, including apartheid"

On page 17, line 7 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 19, line 14 strike "an" and on line 15 strike "apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 19, line 33 strike "an" and on line 34 strike "apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

On page 21, line 9 strike "an apartheid" and insert "a" and on line 10 following "policy" insert "of discrimination, including apartheid"

On page 21, line 15 strike "an apartheid" and insert "a" and following "policy" insert "of discrimination, including apartheid"

POINT OF ORDER

Mr. J. King: "Mr. Speaker, I would ask you to rule on this amendment as to the scope and object."

SPEAKER'S RULING

The Speaker: "House Rule 12(D) provides that no amendment shall be allowed which shall change the scope and object of the bill. The Speaker has examined SHB 1992 and the amendment. The bill restricts certain state investments in business firms doing business in any country having an apartheid policy. The bill is limited to this single purpose. The amendment would expand the list of prohibited investments to include investments in business firms doing business in any country having a policy of discrimination as defined in the amendment. This new definition would

go beyond the subject of countries practicing an official policy of apartheid. Therefore, the Speaker finds this amendment changes the scope of Substitute House Bill No. 1992. Your point is well taken, Representative King."

Mr. Bond moved adoption of the following amendment:

On page 21 following line 19 add

NEW SECTION, Sec. 20. A new section is added to chapter 41.26 RCW to read as follows:

The contribution rate for members set pursuant to RCW 41.26.450 shall not be increased due to the operation of sections 2 and 3 of this act. If sections 2 and 3 of this act result in reduced investment earnings for the moneys contributed under RCW 41.26.450, the legislature shall appropriate such moneys as is needed to offset the reduced investment earnings.

NEW SECTION, Sec. 21. A new section is added to chapter 41.32 RCW to read as follows:

The contribution rate for members set pursuant to RCW 41.32.775 shall not be increased due to the operation of sections 2 and 3 of this act. If sections 2 and 3 of this act result in reduced investment earnings for the moneys contributed under RCW 41.32.775, the legislature shall appropriate such moneys as is needed to offset the reduced investment earnings.

NEW SECTION, Sec. 22. A new section is added to chapter 41.40 RCW to read as follows:

The contribution rate for members set pursuant to RCW 41.40.650 shall not be increased due to the operation of sections 2 and 3 of this act. If sections 2 and 3 of this act result in reduced investment earnings for the moneys contributed under RCW 41.40.650, the legislature shall appropriate such moneys as is needed to offset the reduced investment earnings."

Representatives Bond, Padden and Sanders spoke in favor of the amendment, and Ms. Sommers opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Bond to Substitute House Bill No. 1992, and the amendment was not adopted by the following vote: Yeas, 37; nays, 61.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Isaacson, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, van Dyke, Van Luven, Walker, West, Williams B, Williams J, Wilson S - 37.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Tilly, Todd, Unsoeld, Valle, Vander Sloep, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 61.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE JOINT RESOLUTION NO. 58, by Representatives Fisher, S. Wilson, Leonard, Barrett, Haugen, Sommers, Zellinsky, Miller, Barnes, Day, Nealey, Walker, Fisch, Madsen, Winsley, Long, Patrick, Crane, May and Schoon

Lengthening legislative terms.

The resolution was read the second time. Committee on Constitution, Elections & Ethics recommendation: Majority, do pass as amended. (For amendment, see Journal, 26th Day, February 7, 1986.)

Ms. Fisher moved adoption of the committee amendment.

Representatives S. Wilson and Appelwick spoke against the committee amendment, and it was not adopted.

Mr. Patrick moved adoption of the following amendments by Representatives Patrick, Barnes and Fisher:

On page 1, line 23 strike "greatest number" and insert "highest winning percentage"

On page 1, line 26 strike "number" and insert "winning percentage"

Representatives Patrick and Barnes spoke in favor of the amendments, and Representatives Appelwick and West opposed them.

The amendments were not adopted.

Mr. Barnes moved adoption of the following amendment:

On page 2, line 4 strike "seek" and insert "accept"

Mr. Barnes spoke in favor of the amendment, and Representatives Fisher and S. Wilson opposed it.

The amendment was not adopted.

Mr. S. Wilson moved adoption of the following amendment:

On page 2, line 4 following "other" insert "legislative"

Representatives S. Wilson and Appelwick spoke in favor of the amendment, and Mr. Barnes opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative S. Wilson to House Joint Resolution No. 58, and the amendment was adopted by the following vote: Yeas, 84; nays, 11; absent, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Bond, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Kremen, Leonard, Lewis, Locke, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Barnes, Belcher, Betzoff, Brough, Hankins, Hargrove, King R, Long, Nelson G, Prince, Taylor - 11.

Absent: Representatives Chandler, Dellwo, Tilly - 3.

The resolution was ordered engrossed. Mr. Appelwick moved that the rules be suspended, the second reading considered the third, and Engrossed House Joint Resolution No. 58 be placed on final passage.

A division was called.

ROLL CALL

The Clerk called the roll on the motion to suspend the rules and advance Engrossed House Joint Resolution No. 58 to final passage, and the motion failed to receive the two-thirds majority, by the following vote: Yeas, 57; nays, 41.

Voting yea: Representatives Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Chandler, Cole, Day, Dellwo, Ebersole, Fisch, Grimm, Hargrove, Haugen, Hine, King J, King P, Kremen, Leonard, Lewis, Lundquist, Madsen, May, McMullen, Miller, Nelson D, Niemi, Nutley, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Smitherman, Sommers, Sutherland, Tanner, Thomas, Todd, Valle, Van Luven, Vekich, Walk, Walker, Williams J, Wilson S, Winsley, Zellinsky - 57.

Voting nay: Representatives Addison, Allen, Barnes, Betzoff, Bond, Brooks, Brough, Crane, Dobbs, Doty, Fisher, Fuhrman, Gallagher, Hankins, Hastings, Holland, Isaacson, Jacobsen, King R, Locke, Long, Lux, Nealey, Nelson G, O'Brien, Padden, Prince, Sanders, Schoon, Smith L, Taylor, Tilly, Unsoeld, van Dyke, Vander Stoep, Wang, West, Williams B, Wilson K, Wineberry, and Mr. Speaker - 41.

Engrossed Substitute House Joint Resolution No. 58 was passed to Committee on Rules for third reading.

HOUSE CONCURRENT RESOLUTION NO. 19, by Representatives Fisch, Hargrove, Fisher, Miller, Schoon, Lux, Peery, J. King, Unsoeld, Brough, Allen, Sutherland, Winsley, Vekich, G. Nelson and Wang

Directing the department of ecology to report to the legislature on the prevention and cleanup of oil spills.

The resolution was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass with the following amendment:

On page 1, line 19 after "(3)" insert "containment and"

On motion of Ms. Rust, the committee amendment was adopted.

On motion of Ms. Rust, the following amendment was adopted:
On page 1, line 23 after "the" insert "appropriate standing committee of the"

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House House Concurrent Resolution No. 19, and the resolution was adopted by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Loven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed House Concurrent Resolution No. 19, having received the constitutional majority, was declared adopted.

HOUSE BILL NO. 1681, by Representatives Sayan, Sommers, Grimm, Brekke, Tilly, B. Williams, G. Nelson, Zellinsky, Schmidt, Haugen, S. Wilson, Cole, Valle, Braddock, Brough and J. Williams; by request of Legislative Budget Committee

Revising criteria for salary surveys for marine employees of the state.

The bill was read the second time. On motion of Ms. Belcher, Substitute House Bill No. 1681 was substituted for House Bill No. 1681, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1681 was read the second time.

Ms. Belcher moved adoption of the following amendments by Representatives Belcher and Sommers:

On page 1, line 12 strike "~~directly comparable~~" and insert "directly comparable and"

On page 1, at the beginning of line 14 insert "directly comparable or"

On page 1, line 16 strike "using the concepts of comparable worth" and insert "using an analysis of job elements and qualifications"

Representatives Belcher and Sanders spoke in favor of the amendments and they were adopted.

Mr. G. Nelson moved adoption of the following amendment:

On page 1, following line 22 insert:

"The commission shall cause the comparable worth of each position to be determined, as that term is defined in RCW 41.06.020, so as to allow the state of Washington to adopt a comparable worth salary system for its marine employees."

Mr. G. Nelson spoke in favor of the amendment, and Mr. Sayan opposed it.

The amendment was not adopted.

The resolution was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1479, by Representatives Leonard, Crane, Cole, Dellwo, Lewis, Lux, Appelwick, Winsley, Allen, Scott, Jacobsen, Braddock and P. King

Modifying criteria for approval of methadone treatment services.

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 1479 was substituted for House Bill No. 1479, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1479 was read the second time.

Mr. Locke moved adoption of the following amendment by Representatives Locke, Brooks, Belcher, Niemi, Armstrong and Tanner:

On page 2, line 27 after "treatment," insert "Where a county has not prohibited methadone treatment, the county shall contract with any program that meets the applicable treatment standards for operation in that county: PROVIDED, That if any program requires funding by or through a county, the county shall contract only to the extent that funds are available to fund that and other programs. County standards may exceed or supplement state regulations and may include criteria for the need for and location of additional methadone programs."

Representatives Locke, Brooks and Schoon spoke in favor of the amendment, and Representatives Ebersole, Leonard and Brekke opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Locke and others to Substitute House Bill No. 1479, and the amendment was adopted by the following vote: Yeas, 61; nays, 37.

Voting yea: Representatives Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Belcher, Betzoff, Bond, Bristow, Brooks, Brough, Chandler, Crane, Day, Dobbs, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, King P, King R, Kremen, Locke, Long, May, McMullen, Miller, Nealey, Nelson G, Niemi, O'Brien, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Tanner, Thomas, Tilly, Unsoeld, van Dyke, Van Luven, Vander Stoep, Walker, Wang, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 61.

Voting nay: Representatives Appelwick, Basich, Baugher, Braddock, Brekke, Cole, Dellwo, Doty, Ebersole, Fisch, Fisher, Hine, Jacobsen, King J, Leonard, Lewis, Lundquist, Lux, Madsen, Nelson D, Nutley, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Taylor, Todd, Valle, Vekich, Walk, Wilson K, Wineberry, and Mr. Speaker - 37.

The Clerk read the following amendment by Representative Schoon:

On page 3, following line 12 insert:

"NEW SECTION. Sec. 5. The provisions of this act shall not apply to existing methadone programs but shall apply only to those applicants applying for certification after December 1, 1986."

With the consent of the House, Mr. Schoon withdrew the amendment.

Substitute House Bill No. 1479 was ordered engrossed and passed to Committee on Rules for third reading.

MOTION

On motion of Mr. J. King, the House adjourned until 9:00 a.m., Thursday, February 13, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

THIRTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, February 13, 1986

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Dobbs, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Chad Smith and Teri Plante. Prayer was offered by Reverend Mark Schaulfer from the Faith Assembly of Lacey.

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

MESSAGE FROM THE SENATE

February 12, 1986

Mr. Speaker:

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 3110,
 ENGROSSED SENATE BILL NO. 3334,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3439,
 ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 3517,
 REENGROSSED SENATE BILL NO. 3527,
 SUBSTITUTE SENATE BILL NO. 3532,
 SENATE BILL NO. 4448,
 SENATE BILL NO. 4490,
 SUBSTITUTE SENATE BILL NO. 4491,
 ENGROSSED SENATE BILL NO. 4500,
 SENATE BILL NO. 4505,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4519,
 SENATE BILL NO. 4521,
 SENATE BILL NO. 4538,
 SENATE BILL NO. 4604,
 SENATE BILL NO. 4628,
 SENATE BILL NO. 4637,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4641,
 SENATE BILL NO. 4644,
 SENATE BILL NO. 4657,
 ENGROSSED SENATE BILL NO. 4678,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4717,
 SUBSTITUTE SENATE BILL NO. 4719,
 SENATE BILL NO. 4891,
 SENATE BILL NO. 4894,
 ENGROSSED SENATE BILL NO. 5033,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 135.

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF STANDING COMMITTEE

February 12, 1986

SB 4443 Prime Sponsor, Senator Rinehart: Providing for ongoing absentee voter status for blind persons. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Barnes, Barrett, Day, Fisch, Madsen, Miller, Nealey, Sommers and Walker.

Absent: Representative Leonard, Vice Chair.

Passed to Committee on Rules for second reading.

The House advanced to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 771, by Committee on Transportation (originally sponsored by Representatives Valle, Patrick, Rust, Hankins, Unsoeld, Haugen, K. Wilson, Fisch and Jacobsen)

Creating a state bicycle safety program.

The bill was read the third time and placed on final passage.

Representatives Valle and Brooks spoke in favor of passage of the bill, and Representative Schmidt spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 771, and the bill passed the House by the following vote: Yeas, 71; nays, 26; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Brooks, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 71.

Voting nay: Representatives Ballard, Barnes, Betrozoff, Bond, Bristow, Brough, Chandler, Fuhrman, Hastings, Lewis, Lundquist, May, Nealey, Padden, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Thomas, van Dyke, Van Luven, Williams B, Williams J, Zellinsky - 26.

Excused: Representative Dobbs - 1.

Substitute House Bill No. 771, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Tilly was excused.

ENGROSSED HOUSE BILL NO. 1475, by Representatives West, Valle, Schoon, Brooks, Barrett, Haugen, Patrick and Long

Regulating the sale of smokeless tobacco products.

The bill was read the third time and placed on final passage.

Representatives West, Valle, Taylor and Padden spoke in favor of passage of the bill, and Representative Ebersole opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1475, and the bill passed the House by the following vote: Yeas, 79; nays, 17; excused, 2.

Voting yea: Representatives Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Fisch, Fuhrman, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, May, Miller, Nealey, Nelson D, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Valle, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 79.

Voting nay: Representatives Appelwick, Brekke, Ebersole, Fisher, Gallagher, King R, Madsen, McMullen, Niemi, Rust, Sayan, Unsoeld, Vekich, Walk, Wang, Wilson K, Wineberry - 17.

Excused: Representatives Dobbs, Tilly - 2.

Engrossed House Bill No. 1475, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Dobbs appeared at the bar of the House.

The Speaker assumed the Chair.

SPEAKER'S PRIVILEGE

The Speaker appointed Representatives Basich, Sayan, Fisch and Hargrove to escort the Washington State Dairy Princess to the rostrum.

The Speaker introduced Princess Zena Edwards and Alternate Princesses Teresa Rothlin and Kristen Ekstran.

Princess Zena Edwards briefly addressed the House.

The committee was instructed to escort the Princess from the House Chambers.

SECOND SUBSTITUTE HOUSE BILL NO. 1505, by Committee on Ways & Means (originally sponsored by Representatives Smitherman, Wineberry, Hargrove, Brekke, McMullen, Schoon, Unsoeld, J. King, Jacobsen, B. Williams, D. Nelson, Zellinsky, Tanner, Ballard, S. Wilson, Fisher, Kremen, Braddock, Peery, Long, Silver, Addison, Brough, May, Doty, Wang, P. King, Todd and Niemi)

Establishing a pilot project to employ those hard to employ.

The bill was read the third time and placed on final passage.

Representatives Smitherman and Hargrove spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 1505, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P. King R. Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D. Nelson G. Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B. Williams J. Wilson K. Wilson S. Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Tilly - 1.

Second Substitute House Bill No. 1505, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1968, by Representatives Leonard, Winsley, J. King, Lewis, Scott, C. Smith, Lux, Appelwick, Tanner, Barrett, Hankins, Brekke, B. Williams, Day, Madsen, K. Wilson, Sutherland, Todd, Rayburn, Lundquist and Doty

Requiring the establishment of approved pharmaceuticals for use by optometrists.

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 1968 was substituted for House Bill No. 1968, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1968 was read the second time.

Ms. Haugen moved adoption of the following amendment by Representatives Haugen, S. Wilson, Niemi, Ballard, Zellinsky, Walker, Smitherman, G. Nelson, Baugher, Patrick, Schmidt and J. Williams:

On page 1, after line 3, strike all language through the period on line 16, page 16 and insert:

NEW SECTION. Sec. 1. The state health coordinating council, pursuant to its duties described in chapter 18.120.040 and in consideration of its findings and recommendations made in connection with the review of proposed legislation authorizing licensed optometrists to use topically applied drugs for therapeutic purposes, shall provide a forum for coordinating the negotiations between the interested parties on the proposed legislation, including the Washington Optometric Association and the Washington State Academy of Ophthalmologists,

for the purposes of discussing mutual issues of concern, including protocols for referrals and possible compromise positions relative to the legislation.

NEW SECTION, Sec. 2. The council shall call a meeting, and such other meetings as may be necessary and appropriate, during the interim following the adjournment of the 1986 legislative session, for the purposes described in section 1, and shall invite as participants a minimum of three active practitioners, now practicing in the state of Washington, from both the optometry and ophthalmology professions respectively; an optometric educator and an ophthalmology educator recommended by such professional associations; as well as designated individuals to act as resources or observers, including a representative of the board of pharmacy, staff from the council, staff from the Senate and House committees of reference, and a representative of the public, selected by the council. The council shall report its findings, any accommodations arrived at during the negotiations and recommendations to the legislative committees of reference prior to December 1, 1986."

POINT OF ORDER

Mr. Lewis: "Mr. Speaker, I would ask for your ruling on both scope and object and whether or not this amendment is germane to Substitute House Bill No. 1968."

SPEAKER'S RULING

The Speaker: "Representative Lewis, the Speaker has examined Substitute House Bill No. 1968 and the amendment. The Speaker, in examining both, believes that the amendment is within the scope and object. Your point is not well taken."

Representatives Haugen and D. Nelson spoke in favor of the amendment, and Representatives Leonard, K. Wilson and Lewis opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Haugen and others to Substitute House Bill No. 1968, and the amendment was not adopted by the following vote: Yeas, 36; nays, 61; excused, 1.

Voting yea: Representatives Ballard, Barnes, Baugher, Betrozoff, Bond, Braddock, Brooks, Dobbs, Doty, Fuhrman, Hargrove, Hastings, Haugen, Isaacson, King J. Kremen, Long, May, Miller, Nelson D. Nelson G. Niemi, Patrick, Rust, Schmidt, Schoon, Smitherman, Taylor, Thomas, Unsold, van Dyke, Walker, West, Williams J. Wilson S. Zellinsky - 36.

Voting nay: Representatives Addison, Allen, Appelwick, Armstrong, Barrett, Basich, Belcher, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hine, Holland, Jacobsen, King P. King R. Leonard, Lewis, Locke, Lundquist, Lux, Madsen, McMullen, Nealey, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Sanders, Sayan, Scott, Silver, Smith C, Smith L, Sommers, Sutherland, Tanner, Todd, Valle, Van Luven, Vander Stoep, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 61.

Excused: Representative Tilly - 1.

The bill was passed to Committee on Rules for third reading.

HOUSE BILL NO. 529, by Representatives Wang, Madsen, P. King and Sanders

Authorizing sale of wine at auto racetracks.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 529 was substituted for House Bill No. 529, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 529 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 529, and the bill passed the House by the following vote: Yeas, 85; nays, 12; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P. King R. Kremen, Leonard, Lewis, Long, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D. Nelson G. Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C,

Smitherman, Sommers, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Barnes, Bond, Brekke, Hargrove, Locke, Lundquist, Patrick, Schmidt, Smith L, Sutherland, Vander Stoep, Williams B - 12.

Excused: Representative Tilly - 1.

Substitute House Bill No. 529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 711, by Representatives Lewis, Armstrong, Barrett, Ebersole, Rayburn, Doty and Isaacson

Revising provisions about juveniles with three diversion agreements.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 711 was substituted for House Bill No. 711, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 711 was read the second time. On motion of Mr. Dellwo, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lewis and Armstrong spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 711, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Wang - 1.

Excused: Representative Tilly - 1.

Substitute House Bill No. 711, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1148, by Representatives Belcher, Locke, Armstrong, Valle, Fisher, Crane, Wang, R. King, Tanner, Allen, Miller, Long, Brekke, Niemi, Lewis, Cole, Leonard, Wineberry and Van Luven

Regulating strip searches.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 1148 was substituted for House Bill No. 1148, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1148 was read the second time.

On motion of Mr. Armstrong, the following amendments were adopted:

On page 1, line 19 strike "or other"

On page 1, line 20 after "contraband," insert "or other thing"

On page 2, line 10 strike "69.50" and insert "69.41, 69.50 or 69.52."

On page 2, line 23 after "weapon," strike everything through "or" on line 24 and insert "criminal evidence, contraband, or other thing is concealed on the body, or whether"

On page 3, line 13 strike "other contraband," and insert "contraband, or other thing."

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1148, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Tilly - 1.

Engrossed Substitute House Bill No. 1148, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1218, by Representatives Walk and Tilly

Relating to transportation.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1218 was substituted for House Bill No. 1218, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1218 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives K. Wilson and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1218, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Tilly - 1.

Substitute House Bill No. 1218, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1392, by Representatives Rayburn and Baugher

Changing the designation of the coordinating agency for the association of irrigation districts.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1392, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King

P. King R. Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Tilly - 1.

House Bill No. 1392, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. J. King, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The House was called to order at 3:00 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Bristow, May, Nealey, Schoon, L. Smith and Tilly. Representatives Schoon and Tilly were excused.

MESSAGE FROM THE SENATE

February 13, 1986

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1703,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

The House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

2SSB 3110 by Committee on Ways & Means (originally sponsored by Senators Wojahn, Zimmerman, Gaspard, Vognild, Sellar, Thompson, Deccio, Johnson and Conner)

Modifying the business and occupation taxation of the income from amusement devices.

Referred to Committee on Ways & Means.

ESB 3334 by Senators McManus, Benitz, Bender, Newhouse, Vognild and Deccio

Authorizing joint purchase agreements for private school bus maintenance.

Referred to Committee on Education.

ESSB 3439 by Committee on Education (originally sponsored by Senators Gaspard, McDermott, Bauer, Deccio, Sellar, Vognild, Johnson and Wojahn)

Requiring a specified staff student ratio for vocational education programs.

Referred to Committee on Education.

E3SSB 3517 by Committee on Ways & Means (originally sponsored by Senators Bauer, Gaspard, Benitz, Moore, Bender, Rinehart and Johnson; by Temporary Committee on Educational Policies request)

Providing an adult literacy program.

Referred to Committee on Education.

ReESB 3527 by Senators Bender, Bauer, Lee and Gaspard

Revising limitations on the ratio of students to teachers in grades K-3.

Referred to Committee on Education.

- SSB 3532 by Committee on Commerce & Labor (originally sponsored by Senator Moore; by Liquor Control Board request)
Revising provisions relating to liquor licensed premises.
Referred to Committee on Commerce & Labor.
- SB 4448 by Senators Thompson and Zimmerman
Modifying publication notice requirements for improvement districts.
Referred to Committee on Local Government.
- SB 4490 by Senators Talmadge, Halsan and Newhouse
Revising the business corporations act.
Referred to Committee on Judiciary.
- SSB 4491 by Committee on Judiciary (originally sponsored by Senators Newhouse, Halsan and Talmadge)
Changing provisions relative to nonprofit corporations.
Referred to Committee on Judiciary.
- ESB 4500 by Senators Granlund, Bender, Gaspard, McManus, Hansen, Bauer, Rinehart, Warnke, Garrett, Goltz and Fleming
Revising the basic education formula.
Referred to Committee on Education.
- SB 4505 by Senators Thompson and Zimmerman; by request of State Auditor
Establishing bid limits for special purpose districts under chapter 85.38 RCW.
Referred to Committee on Local Government.
- ESSB 4519 by Committee on Ways & Means (originally sponsored by Senators McDermott and Bottiger; by request of Governor)
Adopting provisions on water quality.
Referred to Committee on Ways & Means.
- SB 4521 by Senators Thompson, Zimmerman and Rinehart
Establishing a fellowship program in forensic pathology.
Referred to Committee on Higher Education.
- SB 4538 by Senators Warnke, Newhouse, Benitz, Wojahn and Conner; by request of Liquor Control Board
Establishing a wine grower's license for sale of wine.
Referred to Committee on Commerce & Labor.
- SB 4604 by Senators Granlund, Gaspard, Johnson, Wojahn, Bottiger, Rasmussen, Warnke and von Reichbauer
Extending the time for certain community college tuition waivers.
Referred to Committee on Higher Education.
- SB 4628 by Senators Gaspard, Rinehart and Benitz
Specifying the number of members constituting a quorum for the college board.
Referred to Committee on Higher Education.
- SB 4637 by Senators Williams and Saling; by request of Utilities and Transportation Commission
Modifying certain practices in proceedings of the utilities and transportation commission.
Referred to Committee on Energy & Utilities.

ESSB 4641 by Committee on Ways & Means (originally sponsored by Senators McDermott, Hayner, Bottiger, Thompson and Zimmerman)

Providing revenue for local government construction.

Referred to Committee on Ways & Means.

SB 4644 by Senators Vognild, Newhouse, Wojahn and Rasmussen; by request of Employment Security Department

Including tips as wages for unemployment compensation purposes.

Referred to Committee on Commerce & Labor.

SB 4657 by Senators Talmadge, DeJarnatt, Kreidler, Moore, Newhouse and McDonald; by request of Department of Social and Health Services

Authorizing prosecution of class C felonies under chapter 74.04 RCW within five years of their commission.

Referred to Committee on Judiciary.

ESB 4678 by Senators Vognild, Newhouse and Warnke

Revising provisions relating to job site safety inspections.

Referred to Committee on Commerce & Labor.

ESSB 4717 by Committee on Parks & Ecology (originally sponsored by Senators Talmadge, Vognild and Bluechel)

Adopting the water quality joint development act.

Referred to Committee on Local Government.

SSB 4719 by Committee on Ways & Means (originally sponsored by Senators Talmadge, McDermott and Rasmussen; by request of Office of Financial Management)

Appropriating funds for the developmentally disabled.

Referred to Committee on Social & Health Services.

SB 4891 by Senators Vognild and Cantu

Permitting certain requirements for motor vehicle dealers to be waived.

Referred to Committee on Commerce & Labor.

SB 4894 by Senators Conner, Granlund, Hayner, Bottiger and Bauer

Increasing benefits for volunteer firemen.

Referred to Committee on Ways & Means.

ESB 5033 by Senators Gaspard and Saling; by request of Superintendent of Public Instruction

Providing for voluntary accreditation of preschools.

Referred to Committee on Education.

SSJM 135 by Committee on Commerce & Labor (originally sponsored by Senators Bottiger, Warnke, Goltz, Vognild and Lee)

Requesting federal enactment of legislation to provide additional customs inspectors for the West Coast.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Mr. Appelwick, the bills and memorial listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

The House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1433, by Representatives Tilly, Grimm, Bristow, Hastings, Sayan, B. Williams, Braddock, Long, Holland, Brekke, Silver, G. Nelson, C. Smith, Jacobsen, Bond, Miller, Van Luven and P. King

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

The bill was read the second time. On motion of Mr. Grimm, Substitute House Bill No. 1433 was substituted for House Bill No. 1433, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1433 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Grimm, G. Nelson and Barrett spoke in favor of passage of the bill, and Representatives Hine and Hargrove spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1433, and the bill passed the House by the following vote: Yeas, 59; nays, 32; absent, 5; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Belcher, Bond, Braddock, Brekke, Brooks, Brough, Crane, Dellwo, Doty, Fisch, Grimm, Hankins, Hastings, Haugen, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Lewis, Locke, Long, Lux, Madsen, McMullen, Miller, Nelson G, Niemi, Nutley, Padden, Patrick, Rust, Sanders, Scott, Silver, Smith C, Smitherman, Tanner, Taylor, Thomas, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Walk, Wang, West, Williams B, Winsley - 59.

Voting nay: Representatives Basich, Baugher, Betrozoff, Chandler, Cole, Day, Dobbs, Fisher, Fuhrman, Gallagher, Hargrove, Hine, Leonard, Lundquist, Nelson D, O'Brien, Peery, Prince, Rayburn, Sayan, Schmidt, Sommers, Sutherland, Todd, Vekich, Walker, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 32.

Absent: Representatives Bristow, Ebersole, May, Nealey, Smith L - 5.

Excused: Representatives Schoon, Tilly - 2.

Substitute House Bill No. 1433, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Ebersole, May and L. Smith appeared at the bar of the House.

HOUSE BILL NO. 1484, by Representatives Peery, Brough, Nutley, May, Haugen, Sutherland, Rayburn, Baugher and P. King

Revising provisions relating to the creation of metropolitan park districts.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1484 was substituted for House Bill No. 1484, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1484 was read the second time.

On motion of Mr. Zellinsky the following amendments were adopted:

On page 2, beginning on line 12 strike "))) The voters of a city of three thousand or more population" and insert "~~thousand or more population~~) The voters of any city or town"

On page 3, after line 23, insert the following:

"Sec. 7. Section 36.69.090, chapter 4, Laws of 1963 as last amended by section 30, chapter 126, Laws of 1979 ex. sess. and RCW 36.69.090 are each amended to read as follows:

Elections for park and recreation district commissioners shall be held biennially in conjunction with the general election on the first Tuesday after the first Monday of November in each odd-numbered year. Residence anywhere within the district shall qualify an elector for any position on the commission after the initial election. Following the initial election declarations of candidacy for the office of commissioner shall be filed with the county auditor not more than sixty nor less than forty-six days prior to said election. Any candidate may withdraw his declaration at any time to and including the first Friday after the last day for filing a declaration of candidacy. All names of candidates to be voted upon shall be printed upon the ballot alphabetically in a group under the designation of the title of the offices for which they are candidates. There shall be no rotation of names.

All commissioners shall serve until their successors are elected and qualified and assume office in accordance with RCW 29.04.170. At the first election following the formation of the district, the ~~((candidate receiving the highest number of votes shall serve for a term of six years; the))~~ two candidates receiving the ~~((next))~~ highest number of votes shall serve for four years and the ~~((two))~~ three candidates receiving the next highest number of votes shall serve for two years. Thereafter all commissioners shall be elected for ~~((six))~~ four year terms. As of the effective date of this section, the terms of all commissioners shall be reduced two years, to reflect the reduction from six-year terms of office to four-year terms of office.

On page 1, line 2 of the title after "35.61.020," strike "and 35.61.030" and insert "35.61.030, and 36.69.090"

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Peery and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1484, and the bill passed the House by the following vote: Yeas, 92; nays, 2; absent, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Hine, Isaacson - 2.

Absent: Representatives Bristow, Nealey - 2.

Excused: Representatives Schoon, Tilly - 2.

Engrossed Substitute House Bill No. 1484, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Nealey appeared at the bar of the House.

HOUSE BILL NO. 1567, by Representatives Tanner, Appelwick, Miller, Wang and P. King

Designating a state folk song.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick, Basich, Miller and Hankins spoke in favor of passage of the bill, and Representatives Van Luven and Sanders spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1567, and the bill passed the House by the following vote: Yeas, 74; nays, 21; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Ballard, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Brekke, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Gallagher, Grimm, Hankins, Hastings, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Scott, Silver, Smith L, Smitherman, Sommers, Sutherland, Taylor, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 74.

Voting nay: Representatives Armstrong, Barnes, Braddock, Chandler, Dobbs, Fisher, Fuhrman, Hargrove, Holland, Isaacson, Nealey, Niemi, Padden, Sanders, Schmidt, Smith C, Tanner, Thomas, van Dyke, Van Luven, West - 21.

Absent: Representative Bristow - 1.

Excused: Representatives Schoon, Tilly - 2.

House Bill No. 1567, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1630, by Representatives Lux, Barrett and Nutley; by request of Insurance Commissioner

Revising health care service contractor provisions.

The bill was read the second time.

On motion of Ms. Niemi, the following amendment by Representatives Niemi, Lux and Prince was adopted:

On page 1, line 13 after "custodial," insert "community mental health,"

Mr. Isaacson moved adoption of the following amendment by Representatives Isaacson and Lux:

On page 3, beginning on line 14 strike "(or (h))" and insert "(or)

(h) If it fails to provide coverage for adopted or prospective adopted children from the earlier of physical placement of a child with the adoptive parents or the time of entry of an order of a court of competent jurisdiction granting custody on a temporary or permanent basis to the adoptive parents; or

(i)

Representatives Isaacson and Lux spoke in favor of the amendment, and it was adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lux and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1630, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Bristow, West - 2.

Excused: Representatives Schoon, Tilly - 2.

Engrossed House Bill No. 1630, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1673, by Representatives Jacobsen, Rayburn, Doty, Smitherman, Wineberry, Scott, Belcher, B. Williams, Padden, Peery, Sayan, Niemi, Vekich, Fisch, Leonard, D. Nelson, Madsen, McMullen, Unsoeld, Dellwo, Hargrove, Crane, Locke, Todd, Wang, P. King, May, Winsley and Lux

Encouraging employee owned businesses.

The bill was read the second time. On motion of Mr. McMullen, Substitute House Bill No. 1673 was substituted for House Bill No. 1673, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1673 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1673, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Baillard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremel, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, Mary, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Bristow, Tanner - 2.

Excused: Representatives Schoon, Tilly - 2.

Substitute House Bill No. 1673, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1804, by Representative Vander Stoep

Modifying provisions regulating port commission formation.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1804 was substituted for House Bill No. 1804, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1804 was read the second time.

Mr. Vander Stoep moved adoption of the following amendment by Representatives Vander Stoep and Sayan:

Strike everything after the enacting clause and insert:

"Sec. 1. Section 2, chapter 92, Laws of 1911 as last amended by section 1, chapter 157, Laws of 1971 ex. sess. and RCW 53.04.020 are each amended to read as follows:

At any general election or at any special election which may be called for that purpose, the board of county commissioners of any county in this state may, or on petition of ten percent of the qualified electors of such county based on the total vote cast in the last general county election, shall, by resolution submit to the voters of such county the proposition of creating a port district which ~~((shall))~~ may: (1) Be coextensive with the limits of such county as now or hereafter established; or (2) be under the provisions of section 3 of this 1986 act. Such petition shall be filed with the county auditor, who shall within fifteen days examine the signatures thereof and certify to the sufficiency or insufficiency thereof, and for such purpose the county auditor shall have access to all registration books in the possession of the officers of any incorporated city or town in such proposed port district. If such petition be found to be insufficient, it shall be returned to the persons filing the same, who may amend or add names thereto for ten days, when the same shall be returned to the county auditor, who shall have an additional fifteen days to examine the same and attach his certificate thereto. No person having signed such petition shall be allowed to withdraw his name therefrom after the filing of the same with the county auditor. Whenever such petition shall be certified to as sufficient, the county auditor shall forthwith transmit the same, together with his certificate of sufficiency attached thereto, to the ~~((board of county commissioners))~~ legislative authority of the county, who shall submit such proposition at the next general election or, if such petition so requests, the board of county commissioners shall, at their first meeting after the date of such certificate, by resolution, call a special election to be held not less than thirty days nor more than sixty days from the date of such certificate. The notice of election shall state the boundaries of the proposed port district and the object of such election. In submitting the said question to the voters for their approval or rejection, the proposition shall be expressed on said ballot substantially in the following terms:

'Port of Yes.' (giving the name of the principal seaport city within such proposed port district, or if there be more than one city of the same class within such district, such name as may be determined by the ~~((board of county commissioners))~~ legislative authority of the county).

'Port of No.' (giving the name of the principal seaport city within such port district, or if there be more than one city of the same class within such district, such name as may be determined by the ~~((board of county commissioners))~~ legislative authority of the county).

Sec. 2. Section 4, chapter 17, Laws of 1959 as last amended by section 2, chapter 51, Laws of 1965 and RCW 53.12.020 are each amended to read as follows:

In port districts located in a class AA county no person shall be eligible to hold the office of port commissioner unless he is a qualified voter of the district. In all other port districts except those located in a class AA county the person must be a qualified voter of the commissioner district from which he is elected.

If, pursuant to RCW 29.21.350, a void in candidacy has been declared for a port district, any registered voter of the port district is eligible to file a declaration of candidacy for the office of port commissioner when filing for the office is reopened pursuant to RCW 29.21.360 or 29.21.370.

NEW SECTION. Sec. 3. When it is desired to create a port district comprising territory less than the entire county and with an assessed valuation of at least one hundred eighty million dollars in other than class A counties, the county commissioners shall, upon petition of ten percent or more of the electors residing within the proposed boundaries of such proposed district based on the total vote at the last general election within such area, submit to the qualified electors residing within such proposed district the proposition of creating such port district. If at any such election a majority of the votes cast thereon shall be in favor of establishing such port district and the total vote cast upon such question shall equal one-third of the total vote cast at the last preceding general election within such area, such port district shall be established.

NEW SECTION. Sec. 4. Section 3 of this 1986 act shall expire on December 31, 1988."

Representatives Vander Stoep and Sayan spoke in favor of the amendment, and it was adopted.

On motion of Mr. Vander Stoep, the following amendment to the title was adopted:

On page 1, line 1 of the title following "districts;" insert "amending RCW 53.04.020 and 53.12.020;"

The bill was ordered engrossed. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Vander Stoep and Sayan spoke in favor of passage of the bill, and Representatives Hine and Padden opposed it.

Mr. Vander Stoep spoke again in favor of the bill, and Mr. Bond spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1804, and the bill passed the House by the following vote: Yeas, 54; nays, 40; absent, 2; excused, 2.

Voting yea: Representatives Allen, Appelwick, Ballard, Barrett, Basich, Betrozoff, Brooks, Brough, Chandler, Crane, Dellwo, Dobbs, Doty, Fisch, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Holland, Isaacson, Jacobsen, King R. Lewis, Long, Lundquist, May, Miller, Nealey, Nelson D. Nelson G. O'Brien, Patrick, Peery, Prince, Sanders, Sayan, Schmidt, Scott, Silver, Smith L., Smitherman, Sutherland, Thomas, van Dyke, Van Luven, Vander Stoep, Vekich, Walker, Williams B., Williams J., Wilson S., Winsley, and Mr. Speaker - 54.

Voting nay: Representatives Addison, Armstrong, Barnes, Baugher, Belcher, Bond, Braddock, Brekke, Cole, Day, Ebersole, Fisher, Grimm, Haugen, Hine, King J., King P., Kremen, Leonard, Locke, Lux, Madsen, McMullen, Niemi, Nutley, Padden, Rayburn, Rust, Smith C., Sommers, Taylor, Todd, Unsoeld, Valle, Walk, Wang, West, Wilson K., Wineberry, Zellinsky - 40.

Absent: Representatives Bristow, Tanner - 2.

Excused: Representatives Schoon, Tilly - 2.

Engrossed Substitute House Bill No. 1804, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1618, by Committee on Judiciary (originally sponsored by Representatives Appelwick, Armstrong, G. Nelson and P. King)

Providing for parenting plans in dissolution actions.

The bill was read the third time and placed on final passage.

Representatives Appelwick, Lewis and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1618, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Bristow, Tanner - 2.

Excused: Representatives Schoon, Tilly - 2.

Substitute House Bill No. 1618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Bristow appeared at the bar of the House.

HOUSE BILL NO. 1635, by Representatives Wang, Hankins, Belcher, O'Brien, Allen, Hine, Jacobsen, Cole, Brekke, Brough, Miller, R. King, P. King, Armstrong, Locke, Wineberry and Todd; by request of Governor Gardner

Requiring a study analyzing the feasibility of providing space for day care for children of state employees.

The bill was read the third time and placed on final passage.

Representatives Wang and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1635, and the bill passed the House by the following vote: Yeas, 84; nays, 12; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Bond, Chandler, Dobbs, Fuhrman, Hastings, Lundquist, Nealey, Padden, Sanders, van Dyke, Van Luven, Williams J - 12.

Excused: Representatives Schoon, Tilly - 2.

House Bill No. 1635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587, by Committee on Trade & Economic Development (originally sponsored by Representatives Kremen, Allen, Braddock, Zellinsky, Schoon, Thomas, Tanner, McMullen, Silver, Smitherman, May, Peery, Scott, Lundquist, J. King, C. Smith, Long, Van Luven, Winsley, J. Williams and Doty

Providing for expanded international trade.

The bill was read the third time and placed on final passage.

Representative Kremen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1587, and the bill passed the House by the following vote: Yeas, 61; nays, 35; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Patrick, Peery, Rust, Sayan, Scott, Smith L, Sommers, Sutherland, Tanner, Thomas, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 61.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Baugher, Betzoff, Bond, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, May, Nealey, Nelson G, Padden, Prince, Rayburn, Sanders, Schmidt, Silver, Smith C, Smitherman, Taylor, van Dyke, Van Luven, Vander Stoep, West, Williams B, Williams J, Wilson S - 35.

Excused: Representatives Schoon, Tilly - 2.

Engrossed Substitute House Bill No. 1587, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 7:00 p.m.

EVENING SESSION

The Speaker called the House to order at 7:00 p.m. Representative Schoon appeared at the bar of the House.

THIRD READING

ENGROSSED HOUSE BILL NO. 1656, by Representatives Unsoeld, Hankins, Belcher, O'Brien, Hine, Jacobsen, Cole, Brekke, Miller, Long, Allen, Day, Dellwo, Wang, Leonard, Winsley, R. King, Locke, Lux, Wineberry and Todd; by request of Governor Gardner

Requiring a study in order to create a supportive atmosphere in which state employees may meet child day care needs.

The bill was read the third time and placed on final passage.

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

POINT OF INQUIRY

Ms. Unsoeld yielded to question by Mr. Sanders.

Mr. Sanders: "Representative Unsoeld, could you remind the body of the difference between this bill and Substitute House Bill No. 998?"

Ms. Unsoeld: "The other bill directs a study for finding facilities, places within state buildings, for day care to take place. This bill is to search for policy, a state personnel policy, that will allow for the problem of a very high number of women who have small children."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1656, and the bill passed the House by the following vote: Yeas, 88; nays, 9; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Ballard, Betzoff, Bond, Fuhrman, Isaacson, Nealey, Sanders, Silver, West - 9.

Excused: Representative Tilly - 1.

Engrossed House Bill No. 1656, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

February 13, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 4453,
 SENATE BILL NO. 4506,
 SENATE BILL NO. 4507,
 SENATE BILL NO. 4569,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4599,
 SENATE BILL NO. 4624,
 SUBSTITUTE SENATE BILL NO. 4665,
 SENATE BILL NO. 4680,
 SENATE BILL NO. 4681,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4876,
 SUBSTITUTE SENATE BILL NO. 4888,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4898,
 SENATE BILL NO. 4959,
 SENATE BILL NO. 4982,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SUBSTITUTE HOUSE BILL NO. 1680, by Committee on Commerce & Labor (originally sponsored by Representatives Sommers, B. Williams, Sayan, Tilly, Brekke, Grimm, G. Nelson, Zellinsky, Schmidt, Haugen, S. Wilson, Cole, Braddock, Brough, J. Williams and Silver; by request of Legislative Budget Committee)

Providing for sunset review of the ferry workers' collective bargaining statutes.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1680, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Baillard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luvan, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Tilly - 1.

Substitute House Bill No. 1680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1866, by Committee on Transportation (originally sponsored by Representatives Zellinsky, Schmidt, Walk, Smitherman, McMullen, Haugen, Fisch, Wineberry, Thomas, Brough, Lundquist, Winsley, Schoon and May)

Revising the funding structure of the Washington state ferry system.

The bill was read the third time and placed on final passage.

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

POINT OF INQUIRY

Mr. Walk yielded to question by Ms. Schmidt.

Ms. Schmidt: "Representative Walk, how does this impact our bond commitment?"

Mr. Walk: "The abolishment of the Puget Sound Reserve Account does not affect the legislature's commitment to provide revenues for the payment of principal and interest on the 1963 bonds and to give those payments priority in the allocation of motor vehicle fuel tax revenues that are earmarked for the ferry system capital program. The Puget Sound Capital Construction Account simply replaces the Puget Sound Reserve Account from which those payments will be made. In other words, the board of trustees is okay."

Ms. Schmidt spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1866, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P., King R., Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D., Nelson G., Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Tilly - 1.

Substitute House Bill No. 1866, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

INTRODUCTIONS AND FIRST READING

ESB 4453 by Senators McDermott, Zimmerman, Gaspard and Barr; by request of Legislative Budget Committee

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

Referred to Committee on State Government.

SB 4506 by Senator Wojahn

Repealing sunset provisions for state board of health.

Referred to Committee on Social & Health Services.

SB 4507 by Senator McDermott

Eliminating state retirement contributions for months in which no service credit is earned.

Referred to Committee on Ways & Means.

SB 4569 by Senators Owen, Warnke and Barr

Requiring a study of consolidating food fish and game fish recreational licenses.

Referred to Committee on Natural Resources.

ESSB 4599 by Committee on Energy & Utilities (originally sponsored by Senators Williams, Rasmussen, McManus, Granlund, Bender, Moore, Rinehart and Warnke)

Allowing consumers to elect not to receive information delivery telephone services.

Referred to Committee on Energy & Utilities.

SB 4624 by Senators Lee, Stratton and Metcalf

Modifying statute of limitations for crimes of incest.

Referred to Committee on Judiciary.

SSB 4665 by Committee on Financial Institutions (originally sponsored by Senators Moore, Sellar and Bottiger)

Allowing treasurers to deposit public funds in institutions outside the state of Washington.

Referred to Committee on Financial Institutions & Insurance.

SB 4680 by Senators Rasmussen, Talmadge, Wojahn, Kiskaddon, Deccio and McDonald; by request of Department of Corrections

Revising provisions relating to institutional industries.

Referred to Committee on Social & Health Services.

SB 4681 by Senators Kreidler, Kiskaddon, Granlund and Deccio; by request of Department of Corrections

Revising provisions relating to inmates assigned to work/training release facilities.

Referred to Committee on Social & Health Services.

ESSB 4876 by Committee on Energy & Utilities (originally sponsored by Senators Williams, Rasmussen, Bender, Peterson, Fleming, Bauer, Granlund and Halsan; by request of Governor)

Revising provisions relating to the low-level radioactive waste management program.

Referred to Committee on Energy & Utilities.

SSB 4888 by Committee on Commerce & Labor (originally sponsored by Senators Owen and Warnke)

Requiring dealers to display the cash selling price on used vehicles.

Referred to Committee on Commerce & Labor.

ESSB 4898 by Committee on Natural Resources (originally sponsored by Senators Hansen, Deccio, Bottiger, Goltz, Gaspard, Bauer, Benitz, Bailey and Barr)

Modifying provisions on suppression and compensation for wild fires outside fire district jurisdiction.

Referred to Committee on Local Government.

SB 4959 by Senators Lee, Metcalf, Bluechel, McDonald, Rasmussen, Benitz, Hayner, Zimmerman, Sellar and Stratton

Including promoting pornography within criminal profiteering.

Referred to Committee on Judiciary.

SB 4982 by Senators Owen, Craswell, Metcalf, McCaslin, Thompson and Hayner

Broadening the definition of indecent liberties.

Referred to Committee on Judiciary.

MOTION

On motion of Mr. Appelwick, the bills listed on today's supplemental introduction sheet were considered first reading under the fourth order of business, and referred to the committees designated.

The House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 43, by Representatives Lux, Winsley, Zellinsky and Prince

Requiring insurers to file their annual statement convention blank.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 43, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Tilly - 1.

House Bill No. 43, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 483, by Representatives Appelwick and Wineberry

Providing for judicial review of governmental actions when First Amendment rights are affected.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Appelwick spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 483, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative West - 1.

Excused: Representative Tilly - 1.

House Bill No. 483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Addison was excused.

HOUSE BILL NO. 614, by Representatives Grimm, Prince, Rayburn, Basich, Jacobsen, Miller, Allen, Vander Stoep, Unsoeld, Sommers, McMullen, G. Nelson, K. Wilson, Belcher, D. Nelson, Kremen and Wineberry

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

The bill was read the second time. Substitute House Bill No. 614 was substituted for House Bill No. 614 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 614 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Grimm and Prince spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 614, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Addison, Tilly - 2.

Substitute House Bill No. 614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 621, by Representatives Leonard, Lewis, Day and Lux

Certifying radiologic technologists.

The bill was read the second time. Substitute House Bill No. 621 was substituted for House Bill No. 621 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 621 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Leonard spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 621, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Addison, Tilly - 2.

Substitute House Bill No. 621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1058, by Representatives Cole, Brooks and Ballard

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

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1058, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen,

Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Addison, Tilly - 2.

House Bill No. 1058, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1337, by Representatives Sommers, Niemi, B. Williams, Braddock and P. King

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

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representative Sommers spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1337, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Addison, Tilly - 2.

House Bill No. 1337, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1349, by Representatives Fisher and P. King

Altering procedures regarding the administration of elections.

The bill was read the second time. Substitute House Bill No. 1349 was substituted for House Bill No. 1349 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1349 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1349, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Addison, Tilly - 2.

Substitute House Bill No. 1349, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1356, by Representatives Wang, Appelwick, Tilly, Scott, Armstrong, West and Locke

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

The bill was read the second time. Substitute House Bill No. 1356 was substituted for House Bill No. 1356 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1356 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1356, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Addison, Tilly - 2.

Substitute House Bill No. 1356, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1358, by Representatives Wang, P. King, Valle, Ebersole, Armstrong, Todd, Appelwick, Peery, Taylor, Schoon, Rayburn, Long, Winsley, K. Wilson and Van Luven

Changing provisions relating to teacher abuse.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For amendment, see Journal, 17th Day, January 29, 1986.)

On motion of Mr. Appelwick, the committee amendment was adopted.

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1358, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Niemi, Vekich, Walk - 3.

Excused: Representatives Addison, Tilly - 2.

Engrossed House Bill No. 1358, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Dobbs was excused.

HOUSE BILL NO. 1362, by Representatives Haugen, Basich, Braddock, McMullen, Zellinsky, Scott, Sayan, S. Wilson, Vekich, Lundquist, Fisch and P. King

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

The bill was read the second time. Committee on Agriculture recommendation: Majority, do pass as amended. (For amendment, see Journal, 16th Day, January 28, 1986.)

On motion of Mr. Vekich, the committee amendment was adopted.

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1362, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

Engrossed House Bill No. 1362, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1368, by Representatives Tilly, Winsley and J. Williams

Revising provisions relating to abstracts of driving records.

The bill was read the second time. Substitute House Bill No. 1368 was substituted for House Bill No. 1368 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1368 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1368, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

Substitute House Bill No. 1368, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Appelwick, HOUSE BILL NO. 1372 was rereferred from the second reading calendar to Committee on Rules.

HOUSE BILL NO. 1374, by Representative Appelwick

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

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1374, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1374, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1391, by Representatives Appelwick, Jacobsen, Niemi, Wang, Padden, Tilly, Tanner, Barnes, Patrick, Dellwo, P. King, McMullen, Isaacson, Long and Lux

Exempting hearing aids from sales and use taxation.

The bill was read the second time. Substitute House Bill No. 1391 was substituted for House Bill No. 1391 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1391 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1391, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

Substitute House Bill No. 1391, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1398, by Representatives Zellinsky, West and Locke; by request of Attorney General

Publishing maximum interest rates in the state register.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1398, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative West - 1.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1403, by Representatives Sutherland, Lundquist, Cole, Sanders and Leonard

Clarifying the forest protection statutes.

The bill was read the second time. Substitute House Bill No. 1403 was substituted for House Bill No. 1403 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1403 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1403, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

Substitute House Bill No. 1403, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1413, by Representatives Nutley, Isaacson, Haugen, Winsley, Ebersole, Allen, Rayburn, May, Brough, Hine and Grimm

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

The bill was read the second time. Substitute House Bill No. 1413 was substituted for House Bill No. 1413 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1413 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1413, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

Substitute House Bill No. 1413, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1424, by Representatives Appelwick and P. King

Providing for estate tax apportionment.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1424, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1424, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1440, by Representatives R. King, Prince, Miller, J. Williams and P. King

Exempting from sales tax watercraft sold to residents of foreign countries for use outside this state.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1440, and the bill passed the House by the following vote: Yeas, 92; nays, 3; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Locke, Lux, Sommers - 3.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1440, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1441, by Representatives Appelwick, Hastings and P. King

Modifying provisions on unclaimed property.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1441, and the bill passed the House by the following vote: Yeas, 86; nays, 9; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Barnes, Bond, Fuhrman, Hankins, Hastings, Isaacson, Nealey, Sanders, Van Luven - 9.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1441, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1451, by Representatives Appelwick, Padden and P. King

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

The bill was read the second time. Substitute House Bill No. 1451 was substituted for House Bill No. 1451 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1451 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1451, and the bill passed the House by the following vote: Yeas, 91; nays, 4; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis,

Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Chandler, Van Luven, Vander Stoep, Walker - 4.

Excused: Representatives Addison, Dobbs, Tilly - 3.

Substitute House Bill No. 1451, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1459, by Representative Armstrong

Restricting evidentiary use of a breathalyzer test refusal.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For amendments, see Journal, 17th Day, January 29, 1986.)

On motion of Mr. Armstrong, the committee amendments were adopted.

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1459, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Vekich - 1.

Excused: Representatives Addison, Dobbs, Tilly - 3.

Engrossed House Bill No. 1459, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1482, by Representatives Walk, J. Williams, Zellinsky, Schmidt and P. King; by request of Department of Licensing

Establishing procedures for issuing replacement boat titles.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1482, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1482, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1485, by Representatives Peery, Lundquist, Sutherland, Hargrove, Walk, L. Smith, Tanner and P. King

Exempting from special fuel taxation certain fuel used within federal areas.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1485, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1485, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1493, by Representatives Rayburn and Baugher

Restricting the application of motorist service business sign restrictions.

The bill was read the second time. Substitute House Bill No. 1493 was substituted for House Bill No. 1493 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1493 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1493, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

Substitute House Bill No. 1493, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1504, by Representatives Hine, Barnes, G. Nelson, Hargrove, Schmidt, Fisch, Sutherland and Zellinsky

Modifying moorage facilities' procedures for transient vessels.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1504, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brække, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Waiker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1504, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1510, by Representatives Belcher, Hankins, P. King and Ebersole; by request of State Treasurer

Abolishing the state school equalization fund.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1510, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brække, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1510, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1511, by Representatives Belcher, Hankins and Ebersole; by request of State Treasurer

Revising provisions relating to state warrants.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1511, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yeas: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1511, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1516, by Representatives Appelwick, Hastings and Long
Modifying provisions on the state property tax levy.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1516, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yeas: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1516, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1517, by Representatives Appelwick and Hastings
Modifying provisions on estate taxation.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1517, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yeas: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1517, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1519, by Representatives Walk, Schmidt and Gallagher; by request of Department of Licensing

Revising requirements for motorcycle driver training schools.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1519, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Krømen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1536, by Representatives Sanders, Belcher, Hankins, Baugher, Isaacson, Vekich, G. Nelson and Taylor

Authorizing off-hour training of state employees.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1536, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Krømen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1536, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1539, by Representatives Smitherman, Wang, Thomas, Fisher, Dellwo, Walker, Winsley, Gallagher, Brough, Schoon, Ebersole, Braddock, Doty and P. King

Eliminating the expiration of certain community college tuition and fee waivers.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1539, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1539, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1540, by Representatives Nutley, Allen and Bristow

Regulating the effective date of solid waste functional standards.

The bill was read the second time. Substitute House Bill No. 1540 was substituted for House Bill No. 1540 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1540 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1540, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

Substitute House Bill No. 1540, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1549, by Representatives Lux and Rust

Revising provisions relating to air pollution.

The bill was read the second time. Substitute House Bill No. 1549 was substituted for House Bill No. 1549 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1549 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1549, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

Substitute House Bill No. 1549, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1563, by Representatives Rust, Tilly and Unsoeld

Changing provisions relating to winter recreational facilities.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For amendments, see Journal, 23rd Day, February 4, 1986.)

On motion of Ms. Rust the committee amendments were adopted.

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1563, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

Engrossed House Bill No. 1563, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Mr. Barrett, having voted on the prevailing side, moved that the rules be suspended and the House now reconsider the vote by which HOUSE BILL NO. 1398 passed the House.

The motion was carried.

MOTION

On motion of Mr. Barrett, the rules were suspended and House Bill No. 1398 was returned to second reading for amendment.

On motion of Mr. Appelwick, further consideration of House Bill No. 1398 was deferred and it was ordered placed at the bottom of the second reading calendar.

HOUSE BILL NO. 1580, by Representatives Bristow, Fuhrman, Niemi, Armstrong, Valle, Hargrove, Appelwick, Crane, Sutherland, Lux and P. King

Revising criminal statutes of limitations.

The bill was read the second time. Substitute House Bill No. 1580 was substituted for House Bill No. 1580 and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1580 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1580, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

Substitute House Bill No. 1580, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1586, by Representatives Armstrong, Appelwick, Fisch, Padden, Brough, Sanders, Isaacson and P. King

Giving process servers a defense against criminal trespass.

The bill was read the second time. Substitute House Bill No. 1586 was substituted for House Bill No. 1586 and the substitute bill was placed on the calendar for second reading:

Substitute House Bill No. 1586 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1586, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

Substitute House Bill No. 1586, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1599, by Representatives Dellwo, Tilly, Sutherland, Nealey and Lux

Revising snowmobile regulation.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1599, and the bill passed the House by the following vote: Yeas, 92; nays, 3; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Sanders, Van Luven, Walker - 3.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1599, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1604, by Representatives Nutley, Isaacson and Haugen

Authorizing the collection of assessments by certificate of delinquency.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1604, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Addison, Dobbs, Tilly - 3.

House Bill No. 1604, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1758, by Committee on State Government (originally sponsored by Representatives Belcher, Hankins, Baugher, Brooks and Lewis; by request of Governor Gardner)

Consolidating the administrative functions of certain state licensing programs.

The bill was read the third time and placed on final passage.

Ms. Belcher spoke in favor of passage of the bill and Representatives Sanders and Taylor spoke against it.

Mr. Barrett demanded an oral roll call vote and the demand was sustained.

Mr. J. King demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Addison, Bond, Dobbs, G. Nelson, Patrick, C. Smith, Tilly, van Dyke and West.

On motion of Mr. Appelwick, the absent members were excused and the House proceeded with business under the Call of the House.

The Speaker stated the question before the House to be Engrossed Substitute House Bill No. 1758 on final passage.

Mr. B. Williams spoke in favor of passage of the bill, and Mr. Taylor opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1758, and the bill passed the House by the following vote: Yeas, 52; nays, 37; excused, 9.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Cole, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 52.

Voting nay: Representatives Baillard, Barnes, Barrett, Betzozoff, Bristow, Brooks, Brough, Chandler, Crane, Doty, Fuhrman, Hargrove, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Niemi, Padden, Prince, Sanders, Schmidt, Schoon, Silver, Smith L, Taylor, Thomas, Van Luven, Vander Stoep, Walker, Williams J, Wilson S, Winsley - 37.

Excused: Representatives Addison, Bond, Dobbs, Nelson G, Patrick, Smith C, Tilly, van Dyke, West - 9.

Engrossed Substitute House Bill No. 1758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1992, by Committee on Ways & Means (originally sponsored by Representatives Wineberry, Grimm, Vander Stoep, J. King, Holland, Allen, Niemi, Tilly, O'Brien, Appelwick, Basich, Unsoeld, Jacobsen, Hine, Fisher, McMullen, Smitherman, Locke, Belcher, Lux, D. Nelson, Braddock, Madsen, Rust, Kremen, Addison, Cole, Sayan, Leonard, Todd, Lewis, Vekich, Hargrove, Bristow and Hankins)

Restricting state investments in countries with apartheid policies.

The bill was read the third time and placed on final passage.

Representatives Wineberry, Holland, Allen, Grimm, Vander Stoep, McMullen and Lewis spoke in favor of passage of the bill and Representative Sanders opposed it.

On motion of Mr. Smitherman, the following remarks by Representative Vander Stoep were ordered spread upon the Journal:

Mr. Vander Stoep: "I wanted to follow up first on some of the fiscal questions. The state pension investor, as well as the fellow that came from Harvard, agreed

that there would be some initial cost with the passage of this bill. The Harvard economist estimated that over the first four years we would likely see about a \$4.5 million cost to the pension fund, but that would be the cost set out over four years. Then you get into the realm of speculation of what it might cost beyond that. Some people think it will cost up to a billion dollars; some people think it won't cost anything. I don't claim to be an expert on the subject, but I do have four years' experience with the stock and the bond market, and my guess from reading a lot of journals, a lot of professional analyses, is that more and more companies are coming out of South Africa. Last year twenty-five U.S. companies closed down their South African operations because of the turmoil there. If that continues, then you can't legitimately argue that this bill will cost us a billion dollars because the longer it goes on, the more U.S. companies that come out of South Africa, the less this bill is going to have an effect on the options available to the state pension funds. I don't buy the billion dollar argument. In fact, if you believe the billion dollar argument, you have to believe that apartheid is going to stay as the official policy and U.S. companies are going to stay in South Africa for the next twenty-five years. I don't believe that's the case.

"The second argument against this bill is that the blacks in South Africa are better off; they are better off than blacks in a number of other countries throughout Africa, but it seems to me that is an irrelevant argument for this bill. The fact that South Africa has rich mineral resources, has a strong economy, I don't think is relevant to the political question which this bill attempts to address. The political question is that this country has an official government policy which does not allow equal voting rights, equal representation in its government. That's the point.

"Another argument against this bill is that it's unfair. That it picks out one example of discrimination throughout the world and there are a lot of other examples, in the Soviet Union and other places where people are repressed and this bill only addresses one of those. That's true, it does only address one particular racial policy and my answer to that is--and it's not a perfect answer but it's the only answer I can give--if you want to come forth with a bill that's going to do something about repression in the Soviet Union or another country around the world that will have some effect, I'll vote for it.

"A fourth reason to vote against this bill is that you are playing into the hands of communism; that the communists are licking their chops, particularly the Soviet Union is licking its chops to get a hold on South Africa, but then you get into a matter of philosophy. My philosophy is that the best bulwark against communism is a government that recognizes the inalienable rights that are contained within our Bill of Rights and this government doesn't do that.

"A fifth argument is that it won't help; it's only a drop in the bucket and it won't make a lot of difference. On its face that argument is true; this will only be a small, very small step in terms of putting pressure on the government in South Africa, but is there anybody here who is willing to argue tonight that the collective pressure of Western governments in the last several years has not had any effect in South Africa? I don't think there's anybody who could make that argument. I think anyone looking at it objectively would have to say that the collective pressure that has been put on that government has made a great deal of difference.

"Finally, there's been a comparison made tonight to slavery. I think that is accurate. I think this is an example of a government policy, a racist policy, that says the people are denied basic human political rights because of their race, which is very similar to a situation that occurred in the United States a hundred years ago. This is the major reason we honor Abraham Lincoln; this is the main reason my great-grandfather fought in the Union Army and it's the main reason that throughout history Americans have been willing to risk their lives, if necessary, to fight against racist governments. In this case we are not asking anybody to fight or give their life; we're only asking that the state's taxpayers aren't going to put their money in companies that invest in this government. I would urge you to support the bill."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1992, and the bill passed the House by the following vote: Yeas, 74; nays, 15; excused, 9.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 74.

Voting nay: Representatives Ballard, Barnes, Betzoff, Chandler, Fuhrman, Hastings, Lundquist, Nealey, Padden, Sanders, Schoon, Smith L, Van Luven, Williams B, Williams J - 15.

Excused: Representatives Addison, Bond, Dobbs, Nelson G, Patrick, Smith C, Tilly, van Dyke, West - 9.

Engrossed Substitute House Bill No. 1992, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Appelwick, ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 3517 was referred from Committee on Education to Committee on Higher Education.

On motion of Mr. Appelwick, SUBSTITUTE SENATE BILL NO. 4563 was referred from Committee on Local Government to Committee on Agriculture.

On motion of Mr. Appelwick, the House dispensed with further business under the Call of the House.

MOTION

On motion of Mr. Appelwick, the House adjourned until 9:30 a.m., Friday, February 14, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

THIRTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, February 14, 1986

The House was called to order at 9:30 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Addison, Locke, Schoon and Thomas. Representatives Addison and Thomas were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Dora Stuff and Sandeep Baweja. Prayer was offered by Pastor Richard Edmonds, of the Ebenezer Lutheran Church of Lake Stevens.

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

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

SECOND READING

HOUSE BILL NO. 1621, by Representatives Cole, Armstrong, Belcher, Appelwick and P. King

Making provisions for family support from decedents' estates.

The bill was read the second time. Substitute House Bill No. 1621 was substituted for House Bill No. 1621, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1621 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1621, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Loven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Locke, Schoon - 2.

Excused: Representatives Addison, Thomas - 2.

Substitute House Bill No. 1621, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Schoon appeared at the bar of the House.

HOUSE BILL NO. 1622, by Representatives Sayan and Grimm

Revising flood control management plans.

The bill was read the second time. Substitute House Bill No. 1622 was substituted for House Bill No. 1622, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1622 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1622, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Locke - 1.

Excused: Representatives Addison, Thomas - 2.

Substitute House Bill No. 1622, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Locke appeared at the bar of the House.

HOUSE BILL NO. 1624, by Representatives Peery, Ebersole, Taylor, Cole, Appelwick, P. King, Basich, Brough, Schoon and May

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

The bill was read the second time. Substitute House Bill No. 1624 was substituted for House Bill No. 1624, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1624 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1624, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Addison, Thomas - 2.

Substitute House Bill No. 1624, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1631, by Representatives Braddock, Tilly, B. Williams and Brekke; by request of Department of Social and Health Services

Modifying provisions relating to nursing home cost reimbursement.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1631, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Addison, Thomas - 2.

House Bill No. 1631, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1633, by Representative Appelwick

Providing for the taxation of timber harvested by public entities.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1633, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Hargrove - 1.

Excused: Representatives Addison, Thomas - 2.

House Bill No. 1633, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1643, by Representatives D. Nelson, Allen, Rust, Brough and Lux

Providing for used oil recycling.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1643, and the bill passed the House by the following vote: Yeas, 92; nays, 4; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt,

Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Fuhrman, Hargrove, Sutherland, Williams B - 4.

Excused: Representatives Addison, Thomas - 2.

House Bill No. 1634, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Thomas appeared at the bar of the House.

HOUSE BILL NO. 1647, by Representatives Fisher, Sommers, Scott, Vander Stoep, Wineberry, Wang, Unsoeld, Miller, Walker, R. King, G. Nelson, P. King and Long

Repealing sunset termination of public disclosure commission.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1647, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Addison - 1.

House Bill No. 1647, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Addison appeared at the bar of the House.

HOUSE BILL NO. 1698, by Representatives Madsen, Hastings, Unsoeld and Belcher

Providing for the extension of taxes when valuation is in dispute.

The bill was read the second time. Substitute House Bill No. 1698 was substituted for House Bill No. 1698, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1698 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1698, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Nealey - 1.

Substitute House Bill No. 1698, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1711, by Representatives Ebersole, Rust, Unsoeld, Taylor, Walker, Betzoff and Jacobsen

Establishing a coordinating committee on environmental education.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1711, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1711, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1721, by Representatives Wang, Chandler and R. King

Modifying provisions relating to payments into the supplemental pension fund.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1721, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1721, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1722, by Representatives Lux and Jacobsen

Requiring an air contaminant source operating permit.

The bill was read the second time. Substitute House Bill No. 1722 was substituted for House Bill No. 1722, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1722 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1722, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P. King R. Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D. Nelson G. Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1722, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1726, by Representatives Locke, Tilly, Armstrong, Barrett, Belcher, Dellwo, Wang, Silver, Unsoeld, P. King and Winsley; by request of Secretary of State

Revising regulation of charitable solicitations.

The bill was read the second time. Substitute House Bill No. 1726 was substituted for House Bill No. 1726, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1726 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Mr. Locke yielded to question by Mr. G. Nelson.

Mr. G. Nelson: "Representative Locke, radio and television stations in this state broadcast programming on behalf of charitable organizations. Such activities include telethons, public service announcements and paid advertisements which utilize the facilities of broadcast stations. Is it the intent of SHB 1726 that merely because stations broadcast such programming, radio and television stations will be required to register under the provisions of this bill?"

Mr. Locke: "When a station broadcasts a telethon, public service announcement or other programming on behalf of an organization, the station is not operating as either a charitable organization or an independent fundraiser under this act. It is not the intention of this act to require stations to register in these instances. The charitable organization on whose behalf the programming is broadcast, however, will be required to register and report these activities. I should point out an obvious exception. If the station is raising funds for itself, or if the station operates a charitable organization, then the station would be considered a charitable organization under the act and would need to register with respect to those activities."

Mr. G. Nelson: "Is it the intent of the bill that the programming we just mentioned be exempt from the disclosure requirements of the act?"

Mr. Locke: "No, it is not the intent of the bill to exempt those organizations which are sponsoring the broadcast from disclosing the information which is required by the Charitable Solicitations Act. Persons answering the telephones or making solicitation calls will be required to comply with the bill's disclosure requirements."

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1726, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P. King R. Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D. Nelson G. Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B. Williams J. Wilson K. Wilson S. Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1726, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1734, by Representatives Haugen, van Dyke, McMullen, Lundquist, Thomas and Kremen

Eliminating application procedures for commercial salmon fishing licenses.

The bill was read the second time. Substitute House Bill No. 1734 was substituted for House Bill No. 1734, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1734 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1734, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P. King R. Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D. Nelson G. Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B. Williams J. Wilson K. Wilson S. Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1734, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1743, by Representatives Nutley, Vander Stoep, Grimm, Hastings and Rust

Providing for use tax collection.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendments, see Journal, 26th Day, February 7, 1986.)

On motion of Mr. Braddock, the committee amendments were adopted.

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1743, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P., King R., Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D., Nelson G., Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1743, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1764, by Representatives Walk, Schmidt and Gallagher; by request of State Patrol

Designating hazardous materials command agencies.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For amendment, see Journal, 26th Day, February 7, 1986.)

On motion of Mr. Walk, the committee amendment was adopted.

The bill was ordered engrossed. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1764, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P., King R., Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D., Nelson G., Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1764, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1765, by Representatives Braddock and Brekke; by request of Department of Social and Health Services

Modifying provisions of assistance available to incapacitated ineligible spouses of SSI beneficiaries.

The bill was read the second time. Substitute House Bill No. 1765 was substituted for House Bill No. 1765, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1765 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1765, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough,

Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1765, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1767, by Representatives McMullen and Braddock

Sunsetting the data processing authority.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives McMullen and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1767, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Baillard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1767, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1776, by Representatives Scott, Baillard, Brooks, Zellinsky, R. King, J. King, Day, Leonard, Tanner, Lux, Lewis, Braddock, Dobbs, Winsley, Brekke, West, Kremen and Sayan

Establishing provisions relating to medical program directors.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Scott and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1776, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Baillard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1776, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1792, by Representative P. King

Changing certain duties of a trustee under a deed of trust.

The bill was read the second time. Substitute House Bill No. 1792 was substituted for House Bill No. 1792, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1792 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1792, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1792, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1797, by Representatives Armstrong and P. King

Changing provisions relating to child support.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 1797 was substituted for House Bill No. 1797, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1797 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1797, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1797, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1815, by Representatives Ebersole, Crane, Walk, Patrick, Lundquist, Prince, Brough, Wang, Hankins, Isaacson, S. Wilson, Taylor, Tilly and Sanders

Permitting vehicles operated by nursing homes to get disabled parking privileges.

The bill was read the second time. Substitute House Bill No. 1815 was substituted for House Bill No. 1815, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1815 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Mr. Ebersole yielded to question by Mr. Barrett.

Mr. Barrett: "Representative Ebersole, this bill also includes, in addition to senior homes, senior centers and such, it includes nonprofit groups organized under a specific RCW. Is that going to include, for example, Shriners' Hospital vans and those types of vehicles for those types of organizations?"

Mr. Ebersole: "Representative Barrett, I believe that is the case. Representative Brough was instrumental in the amendment that would include that group."

POINT OF INQUIRY

Ms. Brough yielded to question by Mr. Barrett.

Mr. Barrett: "Representative Brough, for a point of clarification, would groups such as the Shriners' Hospital and others who transport disabled persons into the downtown areas where there are disabled parking permit areas--is it the intent of this bill to cover them?"

Ms. Brough: "Representative Barrett, I'm not one hundred percent sure, because when I called over to find out what definition we had for 'community action agencies,' which is what I was looking for in this amendment--this is the RCW that covers that definition--it is my understanding that anybody who receives public funds that is nonprofit, who is involved with this, is defined in that RCW. But I'm not sure if the Shriners come in under that or not."

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1815, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsöld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1815, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1829, by Representatives Ebersole, Betrozoff, Taylor, Rayburn, Appelwick, Walker, Cole, Holland, Valle, Winsley, Long, May and Schoon; by request of Superintendent of Public Instruction

Requiring a study of categorical educational services.

The bill was read the second time. Substitute House Bill No. 1829 was substituted for House Bill No. 1829, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1829 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1829, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Loven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1829, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1831, by Representatives Wang, Taylor, Ebersole, Long, Holland and Betrozoff; by request of Superintendent of Public Instruction

Studying models for evaluating teachers.

The bill was read the second time. Substitute House Bill No. 1831 was substituted for House Bill No. 1831, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1831 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1831, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Loven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1831, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1839, by Representatives Sutherland, Lundquist, K. Wilson, Basich, McMullen, J. Williams, Peery, Fisch, S. Wilson, Kremen and P. King

Providing for a county representative on the board of natural resources.

The bill was read the second time. Substitute House Bill No. 1839 was substituted for House Bill No. 1839, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1839 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1839, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1839, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1840, by Representatives Jacobsen, Patrick and Hine

Simplifying implementation of governmental deferred compensation plans.

The bill was read the second time. Substitute House Bill No. 1840 was substituted for House Bill No. 1840, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1840 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1840, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1840, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1846, by Representatives Sutherland, Crane, May, Appelwick, C. Smith, Fisch, Gallagher, Ebersole, Long, Hastings, B. Williams, Holland, Tanner, Lux, Thomas, Braddock, Fisher, K. Wilson, L. Smith, Schmidt and Peery

Taxing certain warehouse operations under the business and occupation tax instead of the public utility tax.

The bill was read the second time. Substitute House Bill No. 1846 was substituted for House Bill No. 1846, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1846 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1846, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Schoon - 1.

Substitute House Bill No. 1846, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1855, by Representatives Hargrove, Fisch, Zellinsky, Walk, Bristow and Sutherland

Permitting undersize loads on oversize vehicles.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1855, and the bill passed the House by the following vote: Yeas, 88; nays, 10.

Voting yea: Representatives Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Appelwick, Cole, Fuhrman, Haugen, Nealey, Nelson D, Niemi, Todd, Vander Stoep, Vekich - 10.

House Bill No. 1855, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1865, by Representatives Wang, Cole and Fisher

Revising provisions on electricians and electrician installations.

The bill was read the second time. Substitute House Bill No. 1865 was substituted for House Bill No. 1865, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1865 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1865, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1865, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1868, by Representatives Belcher, Betzoff, Locke, Lux, Smitherman, J. Williams, B. Williams, P. King, Rayburn, Baugher, Unsoeld and Winsley; by request of 1989 Washington Centennial Commission

Prohibiting unauthorized use of official logos of the 1989 Washington centennial.

The bill was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1868, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1868, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1869, by Representatives Locke and Winsley

Changing provisions relating to crime victims' compensation.

The bill was read the second time. Substitute House Bill No. 1869 was substituted for House Bill No. 1869, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1869 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1869, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1869, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1894, by Representative Sommers

Modifying the definition of timber for tax purposes.

The bill was read the second time. Substitute House Bill No. 1894 was substituted for House Bill No. 1894, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1894 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1894, and the bill passed the House by the following vote: Yeas, 97; nays, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Voting nay: Representative Hargrove - 1.

Substitute House Bill No. 1894, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1976, by Representatives Locke, O'Brien, Zellinsky, Tilly, Armstrong, Brough and Fisch

Requiring notice to prosecuting attorney before releasing mentally disordered persons.

The bill was read the second time. Substitute House Bill No. 1976 was substituted for House Bill No. 1976, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1976 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1976, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1976, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2014, by Representatives Vekich and Ballard

Revising regulation of agriculture commission merchants.

The bill was read the second time. Substitute House Bill No. 2014 was substituted for House Bill No. 2014, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 2014 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2014, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 2014, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT MEMORIAL NO. 31, by Representatives Todd, Crane, Winsley, Isaacson, Hargrove, Tanner, Scott, Brough, P. King, Fuhrman, Padden, Wineberry and Addison

Requesting information regarding missing American servicemen.

The memorial was read the second time. Substitute House Joint Memorial No. 31 was substituted for House Joint Memorial No. 31, and the substitute memorial was placed on the calendar for second reading.

Substitute House Joint Memorial No. 31 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Joint Memorial No. 31, and the memorial passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher,

Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Joint Memorial No. 31, having received the constitutional majority, was declared passed.

HOUSE JOINT RESOLUTION NO. 55, by Representatives Peery, Taylor, Ebersole, Cole, Schoon and May

Specifying the time period for levies for renovation and construction of school facilities.

House Joint Resolution No. 55 was read the second time. There being no objection, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Representatives Perry and Betrozoff spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Resolution No. 55, and the resolution passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Joint Resolution No. 55, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

February 13, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3574,
 SENATE BILL NO. 3878,
 SUBSTITUTE SENATE BILL NO. 4455,
 SENATE BILL NO. 4456,
 SUBSTITUTE SENATE BILL NO. 4458,
 SUBSTITUTE SENATE BILL NO. 4467,
 SUBSTITUTE SENATE BILL NO. 4525,
 SUBSTITUTE SENATE BILL NO. 4526,
 SENATE BILL NO. 4556,
 SENATE BILL NO. 4561,
 SUBSTITUTE SENATE BILL NO. 4579,
 ENGROSSED SENATE BILL NO. 4582,
 SENATE BILL NO. 4584,
 SUBSTITUTE SENATE BILL NO. 4590,
 SENATE BILL NO. 4591,
 ENGROSSED SENATE BILL NO. 4619,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4626,
 SUBSTITUTE SENATE BILL NO. 4661,
 SENATE BILL NO. 4693,
 SENATE BILL NO. 4721,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4737,
 SUBSTITUTE SENATE BILL NO. 4758,
 SUBSTITUTE SENATE BILL NO. 4779,

SUBSTITUTE SENATE BILL NO. 4933,
SENATE BILL NO. 4977.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

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

INTRODUCTIONS AND FIRST READING

E2SSB 3574 by Committee on Ways & Means (originally sponsored by Senators Gaspard, Sellar, Thompson, Warnke, Johnson, Rasmussen and Wojahn)

Modifying provisions on leasehold excise taxation.

Referred to Committee on Ways and Means.

SB 3878 by Senators Stratton and Saling

Exempting military installations on the national register of historic places from property taxation.

Referred to Committee on Ways and Means.

SSB 4455 by Committee on Human Services & Corrections (originally sponsored by Senators Rasmussen, Conner and Granlund)

Authorizing organ donation advisement procedures in state hospitals.

Referred to Committee on Social & Health Services.

SB 4456 by Senators Rasmussen, Warnke and Conner

Removing the age requirement for veterans' disability passes to state parks.

Referred to Committee on Environmental Affairs.

SSB 4458 by Committee on Ways & Means (originally sponsored by Senators Thompson, McDonald and Zimmerman)

Modifying provisions on forest land taxations.

Referred to Committee on Ways & Means.

SSB 4467 by Committee on Governmental Operations (originally sponsored by Senator Zimmerman)

Modifying provisions on port district industrial development levies.

Referred to Committee on Local Government.

SSB 4525 by Committee on Governmental Operations (originally sponsored by Senators Bottiger and McDermott)

Enacting provisions relating to legal representation of the legislature.

Referred to Committee on State Government.

SSB 4526 by Committee on Governmental Operations (originally sponsored by Senators McCaslin, Thompson, Saling, Bailey and Garrett)

Permitting noncharter counties to have five-member legislative authorities.

Referred to Committee on Local Government.

SB 4556 by Senators Vognild, Zimmerman, Rasmussen, Peterson, Granlund, Sellar, Wojahn and Moore

Requiring spas, hot tubs, swimming pools, and hydromassage bathtubs to be certified by an electrical products testing laboratory before sale or exchange.

Referred to Committee on Commerce & Labor.

SB 4561 by Senators Hansen, Gaspard, Barr, Newhouse, Bauer, Goltz, Bailey, Benitz and Conner

Repealing the sunset of the fairs commission.

Referred to Committee on Agriculture.

- SSB 4579 by Committee on Natural Resources (originally sponsored by Senators Halsan, Owen, Warnke, Peterson and Vognild)
Revising prohibitions on bait fishing.
Referred to Committee on Natural Resources.
- ESB 4582 by Senators Moore, Sellar, Bender and Newhouse
Prohibiting fraud in the acquisition of benefits or payments in health care coverage and insurance.
Referred to Committee on Financial Institutions & Insurance.
- SB 4584 by Senators Benitz and Thompson
Revising provisions relating to library districts.
Referred to Committee on Local Government.
- SSB 4590 by Committee on Governmental Operations (originally sponsored by Senators Thompson, Zimmerman and Rasmussen; by request of State Treasurer)
Revising provisions relating to local government investments.
Referred to Committee on Local Government.
- SB 4591 by Senators Thompson, Zimmerman and Rasmussen; by request of State Treasurer
Revising provisions relating to state warrants.
Referred to Committee on State Government.
- ESB 4619 by Senators Bender, Sellar, Bluechel and Rinehart
Authorizing exchange of land for institutional purposes and declaring an emergency.
Referred to Committee on Natural Resources.
- E2SSB 4626 by Committee on Ways & Means (originally sponsored by Senators Warnke, Fleming, Moore and Williams)
Establishing the housing trust fund to assist low-income persons to obtain housing.
Referred to Committee on Trade & Economic Development.
- SSB 4661 by Committee on Governmental Operations (originally sponsored by Senators Fleming, Granlund, Bender, Wojahn, Zimmerman, Deccio, Bottiger, McDermott, Talmadge, McManus, Bauer and Kreidler)
Extending the authority of the Washington state housing finance commission.
Referred to Committee on State Government.
- SB 4693 by Senators Thompson, Talmadge and Zimmerman; by request of Office of Financial Management
Transferring filing of claims against the state from OFM to the risk management office.
Referred to Committee on Ways & Means.
- SB 4721 by Senators Warnke, Newhouse, Vognild and Bauer
Modifying provisions relating to appeals and penalties under the Washington industrial safety and health act.
Referred to Committee on Commerce & Labor.
- ESSB 4737 by Committee on Judiciary (originally sponsored by Senator Talmadge)
Revising provisions relating to child abuse information.
Referred to Committee on Judiciary.

SSB 4758 by Committee on Transportation (originally sponsored by Senator Conner)

Revising taxation of special fuel from a keylock pump.

Referred to Committee on Transportation.

SSB 4779 by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Barr, Bottiger and Rasmussen)

Providing increased consumer protection by regulating auctioneers and auction companies.

Referred to Committee on Commerce & Labor.

SSB 4933 by Committee on Governmental Operations (originally sponsored by Senators Fleming, Zimmerman, Rinehart, Deccio and Garrett)

Authorizing counties and cities to assist in low-income housing.

Referred to Committee on Local Government.

SB 4977 by Senators Gaspard, Warnke and Vognild

Establishing hotline to report hazardous working conditions.

Referred to Committee on Commerce & Labor.

MOTION

On motion of Mr. Appelwick, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

MOTION

On motion of Mr. Appelwick, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The House was called to order at 3:00 p.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Bond and Taylor, who were excused.

The House advanced to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 1385, by Committee on Local Government (originally sponsored by Representatives Haugen, G. Nelson, Brough, Allen, Winsley, Ebersole and Fisher)

Authorizing water and sewer district commissioner elections from commissioner districts.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1385, and the bill passed the House by the following vote: Yeas, 87; absent, 9; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smitherman, Sommers, Sutherland, Tanner, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Absent: Representatives Addison, Dobbs, Fuhrman, Hankins, Isaacson, Lundquist, McMullen, Sayan, Smith L - 9.

Excused: Representatives Bond, Taylor - 2.

Substitute House Bill No. 1385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker assumed the Chair.

Representative Taylor appeared at the bar of the House.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479, by Committee on Social & Health Services (originally sponsored by Representatives Leonard, Crane, Cole, Dellwo, Lewis, Lux, Appelwick, Winsley, Allen, Scott, Jacobsen, Braddock and P. King)

Modifying criteria for approval of methadone treatment services.

The bill was read the third time and placed on final passage.

Representatives Leonard, Schoon, Patrick, Brooks, Padden, Dellwo, Brough and Locke spoke in favor of passage of the bill, and Representative Ebersole spoke against it.

Representatives Leonard and Schoon spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1479, and the bill passed the House by the following vote: Yeas, 82; nays, 15; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, Leonard, Lewis, Locke, Long, Lundquist, Lux, May, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 82.

Voting nay: Representatives Ballard, Braddock, Ebersole, Fisher, King P, King R, Kremen, Madsen, McMullen, Smitherman, Sutherland, Vekich, Walk, Wang, and Mr. Speaker - 15.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 1479, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1497, by Representatives Scott, Thomas, Crane, Armstrong, Lewis, P. King, Zellinsky, Hargrove, May, Schoon and Winsley

Strengthening the court's contempt powers over certain juveniles.

The bill was read the third time and placed on final passage.

Representatives Scott, Thomas and Armstrong spoke in favor of passage of the bill, and Representative Niemi spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1497, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Nelson D, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Fisher, McMullen, Niemi, Wang, Wineberry - 5.

Excused: Representative Bond - 1.

House Bill No. 1497, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1681, by Committee on State Government (originally sponsored by Representatives Sayan, Sommers, Grimm, Brekke, Tilly, B. Williams, G. Nelson, Zellinsky, Schmidt, Haugen, S. Wilson, Cole, Valle, Braddock, Brough and J. Williams; by request of Legislative Budget Committee)

Revising criteria for salary surveys for marine employees of the state.

The bill was read the third time and placed on final passage.

Representatives Sayan and Sanders spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1681, and the bill passed the House by the following vote: Yeas, 95; nays, 1; absent, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Berozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 95.

Voting nay: Representative King R - 1.

Absent: Representative Zellinsky - 1.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 1681, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED HOUSE BILL NO. 1800, by Representatives Dellwo, Day, Haugen, Silver and May

Qualifying parking facilities for industrial development revenue bond financing.

The bill was read the third time and placed on final passage.

Representatives Dellwo, Silver and Schoon spoke in favor of passage of the bill, and Representative Hastings opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1800, and the bill passed the House by the following vote: Yeas, 83; nays, 14; excused, 1.

Voting yea: Representatives Allen, Appelwick, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Berozoff, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Isaacson, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 83.

Voting nay: Representatives Addison, Armstrong, Brough, Chandler, Fisher, Fuhrman, Hastings, Holland, Jacobsen, Lundquist, Lux, Niemi, Wang, and Mr. Speaker - 14.

Excused: Representative Bond - 1.

Engrossed House Bill No. 1800, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 1968, by Committee on Social & Health Services (originally sponsored by Representatives Leonard, Winsley, J. King, Lewis, Scott, C. Smith, Lux, Appelwick, Tanner, Barrett, Hankins, Brekke, B. Williams, Day, Madsen, K. Wilson, Sutherland, Todd, Rayburn, Lundquist and Doty)

Requiring the establishment of approved pharmaceuticals for use by optometrists.

The bill was read the third time and placed on final passage.

Representatives Leonard and Basich spoke in favor of passage of the bill, and Representatives Schoon and Brooks spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1968, and the bill passed the House by the following vote: Yeas, 72; nays, 25; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hastings, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nutley, O'Brien, Peery, Prince, Rayburn, Sanders, Sayan, Scott, Silver, Smith C, Smith L, Sommers, Sutherland, Tanner, Thomas, Todd, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, Williams B, Wilson K, Winsley, and Mr. Speaker - 72.

Voting nay: Representatives Barnes, Betzoff, Brooks, Cole, Hargrove, Haugen, Isaacson, Miller, Nelson G, Niemi, Padden, Patrick, Rust, Schmidt, Schoon, Smitherman, Taylor, Tilly, Unsoeld, Walker, West, Williams J, Wilson S, Wineberry, Zellinsky - 25.

Excused: Representative Bond - 1.

Substitute House Bill No. 1968, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1981, by Committee on Energy & Utilities (originally sponsored by Representatives Todd, D. Nelson, Peery, Ebersole, J. King, Unsoeld and Long)

Revising the requirements for energy conservation plans.

The bill was read the third time and placed on final passage.

Mr. Todd spoke in favor of passage of the bill, and Mr. Isaacson spoke against it.

Mr. Hargrove spoke in favor of the bill, and Mr. Isaacson again opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1981, and the bill passed the House by the following vote: Yeas, 66; nays, 31; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Prince, Sayan, Schmidt, Scott, Silver, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Barnes, Barrett, Baugher, Betzoff, Chandler, Day, Dobbs, Doty, Fuhrman, Hankins, Hastings, Isaacson, Lewis, Lundquist, Padden, Patrick, Rayburn, Rust, Sanders, Schoon, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, West, Williams B, Williams J - 31.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 1981, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. Appelwick, SENATE BILL NO. 4521 was referred from Committee on Higher Education to Committee on Local Government.

On motion of Mr. Appelwick, SENATE JOINT MEMORIAL NO. 135 was referred from Committee on Commerce & Labor to Committee on Trade & Economic Development.

The House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 13, 1986

HCR 26 Prime Sponsor, Representative Valle: Creating a joint select committee to study career ladder. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betzoff, Chandler, Cole, Holland, P. King, Long, Peery, Rayburn, L. Smith, Taylor, Walker and Wang

Absent: Representatives Fuhrman, Rust, Schoon and Todd.

Passed to Committee on Rules for second reading.

February 12, 1986

SB 3287 Prime Sponsor, Senator McDermott: Broadening the state's duty to pay prorated election costs. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 4, Laws of 1973 as last amended by section 2, chapter 45, Laws of 1985 and RCW 29.13.047 are each amended to read as follows:

(1) Whenever ~~((state officers))~~ federal offices, state-wide offices, state legislative offices, or state measures are voted upon at a state primary, special election, special vacancy election, or state general election ((held in an odd-numbered year under RCW 29.13.010)), the state of Washington shall assume a prorated share of the costs of that state primary, special election, special vacancy election, or state general election.

(2) ~~((Whenever a primary or vacancy election is held to fill a vacancy in the position of United States senator or United States representative under chapter 29.68 RCW, the state of Washington shall assume a prorated share of the costs of that primary or vacancy election.~~

(3) The county auditor shall apportion the state's share of these expenses, based upon the offices and measures listed in subsection (1) of this section, when prorating election costs under RCW 29.13.045 and shall file such expense claims with the secretary of state.

~~((4))~~ (3) The secretary of state shall include in his or her biennial budget requests sufficient funds to carry out this section. Reimbursements for election costs shall be from appropriations specifically provided by law for that purpose.

NEW SECTION. Sec. 2. This act shall take effect on January 1, 1988."

Signed by Representatives Fisher, Chair; Barnes, Barrett, Day, Fisch, Madsen, Miller, Nealey, Sommers and Walker.

Absent: Representative Leonard, Vice Chair.

Referred to Committee on Ways & Means.

February 14, 1986

ESSB 4876 Prime Sponsor, Committee on Energy & Utilities: Revising provisions relating to the low-level radioactive waste management program. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Gallagher, Jacobsen, Long, Miller, Nealey, Sutherland and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representative Isaacson.

Absent: Representatives Bond, Long and Madsen.

Passed to Committee on Rules for second reading

MOTION

On motion of Mr. Appelwick, the House adjourned until 9:00 a.m., Saturday, February 15, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

THIRTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Saturday, February 15, 1986

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Bond, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Wendy Estes and Bill Robinson. Prayer was offered by Reverend Dan Secrist, of the Faith Assembly Church of Lacey.

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

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

SECOND READING

HOUSE BILL NO. 354, by Representatives Braddock, Barrett, Kremen, Schoon, Haugen, Smitherman, J. Williams and Isaacson

Prohibiting excise taxation of interstate and foreign commerce.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 354 was substituted for House Bill No. 354, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 354 was read the second time.

On motion of Mr. Braddock, the following amendment was adopted:

On page 1, beginning on line 6, strike all of sections 1 and 2 and insert:

*NEW SECTION. Sec. 1. A new section is added to chapter 82.04 RCW to read as follows:

This chapter does not apply to any person in respect to gross proceeds derived from sales at wholesale or retail of tangible personal property sold for use outside the state which is, pursuant to written agreement:

- (1) Delivered outside the state by the seller or a carrier, other than the purchaser, acting in behalf of the seller; or
- (2) Delivered by the seller to a common or licensed contract carrier who transports and delivers such tangible personal property outside the state, and who is acting in behalf of the purchaser or its agent.

NEW SECTION. Sec. 2. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 does not apply to sales of tangible personal property sold for use outside the state which is, pursuant to written agreement:

- (1) Delivered outside the state by the seller or a carrier, other than the purchaser, acting in behalf of the seller; or
- (2) Delivered by the seller to a common or licensed contract carrier who transports and delivers such tangible personal property outside the state, and who is acting in behalf of the purchaser or its agent."

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and Hastings spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 354, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince,

Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 354, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 355, by Representatives Scott, Belcher, Bond, Zellinsky, Gallagher, Haugen, P. King, Fisch and Winsley; by Washington State Patrol request
Providing for state patrol retirement credit for cadets.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 355 was substituted for House Bill No. 355, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 355 was read the second time.

Mr. Tilly moved adoption of the following amendment by Representatives Tilly, Sommers and Schmidt:

On page 3, after line 28, insert the following:

***NEW SECTION, Sec. 2.** A new section is added to chapter 43.43 RCW to read as follows:

Former members of the retirement system established under this chapter who are currently members of the retirement system governed by chapter 41.40 RCW are permitted to reestablish service credit with the system subject to the following:

(1) The former member must have separated and withdrawn contributions from the system prior to January 1, 1966, and not returned to membership since that date;

(2) The former member must have been employed by the department of licensing, or its predecessor agency, in a capacity related to drivers' license examining within thirty days after leaving commissioned status with the state patrol; and

(3) The former member must make payment to the system of the contributions withdrawn with interest at the rate set by the director from the date of withdrawal to the date of repayment. Such payment must be made no later than December 31, 1987.

NEW SECTION, Sec. 3. A new section is added to chapter 41.40 RCW to read as follows:

Any active member of this system who was a member of the retirement system governed by chapter 43.43 RCW may transfer service credit reestablished under section 1 of this act to this system.

Upon receipt of any application for a transfer under this section, the department shall cause a transfer of the employee's funds from the state patrol retirement system to the retirement system under this chapter. Such service shall be credited as though earned in this system except that only one month's service shall be allowed for any one calendar month. The application for a transfer under this section shall be made by the member no later than December 31, 1987.

NEW SECTION, Sec. 4. This act shall expire June 30, 1989.*

Representatives Tilly, Sommers and Taylor spoke in favor of the amendment, and it was adopted.

On motion of Mr. Tilly, the following amendment to the title was adopted:

On page 1, line 1 of the title after "patrol;" strike "and" and on line 2 of the title, after "43.43.130" insert "; adding a new section to chapter 43.43 RCW; adding a new section to chapter 41.40 RCW; and providing an expiration date"

The bill was ordered engrossed. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Scott and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 355, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince,

Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 588, by Representatives Sommers and B. Williams

Revising provisions relating to retirement contribution rates.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 588 was substituted for House Bill No. 588, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 588 was read the second time.

Mr. Jacobsen moved adoption of the following amendment by Representatives Jacobsen, D. Nelson, Wineberry, Cole, Valle, Leonard, Appelwick, Locke, O'Brien, Armstrong, Brække, Rust, Sommers and Grimm:

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

***NEW SECTION. Sec. 7.** For those persons whose retirement allowances are based on their earnable compensation, as defined in RCW 41.32.010(11) (a) and (b), for fiscal year 1986, the calculation of their earnable compensation for fiscal year 1986 shall be made by the director of the department of retirement systems in such a manner as to avoid any diminution in the amount of their monthly allowances which might otherwise result solely from the extension of the 1985-86 school year into the first two weeks of July 1986. Persons whose retirement allowances are calculated pursuant to this section may not begin receiving such allowances before August 1, 1986.

The sole purpose of this section is to ensure that those persons employed in a school district whose 1985-86 school year was extended beyond June 30, 1986, due to a labor dispute or other unforeseen circumstances, shall not have their monthly allowances unfairly reduced solely because the school year extended beyond the end of fiscal year 1986."

Representatives Jacobsen and Taylor spoke in favor of the amendment, and Mr. B. Williams spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Jacobsen and others to Substitute House Bill No. 588, and the amendment was not adopted by the following vote: Yeas, 38; nays, 59; excused, 1.

Voting yea: Representatives Addison, Appelwick, Armstrong, Basich, Belcher, Brække, Cole, Crane, Ebersole, Fisch, Fisher, Gallagher, Hine, Jacobsen, King P, King R, Leonard, Locke, Lux, McMullen, Nelson D, Niemi, O'Brien, Rust, Sayan, Scott, Smitherman, Sommers, Tanner, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, and Mr. Speaker - 38.

Voting nay: Representatives Allen, Ballard, Barnes, Barrett, Baugher, Betzoff, Braddock, Bristow, Brooks, Brough, Chandler, Day, Dellwo, Dobbs, Doty, Fuhrman, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, King J, Kremen, Lewis, Long, Lundquist, Madsen, May, Miller, Nealey, Nelson G, Nutley, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sutherland, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 59.

Excused: Representative Bond - 1.

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

Representatives Sommers and Tilly spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 588, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King

P. Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives King R, Wang - 2.

Excused: Representative Bond - 1.

Substitute House Bill No. 588, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1333, by Representatives Sommers, B. Williams, G. Nelson, Grimm, Tilly, P. King, Van Luven, Sayan and Unsoeld; by request of Legislative Budget Committee

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

The bill was read the second time. On motion of Ms. Belcher, Substitute House Bill No. 1333 was substituted for House Bill No. 1333, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1333 was read the second time.

On motion of Mr. B. Williams, the following amendment by Representatives B. Williams and Sommers was adopted:

On page 6, line 8, after "67.08.910;" strike all material down through line 9 and insert the following:

"(16) Section 1, chapter 133, Laws of 1981 and RCW 43.101.850; and

(17) Section 19, chapter 43, Laws of 1981 and RCW 18.39.910."

On motion of Ms. Unsoeld, the following amendment by Representatives Unsoeld, Sommers, B. Williams and D. Nelson was adopted:

On page 6, line 8 after "RCW 67.08.910; strike "and" and on line 9 after "RCW 43.101.850" insert "; and (17) Section 9, chapter 295, Laws of 1981 and RCW 43.21F.900"

On motion of Ms. Unsoeld, the following amendments to the title were adopted:

On page 1, beginning on line 7 of the title strike "and 43.101.850" and insert "43.101.850, and 18.39.910."

On page 1, line 7 of the title after "67.08.910," insert "43.21F.900."

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. B. Williams spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1333, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 1333, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1401, by Representative Grimm; by request of Office of Financial Management

Revising provisions relating to economic forecasts.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1401 was substituted for House Bill No. 1401, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1401 was read the second time.

Mr. B. Williams moved adoption of the following amendment:

On page 4, line 21 insert:

"(4) Before each of the dates indicated in subsection (3) of this section the director of financial management shall submit to the forecast council a report of primary budget drivers, including but not limited to actual workloads, caseload, enrollments, inmate populations, and unit cost data for areas that may affect state expenditures. The report shall include actual experience to date and a monthly forecast for the following twenty-four months. If the director of financial management determines that any budget drivers could reasonably be expected to result in expenditures in excess of appropriations, the director of financial management shall submit with the report a plan indicating steps which will be taken to prevent expenditures in excess of appropriations. The economic and revenue forecast council shall publish reports and plan received under this subsection as an appendix to each official forecast."

Representatives B. Williams and G. Nelson spoke in favor of the amendment, and Mr. Braddock opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative B. Williams to Substitute House Bill No. 1401, and the amendment was not adopted by the following vote: Yeas, 47; nays, 50; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Leonard, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson D, Nelson G, Nutley, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 47.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Locke, Lux, Madsen, McMullen, Niemi, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 50.

Excused: Representative Bond - 1.

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

Representatives Braddock and B. Williams spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1401, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Substitute House Bill No. 1401, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1409, by Representatives Sutherland and Peery
 Authorizing green lights on private cars of emergency medical personnel.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1409 was substituted for House Bill No. 1409, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1409 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sutherland, Lundquist and Walk spoke in favor of passage of the bill, and Representatives Lewis and Van Luven opposed it.

Mr. Sutherland spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1409, and the bill passed the House by the following vote: Yeas, 85; nays, 12; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, Vander Sloep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Betrozoff, Chandler, Dobbs, Doty, Fuhrman, Lewis, Miller, Schmidt, Thomas, van Dyke, Van Luven, West - 12.

Excused: Representative Bond - 1.

Substitute House Bill No. 1409, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

February 14, 1986

The Senate has passed:

SECOND SUBSTITUTE SENATE BILL NO. 3157,
 SENATE BILL NO. 4446,
 SENATE BILL NO. 4528,
 SENATE BILL NO. 4529,
 SUBSTITUTE SENATE BILL NO. 4629,
 ENGROSSED SENATE BILL NO. 4645,
 SUBSTITUTE SENATE BILL NO. 4676,
 SENATE BILL NO. 4713,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4722,
 SUBSTITUTE SENATE BILL NO. 4741,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4792,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4872,
 SUBSTITUTE SENATE BILL NO. 4923,
 SENATE BILL NO. 4925,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4938,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4941,
 SUBSTITUTE SENATE BILL NO. 4990,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

HOUSE BILL NO. 1415, by Representatives Locke, Wang, Belcher, Niemi, Miller, Vander Stoep, Allen, Prince, Unsoeld, Jacobsen and Lux

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

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1415, and the bill passed the House by the following vote: Yeas, 82; nays, 15; excused, 1.

Voting yea: Representatives Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Brough, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Hine, Holland, Jacobsen, King J. King P., King R., Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nealey, Nelson D., Nelson G., Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith L., Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, and Mr. Speaker - 82.

Voting nay: Representatives Appelwick, Bristow, Brooks, Chandler, Dobbs, Doty, Fuhrman, Haugen, Isaacson, May, Padden, Silver, Smith C., van Dyke, Zellinsky - 15.

Excused: Representative Bond - 1.

House Bill No. 1415, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1483, by Representatives Wineberry, Baugher and Rayburn; by request of Department of Licensing

Repealing provision relating to special license plates.

The bill was read the second time.

On motion of Mr. Walk, the following amendments were adopted:

On page 1, after line 3, insert the following:

"Sec. 1. Section 4, chapter 200, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 24, Laws of 1983 1st ex. sess. and RCW 46.16.570 are each amended to read as follows:

The personalized license plates shall be the same design as regular license plates, and shall consist of numbers or letters, or any combination thereof not exceeding seven positions unless proposed by the department and approved by the Washington state patrol and not less than ~~((two positions))~~ one position, to the extent that there are no conflicts with existing passenger, commercial, trailer, motorcycle, or special license plates series or with the provisions of RCW 46.16.230 or 46.16.235: PROVIDED, That the maximum number of positions on personalized license plates for motorcycles shall be designated by the department."

Remember the sections consecutively.

On page 1, line 1 of the title, after "plates;" insert "amending RCW 46.16.570:"

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1483, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P., King R., Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D., Nelson G., Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van

Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed House Bill No. 1483, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1492, by Representatives Haugen, Allen, May, Schoon, P. King and Winsley

Revising authority of boundary review boards.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1492 was substituted for House Bill No. 1492, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1492 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1492, and the bill passed the House by the following vote: Yeas, 94; nays, 3; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Belcher, Sommers, Unsoeld - 3.

Excused: Representative Bond - 1.

Substitute House Bill No. 1492, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1496, by Representatives Appelwick, Patrick and P. King; by request of Horse Racing Commission

Providing funds for the horse racing commission.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1496 was substituted for House Bill No. 1496, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1496 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Appelwick and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1496, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Substitute House Bill No. 1496, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

Please correct the Journal to show me as a "No" vote on SHB 1496. I incorrectly voted "Yes," when my intent was to vote "No."

GARY LOCKE, 37th District.

HOUSE BILL NO. 1518, by Representatives Walk, Schmidt and Gallagher; by request of Department of Licensing

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

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Walk and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1518, and the bill passed the House by the following vote: Yeas, 91; nays, 6; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Barnes, Fuhrman, Isaacson, Nelson D, Sanders, van Dyke - 6.

Excused: Representative Bond - 1.

House Bill No. 1518, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1555, by Representatives Belcher, Niemi, Leonard, Allen, Haugen, Locke, Cole, Sayan, Unsoeld, Brough and Wang

Identifying other programs for the certification of minority and women's business enterprises.

The bill was read the second time. On motion of Ms. Belcher, Substitute House Bill No. 1555 was substituted for House Bill No. 1555, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1555 was read the second time.

On motion of Mr. Locke, the following amendment by Representatives Locke and Belcher was adopted:

On page 1, line 17 after "certified under" strike "certification programs" and insert "the certification programs identified"

On motion of Mr. G. Nelson, the following amendment was adopted:

On page 1, line 19 after "special purpose district" insert "public corporation created by the state."

Ms. Niemi moved adoption of the following amendment by Representatives Niemi, Belcher and Wineberry:

On page 2, after line 9 insert the following new section:

NEW SECTION, Sec. 2. A new section is added to chapter 39.19 RCW to read as follows:

No business which is owned by a woman and in which her nonminority husband is active may be certified under this chapter. For the purposes of this section 'active' means involvement as officer, board member, employee or independent contractor with the business."

Representatives Niemi, Belcher and Hastings spoke in favor of the amendment, and Representatives Barrett, Brough, Miller, Van Luven, Zellinsky and Padden opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Niemi and others to Substitute House Bill No. 1555, and the amendment was adopted by the following vote: Yeas, 51; nays, 46; excused, 1.

Voting yea: Representatives Addison, Allen, Armstrong, Ballard, Barnes, Basich, Belcher, Brekke, Bristow, Brough, Cole, Crane, Dellwo, Ebersole, Fisher, Gallagher, Hankins, Hastings, Haugen, Hine, Isaacson, Jacobsen, King J, King R, Leonard, Locke, Lux, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sanders, Sayan, Scott, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, Vekich, Wang, Williams B, Wilson K, Wineberry, and Mr. Speaker - 51.

Voting nay: Representatives Appelwick, Barrett, Baugher, Betzoff, Braddock, Brooks, Chandler, Day, Dobbs, Doty, Fisch, Fuhrman, Grimm, Hargrove, Holland, King P, Kremen, Lewis, Long, Lundquist, Madsen, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walk, Walker, West, Williams J, Wilson S, Winsley, Zellinsky - 46.

Excused: Representative Bond - 1.

Mr. Locke moved adoption of the following amendment by Representatives Locke, Belcher and Wineberry:

On page 2, after line 9 insert the following new sections:

NEW SECTION, Sec. 2. A new section is added to chapter 39.19 RCW to read as follows:

The office shall review its rules, standards, and criteria pertaining to the certification program created under RCW 39.19.030(7) to ensure that the office has established a reasonable and rigorous certification program.

In conducting this review, the office shall actively consult with appropriate state and local officials who administer similar certification programs.

The office shall complete the review no later than January 1, 1987.

NEW SECTION, Sec. 3. Section 1 of this act shall take effect on January 1, 1987."

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

On page 1, line 21 strike all of section 3.

Mr. Barrett spoke in favor of the amendment to the amendment, and Representatives Locke and Belcher opposed it.

The amendment to the amendment was not adopted.

The amendment by Representative Locke was adopted.

On motion of Mr. Braddock, the following amendment by Representatives Braddock and Hastings was adopted:

On page 2, after line 9, insert the following:

NEW SECTION, Sec. 2. A new section is added to chapter 43.131 RCW to read as follows:

The office of minority and women's business enterprises and its powers and duties shall be terminated on June 30, 1988, as provided in section 3 of this act.

NEW SECTION, Sec. 3. A new section is added to chapter 43.131 RCW to read as follows:

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

- (1) Section 1, chapter 120, Laws of 1983 and RCW 39.19.010;
- (2) Section 2, chapter 120, Laws of 1983 and RCW 39.19.020;
- (3) Section 3, chapter 120, Laws of 1983 and RCW 39.19.030;
- (4) Section 4, chapter 120, Laws of 1983, section 45, chapter 466, Laws of 1985 and RCW 39.19.040;
- (5) Section 5, chapter 120, Laws of 1983 and RCW 39.19.050;
- (6) Section 6, chapter 120, Laws of 1983 and RCW 39.19.060;
- (7) Section 7, chapter 120, Laws of 1983 and RCW 39.19.070;
- (8) Section 8, chapter 120, Laws of 1983 and RCW 39.19.080;
- (9) Section 9, chapter 120, Laws of 1983 and RCW 39.19.090;
- (10) Section 21, chapter 120, Laws of 1983 and RCW 39.19.210;
- (11) Section 18, chapter 120, Laws of 1983 and RCW 39.19.220; and
- (12) Section 1 of this act and RCW 39.19.---

NEW SECTION, Sec. 4. Section 19, chapter 120, Laws of 1983 and RCW 39.19.900 are each repealed effective September 30, 1986."

On motion of Ms. Belcher, the following amendments to the title were adopted:

On page 1, line 2 of the title strike "and adding a new section" and insert "adding new sections" and on line 3 after "RCW" insert "; and providing an effective date"

On page 1, line 3 of the title after "RCW" and before the period insert "; adding new sections to chapter 43.131 RCW; and repealing RCW 39.19.010, 39.19.020, 39.19.030, 39.19.040, 39.19.050, 39.19.060, 39.19.070, 39.19.080, 39.39.090, 39.19.910, 39.19.920 and 39.19.900"

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1561, by Representatives Scott, Patrick, Armstrong, Long, Silver, Wang and P. King

Requiring reports of gunshot wounds in patients treated by health care professionals.

The bill was read the second time.

On motion of Ms. Schmidt, the following amendments by Representatives Schmidt, Brooks and Scott were adopted:

On page 1, beginning on line 18 strike "is a misdemeanor" and insert "shall be referred to the state medical disciplinary board for appropriate discipline"

On page 1, line 2 of the title strike "; and prescribing penalties"

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1561, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P., King R., Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D., Nelson G., Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsold, Valle, van Dyke, Van Luvan, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed House Bill No. 1561, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1398, by Representatives Zellinsky, West and Locke; by request of Attorney General

Publishing maximum interest rates in the state register.

The bill was read the second time.

On motion of Mr. Lux, the following amendment by Representatives Lux, Zellinsky, Barrett and Winsley was adopted:

On page 2, line 33, after "register," insert "The publication of the maximum allowable interest rate established pursuant to section 1 of this act shall be accompanied by the following advisement: NOTICE: FEDERAL LAW PERMITS FEDERALLY INSURED FINANCIAL INSTITUTIONS IN THE STATE TO CHARGE THE HIGHEST RATE OF INTEREST THAT MAY BE CHARGED BY ANY FINANCIAL INSTITUTION IN THE STATE. THE MAXIMUM ALLOWABLE RATE OF INTEREST SET FORTH ABOVE MAY NOT APPLY TO A PARTICULAR TRANSACTION."

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Zellinsky and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1398, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed House Bill No. 1398, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1598, by Representatives Valle, Crane, Kremen, Smitherman, P. King, Hargrove, Zellinsky, Bristow, Scott, Todd, Wang, Ebersole, Winsley, Basich, Brough and May

Revising the sexual offender treatment program.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1598 was substituted for House Bill No. 1598, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1598 was read the second time.

On motion of Ms. Niemi, the following amendments by Representatives Niemi and Padden were adopted:

On page 1, line 11 after "efforts" insert "or to terminate treatment if found to be ineffective"

On page 1, line 17 after "corrections" insert "and to determine whether treatment should be provided"

On page 1, line 26 before "any" insert "if sex offender treatment services are continued."

On motion of Ms. K. Wilson, the following amendments by Representatives K. Wilson, Hargrove, Sutherland, Rayburn, West, Patrick and P. King were adopted:

On page 1, line 13 after "addressed." insert "The legislature finds that public protection is the primary concern of the criminal justice system. Thus, violent crimes should be addressed through the use of criminal sanctions."

On page 5, line 26 after "offense" insert "other than a violent offense"

On page 6, line 16 strike "the offender" and insert "((the offender)) an offender convicted of a felony sexual offense other than a violent offense"

On page 11, line 32 strike "the offender ((successfully))" and insert "((the offender successfully)) an offender convicted of a felony sexual offense other than a violent offense"

On motion of Ms. Niemi, the following amendments by Representatives Niemi and Padden were adopted:

On page 1, line 28 after "with" insert "the legislative budget committee, the office of financial management, the University of Washington, department of psychiatry,"

On page 2, line 25 after "models;" strike "and"

On page 2, line 29 after "transition" insert "; and"

(1) An assessment of whether the benefits of an institutionalized state level sex offender treatment program justify the related state general fund expenditures."

Renumber the remaining subsection.

On motion of Mr. Tanner, the following amendment by Representatives Tanner, L. Smith, J. King, Perry, Sutherland and Nutley was adopted:

On page 6, line 9 after "program." insert "No offender who has escaped from the treatment program shall be committed to the custody of the secretary for evaluation or treatment under this subsection."

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1598, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristol, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Vaile, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 1598, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1270, by Representative Haugen

Relating to local government.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1270 was substituted for House Bill No. 1270, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1270 was read the second time.

Ms. Unsoeld moved adoption of the following amendment by Representatives Unsoeld, Nutley, Allen, Haugen, Hine, Rayburn, May, Brough, Madsen, Bristow and Isaacson:

On page 1, after line 27, insert the following:

NEW SECTION, Sec. 4. A new section is added to chapter 27.12 RCW to read as follows:

An intercounty rural library district shall be dissolved, and a separate rural county library district established in each of the counties within which the intercounty rural library district was located, upon the adoption of a resolution providing for such by the county legislative authority in each of the counties within which the intercounty rural library district is located: PROVIDED, That such action shall not be taken unless it is requested by resolution of the board of trustees of the intercounty rural library district. The boundaries of each rural county library so created shall be the same as those portions of the intercounty rural library district in that county. Prior to the adoption of these resolutions, the county legislative authority of each of these counties, acting as the respective boards of trustees of the rural county library districts that will be created upon the dissolution of the intercounty rural library district, shall have entered into a contract creating a regional library out of the rural county library districts. The contract creating the regional library shall be adopted, in all other respects, under the provisions of RCW 27.12.080.

Indebtedness of the intercounty rural library district shall remain in effect. Excess property tax levies authorized to retire voter approved general obligation indebtedness of an intercounty rural library district shall continue to be imposed and applied to retire the general obligation indebtedness. Where regular property tax levies are necessary to retire nonvoter approved general obligation indebtedness of the intercounty rural library district, regular property tax levies shall continue to be imposed within the boundaries of the dissolved intercounty rural library district at a rate necessary to retire the indebtedness, but not exceeding a rate that the intercounty rural library district otherwise could have imposed.

The maximum regular property tax rate that each of these newly created rural county library districts may impose in the initial year of their existence shall be equal to the regular property tax levy rate that the intercounty rural library district could have imposed in the year in which it is dissolved, not including any proration that would have occurred, less any levy rate continued to be imposed in the boundaries of the dissolved intercounty rural library district to retire any nonvoter approved general obligation indebtedness of the dissolved intercounty rural library district that still remains outstanding.

Where property tax levies of such an intercounty rural library district have been imposed, but not collected, the tax collections shall be distributed to the regional library. The assets and liabilities of the intercounty rural library district shall become assets and liabilities of the regional library.

NEW SECTION, Sec. 5. The local governance study commission created in RCW 43.63A.252 shall undertake a study of the financing of those junior taxing districts subject to the proration of

property taxes pursuant to RCW 84.52.010. The study shall examine the extent to which those districts are dependent either directly or indirectly on property tax revenues, the impact of prorating of property taxes on the ability of those districts to maintain acceptable levels of services, and the need for a diversified resource base for such districts in anticipation of lessened or negative growth in property values. If the study reveals the existing funding mechanism to be inadequate to meet the long-term financing needs of the services provided by those districts, then alternative proposals shall be recommended to the legislature concerning the provision and financing of those services, and those junior taxing districts are put on notice that, due to extreme limitations in the availability of regular property taxing authority for junior taxing districts, these recommendations may involve significant changes from the status quo. The commission shall report its findings by December 1, 1986.

Sec. 6. Section 84.09.030, chapter 15, Laws of 1961 as last amended by section 9, chapter 203, Laws of 1984 and RCW 84.09.030 are each amended to read as follows:

For the purposes of property taxation and the levy of property taxes the boundaries of counties, cities and all other taxing districts shall be the established official boundaries of such districts existing on the first day of March of the year in which the levy is made, and no such levy shall be made for any taxing district whose boundaries were not duly established on the first day of March of such year: PROVIDED, That ~~((for the year 1981 only the boundaries of library districts shall be the established official boundaries existing on the first day of October: PROVIDED FURTHER, That for the year 1984 only, boundaries of public hospital districts shall be the established official boundaries existing on the first day of April))~~ the official boundaries of rural county library districts created pursuant to section 4 of this 1986 act shall be established on the first day of October in the year in which they are created. In any case where any instrument setting forth the official boundaries of any newly established taxing district, or setting forth any change in such boundaries, is required by law to be filed in the office of the county auditor or other county official, said instrument shall be filed in triplicate. The officer with whom such instrument is filed shall transmit two copies to the county assessor."

Renumber remaining sections consecutively.

Representatives Unsoeld and Brough spoke in favor of the amendment.

POINT OF INQUIRY

Ms. Unsoeld yielded to question by Mr. B. Williams.

Mr. B. Williams: "Representative Unsoeld, I am confused. What specifically does this amendment do?"

Ms. Unsoeld: "To the rest of the bill, which I believe you understand, this adds the study by the Local Governance Commission, and it allows the library district that currently has been formed as a multi-county district--rather than to have to face the full effect of proration throughout its five counties--and only at the request of the library board, it permits the counties to 'atomize' the district by county. For the purpose of reestablishing the taxing district, the governance is re-formed as the intercounty library, which is really what they are now, but it would permit the proration effect to take place in only one or in less counties than the entire library district of five counties."

Ms. Brough spoke again in favor of the amendment, and it was adopted.

On motion of Ms. Unsoeld, the following amendment to the title of the bill was adopted:

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 84.09.030; adding a new section to chapter 27.12 RCW; adding a new section to chapter 84.55 RCW; adding a new chapter to Title 39 RCW; creating new sections; and providing an expiration date."

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Unsoeld, Haugen and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1270, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Hastings - 1.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 1270, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1613, by Representatives Walk, Schmidt and Dellwo; by request of Department of Licensing

Licensing vessel dealers and manufacturers.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1613 was substituted for House Bill No. 1613, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1613 was read the second time.

On motion of Mr. Walk, the following amendment by Representatives Walk and Schmidt was adopted:

On page 3, line 16 after "in the" strike "motor vehicle fund" and insert "general fund"

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1613, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 1613, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1619, by Representatives Walk and Van Luven

Fixing a rate for storm water control assessments on state highways.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1619 was substituted for House Bill No. 1619, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1619 was read the second time.

Ms. Hine moved adoption of the following amendments by Representatives Hine and Barnes:

On page 3, line 18, after "RCW 35.67.020" insert "": PROVIDED, That in setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property"

On page 3, line 26, after "RCW 35.92.020" insert ": PROVIDED, That in setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property"

On page 3, line 34, after "RCW 36.89.080" insert ": PROVIDED, That in setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property"

On page 4, line 8, after "RCW 36.94.140" insert ": PROVIDED, That in setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property"

On page 4, line 16, after "56.16.090" insert ": PROVIDED, That in setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property"

On page 5, line 8, after "charges" insert ": PROVIDED, That in setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property"

Representatives Hine and Betzoff spoke in favor of the amendments and they were adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1619, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 1619, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1652, by Representatives Sommers and Tilly; by request of Department of Retirement Systems

Revising provisions relating to public retirement disability benefits.

The bill was read the second time.

On motion of Ms. Sommers, the following amendments by Representatives Sommers and Tilly were adopted:

On page 2, after line 14, insert the following:

"NEW SECTION, Sec. 2. A new section is added to chapter 41.40 RCW to read as follows:

Those members subject to this chapter who became disabled in the line of duty on or after March 27, 1984, and who received or are receiving benefits under Title 51 RCW shall receive or continue to receive service credit subject to the following:

- (1) No member may receive more than one month's service credit in a calendar month.
- (2) No service credit under this section may be allowed after a member separates or is separated without leave of absence.
- (3) Employer contributions shall be paid by the employer at the rate in effect for the period of the service credited.
- (4) Employee contributions shall be collected by the employer and paid to the department at the rate in effect for the period of service credited.

(5) Contributions shall be based on the regular compensation which the member would have received had the disability not occurred. If contribution payments are made retroactively, interest shall be charged at the rate set by the director on both employee and employer contributions. No service credit shall be granted until the employee contribution has been paid.

(6) The service and compensation credit shall not be granted for a period to exceed twelve consecutive months.

(7) Nothing in this section shall abridge service credit rights granted in RCW 41.40.220(2) and 41.40.320.

(8) Should the legislature revoke the service credit authorized under this section or repeal this section, no affected employee is entitled to receive the credit as a matter of contractual right.

Sec. 3. Section 10, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.235 are each amended to read as follows:

(1) Upon retirement, a member shall receive a nonduty disability retirement allowance equal to two percent of average final compensation for each year of service: PROVIDED, That such allowance shall be reduced by two percent of itself for each year or fraction thereof that his age is less than fifty-five years: PROVIDED FURTHER, That in no case may the allowance provided by this section exceed sixty percent of average final compensation.

(2) If the recipient of a retirement allowance under this section dies before the total of the retirement allowance paid to the recipient equals the amount of the accumulated contributions at the date of retirement, then the balance shall be paid to such person or persons having an insurable interest in his or her life as the recipient has nominated by written designation duly executed and filed with the director or, if there is no such designated person or persons still living at the time of the recipient's death, then to the surviving spouse or, if there is neither such designated person or persons still living at the time of his or her death nor a surviving spouse, then to his or her legal representative.

Sec. 4. Section 12, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 102, Laws of 1985 and RCW 41.26.120 are each amended to read as follows:

Any member, regardless of his age or years of service may be retired by the disability board, subject to approval by the director as hereinafter provided, for any disability incurred in the line of duty which has been continuous since his discontinuance of service and which renders him unable to continue his service. No disability retirement allowance shall be paid until the expiration of a period of six months after the discontinuance of service during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of his application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to his full monthly salary and shall continue to receive all other benefits provided to active employees from his employer for such period. However, if, at any time during the initial six-month period, the disability board finds the beneficiary is no longer disabled, his disability leave allowance shall be canceled and he shall be restored to duty in the same rank or position, if any, held by the beneficiary at the time he became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he is or is believed to be physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of said member, or a person acting in his behalf, stating that said member is disabled, either physically or mentally: PROVIDED, That no such application shall be considered unless said member or someone in his behalf, in case of the incapacity of a member, shall have filed the application within a period of one year from and after the discontinuance of service of said member.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, that such disability was incurred in the line of duty, and that such disability has been continuous from the discontinuance of service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter as now or hereafter amended, granting the member a disability retirement allowance; otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the director in accordance with RCW 41.26.200: PROVIDED, That in any order granting a duty disability retirement allowance, the disability board shall make a finding that the disability was incurred in line of duty.

(3) Every order of a disability board granting a duty disability retirement allowance shall forthwith be reviewed by the director except the finding that the disability was incurred in the line of duty. The director may affirm the decision of the disability board or remand the case for further proceedings, or the director may reverse the decision of the disability board if the director finds the disability board's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions; or
- (b) In excess of the statutory authority or jurisdiction of the disability board; or
- (c) Made upon unlawful procedure; or
- (d) Affected by other error of law; or
- (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
- (f) Arbitrary or capricious.

(4) Every member who can establish, to the disability board, that he is physically or mentally disabled from the further performance of duty, that such disability was incurred in the line of duty, and that such disability will be in existence for a period of at least six months may waive the six-month period of disability leave and be immediately granted a duty disability retirement allowance, subject to the approval of the director as provided in subsection (3) above.

Sec. 5. Section 3, chapter 102, Laws of 1985 and RCW 41.26.125 are each amended to read as follows:

Any member, regardless of age or years of service, may be retired by the disability board, subject to approval by the director as provided in this section, for any disability not incurred in the line of duty which has been continuous since discontinuance of service and which renders the member unable to continue service. No disability retirement allowance may be paid until the expiration of a period of six months after the discontinuance of service during which period the member, if found to be physically or mentally unfit for duty by the disability board following receipt of the member's application for disability retirement, shall be granted a disability leave by the disability board and shall receive an allowance equal to the member's full monthly salary and shall continue to receive all other benefits provided to active employees from the member's employer for the period. However, if, at any time during the initial six-month period, the disability board finds the beneficiary is no longer disabled, the disability leave allowance shall be canceled and the member shall be restored to duty in the same rank or position, if any, held by the member at the time the member became disabled. Applications for disability retirement shall be processed in accordance with the following procedures:

(1) Any member who believes he or she is, or is believed to be, physically or mentally disabled shall be examined by such medical authority as the disability board shall employ, upon application of the member, or a person acting in the member's behalf, stating that the member is disabled, either physically or mentally: PROVIDED, That no such application shall be considered unless the member or someone acting in the member's behalf, in case of the incapacity of a member, has filed the application within a period of one year from and after the discontinuance of service of the member.

(2) If the examination shows, to the satisfaction of the disability board, that the member is physically or mentally disabled from the further performance of duty, that such disability was not incurred in the line of duty, and that such disability had been continuous from the discontinuance of service, the disability board shall enter its written decision and order, accompanied by appropriate findings of fact and by conclusions evidencing compliance with this chapter, granting the member a disability retirement allowance. Otherwise, if the member is not found by the disability board to be so disabled, the application shall be denied pursuant to a similar written decision and order, subject to appeal to the director in accordance with RCW 41.26.200: PROVIDED, That in any order granting a nonduty disability retirement allowance, the disability board shall make a finding that the disability was not incurred in the line of duty.

(3) Every order of a disability board granting a nonduty disability retirement allowance shall forthwith be reviewed by the director except the finding that the disability was not incurred in the line of duty. The director may affirm the decision of the disability board or remand the case for further proceedings, or the director may reverse the decision of the disability board if the director finds the disability board's findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions; or
- (b) In excess of the statutory authority or jurisdiction of the disability board; or
- (c) Made upon unlawful procedure; or
- (d) Affected by other error of law; or
- (e) Clearly erroneous in view of the entire record as submitted and the public policy contained in this chapter; or
- (f) Arbitrary or capricious.

(4) Every member who can establish to the disability board that the member is physically or mentally disabled from the further performance of duty, that such disability was not incurred in the line of duty, and that such disability will be in existence for a period of at least six months, may waive the six-month period of disability leave and be immediately granted a nonduty disability retirement allowance, subject to the approval of the director as provided in subsection (3) of this section.

NEW SECTION. Sec. 6. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "benefits," strike the remainder of the title and insert "amending RCW 46.20.041, 41.40.235, 41.26.120, and 41.26.125; adding a new section to chapter 41.40 RCW; and declaring an emergency."

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1652, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed House Bill No. 1652, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1687, by Representatives Sommers, Prince and Silver

Regulating private vocational schools.

The bill was read the second time. On motion of Ms. Sommers, Substitute House Bill No. 1687 was substituted for House Bill No. 1687, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1687 was read the second time.

On motion of Ms. Sommers the following amendment by Representatives Sommers and Prince was adopted:

On page 15, beginning on line 25 strike "is not required to apply for a license" and insert "shall be considered to be licensed"

On motion of Ms. Sommers, the following amendment by Representatives Sommers, Belcher and Prince was adopted:

On page 15, beginning on line 30, strike all material through "management." on page 16, line 6 and insert the following:

*NEW SECTION. Sec. 28. (1) The sum of thirty-five thousand dollars, or so much thereof as may be necessary, is appropriated to the agency for the biennium ending June 30, 1987. Subject to approval by the director of financial management, not more than \$31,300 may be used to employ one additional full time equivalent employee to administer this chapter. Not more than \$3,700 may be used for travel expenses under RCW 43.03.050 and 43.03.060.

(2) This section shall take effect when the director of financial management determines that the agency has established the fees under section 7 of this act."

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1687, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 1687, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1688, by Representatives Sommers and Prince
Regulating private degree-granting institutions.

The bill was read the second time. On motion of Ms. Sommers, Substitute House Bill No. 1688 was substituted for House Bill No. 1688, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1688 was read the second time.

On motion of Ms. Sommers, the following amendments by Representatives Sommers and Prince were adopted:

On page 2, line 14, after "4." strike "This" and insert "(1) An institution or person shall not advertise, offer, sell, or award a degree or any other type of educational credential unless the student has enrolled in and successfully completed a prescribed program of study, as outlined in the institution's publications. This prohibition shall not apply to honorary credentials clearly designated as such on the front side of the diploma or certificate and awarded by institutions offering other educational credentials in compliance with state law.

(2) Except as provided in subsection (1) of this section, this"

Reletter the remaining subsections consecutively.

On page 2, line 12 after "authorization" strike "to grant the degree"

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1688, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brække, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 1688, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1713, by Representatives Bristow, Vekich, Haugen, Unsoeld and P. King

Changing provisions relating to weed control.

The bill was read the second time. On motion of Mr. Vekich, Substitute House Bill No. 1713 was substituted for House Bill No. 1713, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1713 was read the second time.

On motion of Mr. Vekich, the following amendments by Representatives Vekich and Nealey were adopted:

On page 6, after line 26, insert the following:

"Sec. 10, Section 4, chapter 125, Laws of 1929 as last amended by section 15, chapter 292, Laws of 1971 ex. sess. and RCW 17.04.070 are each amended to read as follows:

(1) If the board of county commissioners establish such district it shall call a special meeting to be held within such district for the purpose of electing three directors for such district. No person shall be eligible to hold the office of director who is not a qualified elector of the state of

Washington and a resident and landowner within such district. Such meeting shall be held not less than thirty nor more than ninety days from the date when such district is established by such board.

Notice of such meeting shall be given by the county auditor by publication once a week for three successive weeks in a newspaper of general circulation in such district, and by posting such notice for not less than ten days before the date fixed for such meeting in three public places within the boundaries of such district. The notices shall state the object of the meeting and the time and place when the same shall be held.

At the time and place fixed for the meeting the county commissioner in whose commissioner district such district is located shall act as chairman and call the meeting to order. The chairman shall appoint two persons to assist him in conducting the election, one of whom shall act as clerk. If such county commissioner be not present the electors of such district then present shall elect a chairman of the meeting.

Every person who is a landowner within such district and a qualified elector of the state of Washington shall be entitled to vote at such meeting. Any person offering to vote may be challenged by any legally qualified elector of such district, and the chairman of such meeting shall thereupon administer to the person challenged an oath in substance as follows: 'You do swear (or affirm) that you are a citizen of the United States and a qualified elector of the state of Washington and an owner of land within the boundaries of weed district No. of county (giving number of district and name of county).' If the challenged person shall take such oath or make such affirmation, he shall be entitled to vote; otherwise his vote shall not be received. Any person making a false oath, or affirmation, or any person illegally voting at such meeting, shall be punished as provided in the general election laws of the state for illegal voting.

The vote shall be by secret ballot, on white paper of uniform size and quality, of such arrangement that when names are written thereon, the same may be folded so as not to disclose the names. The elector shall write the names of three persons that he desires as the first directors of such district and shall fold his ballot and hand the same to the chairman of the meeting who shall deposit it in a ballot box provided for that purpose. The clerk shall thereupon write the name of such person on a list as having voted at such election. After all persons present and entitled to vote have voted, the chairman shall declare the election closed, and shall, with the assistance of the clerk and the other person appointed as assistant, proceed to count the ballots. The person receiving the greatest number of votes shall be elected as director for a term ending three years from the first Monday in March following his election; the person receiving the second greatest number of votes shall be elected for a term ending two years from the first Monday in March following his election, and the person receiving the third greatest number of votes shall be elected for a term ending one year from the first Monday of March following his election.

~~((Annually thereafter, there shall be held a meeting of the electors of such district on the last Monday in February, except that the directors may, by giving the same notice as is required for the initial meeting, fix an earlier time for the annual meeting on any nonholiday during the months of December, January or February. At such meeting one director shall be elected to succeed the director whose term will expire on the first Monday in March following. The directors shall call the annual meeting, and shall fix the time and place where the same shall be held and shall give the same notice thereof as provided for the initial meeting. The annual meeting shall be conducted in the same manner as is provided for the initial meeting, and)) The qualifications of electors at ((such)) subsequent annual ((meeting)) elections shall be the same as is required for the initial meeting. ((In conducting directors' elections, the chairman may accept nominations from the floor but voting shall not be limited to those nominated.))~~

(2) After the initial directors of a weed district have been elected and qualified, primaries and general elections for electing directors shall be conducted in the manner prescribed by RCW --- (section 4 of H-4652/86) for electing members of a county noxious weed control board. The provisions of that section, including but not limited to those regarding qualifications of candidates and terms of office, shall apply in each regard to primaries and general elections for weed districts. For the purposes of this subsection, the terms 'county noxious weed control board' and 'county weed board' as used in RCW ---(section 4 of H-4652/86) shall be construed to mean a weed district.

(3) All directors shall hold office for the term for which they are elected, and until their successors are elected and qualified. In case of a vacancy occurring in the office of any director, the county commissioners of the county in which such district is located shall appoint a qualified person to fill the vacancy for the unexpired term. The board of directors shall elect one of its members chairman and may appoint a secretary who need not be a member of the board, and who shall be paid such compensation as the board may determine. Each director shall furnish a bond in the sum of one thousand dollars, which may be a surety company bond or property bond approved by the board of county commissioners, which bond shall be filed with the county commissioners and shall be conditioned for the faithful discharge of his duties. The cost of such bond shall be paid by the district the same as other expenses of the district. At any annual meeting the method for destroying, preventing and exterminating weeds of such

district as set forth in the petition, and the rules and regulations adopted by such district, may be changed by a majority vote of the qualified electors present at such meeting, or a special meeting may be called for that purpose, notice of which meeting and of such proposed changes to be voted on, shall be given to all landowners residing within the district by mailing a copy of such notice and of such proposed changes to the address of such landowner at least one week before the date fixed for such special meeting. The qualified electors of any weed district, at any annual meeting, may make other weeds that are not on the petition subject to control by the weed district by a two-thirds vote of the electors present: PROVIDED, That said weeds have been classified by the agricultural experiment station of Washington State University as noxious and: PROVIDED FURTHER, That the directors of the weed district give public notice in the manner required for initial meetings of the proposed new control of said weeds by the weed district.

Sec. 11. Section 5, chapter 205, Laws of 1959 as amended by section 16, chapter 292, Laws of 1971 ex. sess. and RCW 17.06.050 are each amended to read as follows:

(1) If the respective boards of county commissioners establish such district the chairman of the principal board shall call a special meeting of landowners to be held within such district for the purpose of electing three directors for such district. No person shall be eligible to hold the office of director who is not a qualified elector of the state of Washington and a resident and landowner within such district. Such meeting shall be held not less than thirty nor more than ninety days from the date when such district is established.

Notice of such meeting shall be given by the principal county auditor by publication once a week for three successive weeks in a newspaper of general circulation in such district, and by posting such notice for not less than ten days before the date fixed for such meeting in three public places within the boundaries of such district. The notices shall state the object of the meeting and the time and place when the same shall be held.

At the time and place fixed for the meeting the chairman shall appoint two persons to assist him in conducting the election, one of whom shall act as clerk. If such chairman be not present the electors of such district then present shall elect a chairman of the meeting.

Every person who is a landowner within such district and a qualified elector of the state of Washington shall be entitled to vote at such meeting. Any person offering to vote may be challenged by any legally qualified elector of such district, and the chairman of such meeting shall thereupon administer to the person challenged an oath in substance as follows: 'You do swear (or affirm) that you are a citizen of the United States and a qualified elector of the state of Washington and an owner of land within the boundaries of weed district No. (giving number of district).' If the challenged person shall take such oath or make such affirmation, he shall be entitled to vote; otherwise his vote shall not be received. Any person making a false oath, or affirmation, or any person illegally voting at such meeting, shall be punished as provided in the general election laws of the state for illegal voting.

The vote shall be by secret ballot, on white paper of uniform size and quality, of such arrangement that when names are written thereon, the same may be folded so as not to disclose the names. The elector shall write the names of three persons that he desires as the first directors of such district and shall fold his ballot and hand the same to the chairman of the meeting who shall deposit it in a ballot box provided for that purpose. The clerk shall thereupon write the name of such person on a list as having voted at such election. After all persons present and entitled to vote have voted, the chairman shall declare the election closed, and shall, with the assistance of the clerk and the other person appointed as assistant, proceed to count the ballots. The person receiving the greatest number of votes shall be elected as director for a term ending three years from the first Monday in March following his election; the person receiving the second greatest number of votes shall be elected for a term ending two years from the first Monday in March following his election, and the person receiving the third greatest number of votes shall be elected for a term ending one year from the first day of March following his election.

~~((Annually thereafter, there shall be held a meeting of the electors of such district on the first Monday in February. At such meeting one director shall be elected to succeed the director whose term will expire on the first Monday in March following. The directors shall call the annual meeting, and shall fix the time when and place where the same shall be held and shall give the same notice thereof as provided for the initial meeting. The annual meeting shall be conducted in the same manner as is provided for the initial meeting, and))~~ The qualifications of electors at ~~((such))~~ subsequent annual ~~((meeting))~~ elections shall be the same as is required for the initial meeting.

(2) After the initial directors of an intercounty weed district have been elected and qualified, primaries and general elections for electing directors shall be conducted in the manner prescribed by RCW --- (section 4 of H-4652/86) for electing members of a county noxious weed control board. The provisions of that section, including but not limited to those regarding qualifications of candidates and terms of office, shall apply in each regard to primaries and general elections for intercounty weed districts. For the purposes of this subsection, the terms 'county noxious weed control board' and 'county weed board' as used in RCW --- (section 4 of H-4652/86) shall be construed to mean an intercounty weed district.

(3) All directors shall hold office for the term for which they are elected, and until their successors are elected and qualified. In case of a vacancy occurring in the office of any director, the remaining members of the board of directors shall appoint a qualified person to fill the vacancy for the unexpired term. The board of directors shall elect one of its members chairman and may appoint a secretary who need not be a member of the board, and who shall be paid such compensation as the board may determine. Each director shall furnish a bond in the sum of one thousand dollars, which may be a surety company bond or property bond approved by the principal board of county commissioners, which bond shall be filed with the same board and shall be conditioned for the faithful discharge of his duties. The cost of such bond shall be paid by the district the same as other expenses of the district.

At any annual meeting the method for destroying, preventing and exterminating weeds of such district as set forth in the petition, and the rules and regulations adopted by such district, may be changed by a majority vote of the qualified electors present at such meeting, or a special meeting may be called for that purpose, notice of which meeting and of such proposed changes to be voted on, shall be given to all landowners residing within the district by mailing a copy of such notice and of such proposed changes to the address of such landowner at least one week before the date fixed for such special meeting.*

On page 4, after line 2, insert the following:

*Sec. 3. Section 5, chapter 113, Laws of 1969 ex. sess. as last amended by section 1, chapter 95, Laws of 1980 and RCW 17.10.050 are each amended to read as follows:

(1) Each activated county noxious weed control board shall consist of five voting members who shall, at the board's inception, be appointed by the county legislative authority and elected thereafter by the property owners subject to the board in accordance with section 4 of this 1986 act. In appointing such voting members, the county legislative authority shall divide the county into five sections, none of which shall overlap and each of which shall be of the same approximate area, and shall appoint a voting member from each section. At least four of such voting members shall be engaged in the primary production of agricultural products. There shall be one nonvoting member on such board who shall be the chief county extension agent or an extension agent appointed by the chief county extension agent. Each voting member of the board shall serve a term of two years, except that ((††)) the county legislative authority shall, when a board is first activated under this chapter, designate two voting members to serve terms of one year((- (2) the terms of incumbent board members may be shortened or extended by the board if the board, in order to provide for a more convenient election date, makes a substantial change in the date for elections and if the board obtains the prior approval of the state noxious weed control board for the changes in election dates and in the terms of incumbent board members)). The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2) The elected members of the board shall represent the same districts designated by the county legislative authority in appointing members to the board at its inception. ((Members of the board shall be elected at least thirty days prior to the expiration of any board member's term of office.

The nomination and election of elected board members shall be conducted by the board at a public meeting held in the section where board memberships are about to expire. PROVIDED: That such nominations and elections may be held in another section of the county at the request of the county board and subject to approval by the state weed board. Elections at such meetings shall be by secret ballot, cast by the landowners residing in the section where an election for a board member is being conducted. The nominee receiving the majority of votes cast shall be deemed elected, and if there is only one nomination, said nominee shall be deemed elected unanimously.

Notice of such nomination and election meeting shall be published at least twice in a weekly or daily newspaper of general circulation in said section with last publication occurring at least ten days prior to the meeting:))

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a chairman and such other officers as may be necessary.

(4) In case of a vacancy occurring in any elected position on a county noxious weed control board, the county legislative authority of the county in which such board is located shall appoint a qualified person to fill the vacancy for the unexpired term.

NEW SECTION. Sec. 4. A new section is added to chapter 17.10 RCW to read as follows:

(1) The purpose of this section is to place county noxious weed control board elections in substantial conformance with general election law for nonpartisan primaries and elections, while retaining differing requirements for eligibility to vote.

(2) A general election shall be held for activated county noxious weed control boards at each state general election. The county auditor shall conduct elections for the county weed board in conformance with general election law as it applies to nonpartisan elections, except as provided in this section.

Each county weed board shall prepare and maintain a list of presumed eligible voters for the board, and shall forward a copy of this list, and any updated list, to the county auditor. The auditor may make deletions or additions to this list of presumed eligible voters as he or she sees fit.

Ballots for noxious weed control board elections shall be separate from ballots for other elections. Any person who appears at his or her polling place during a weed board election, whose name appears on the list of presumed eligible voters, or who in the opinion of the election officials presents sufficient documentation to establish his or her eligibility to vote, shall be given a noxious weed control board ballot and allowed to vote.

(3) Voting by absentee ballot shall be allowed as provided in this section. Any person who is on the list of presumed eligible voters of a county noxious weed control board may request and receive an absentee ballot by mail or in person at the county auditor's office. A person who presents documentation that in the opinion of the auditor is sufficient to establish his or her eligibility to vote also shall receive an absentee ballot. Voting by absentee ballot shall otherwise be governed by the provisions of chapter 29.36 RCW.

(4) Primaries shall be held as applicable to select two candidates for the general election ballot in the manner provided in chapter 29.21 RCW, except the primary shall be held as needed for a general election held annually. Declarations of candidacy shall be filed as required by RCW 29.18.025, 29.18.030, and 29.18.050 and shall be governed by the other provisions of Title 29 RCW not in conflict with this section and RCW 17.10.050. Each person who files a declaration of candidacy for membership on a county noxious weed control board shall be engaged in the primary production of agricultural products.

(5) The term of office of each elected voting member of a county noxious weed control board shall begin on the first day of January following his or her election and qualification. In the case of a person who is such a member of a board on the effective date of this act and whose term of office would otherwise expire before the end of the calendar year of the year the term expires, the term of office of such a person is hereby extended to the end of that calendar year."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "17.10.100," strike "and" and after "17.10.235" insert "17.04.070, and 17.06.050"

On page 1, line 2 of the title, after "17.10.030," insert "17.10.050,"

The bill was ordered engrossed. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Vekich and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1713, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 1713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION FOR RECONSIDERATION

Mr. Barrett, having voted on the prevailing side moved that the House reconsider the vote by which HOUSE BILL NO. 1652 passed the House.

Mr. Barrett spoke in favor of the motion.

With the consent of the House, Mr. Barrett withdrew the motion.

HOUSE BILL NO. 1787, by Representatives Unsoeld, Allen, Rust, Miller, Hine, Brough, May and Nutley

Modifying industrial wastewater discharge standards.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 1787 was substituted for House Bill No. 1787, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1787 was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Unsoeld and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1787, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Substitute House Bill No. 1787, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1802, by Representatives Wang, Patrick, R. King, Lux, Fisch, Fisher, Cole, Winsley, Sutherland, Holland, Jacobsen and Todd; by request of Department of Employment Security

Deleting provisions on marginal labor force attachment.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1802 was substituted for House Bill No. 1802, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1802 was read the second time.

On motion of Mr. Wang, the following amendments by Representatives Wang and Patrick were adopted:

On page 4, line 11 after "consist of" strike "twenty" and insert "twenty-two"

On page 4, line 20 after "(3)" strike "Twelve" and insert "Fourteen"

On page 5, beginning on line 1 strike all material through "industry" on line 2 and insert the following:

"(k) The food processing-agricultural industry;

(l) Employees in the food processing-agricultural industry;

(m) The agricultural industry; and

(n) The employees of the agricultural industry"

The bill was ordered engrossed. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1802, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen,

Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zelinisky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Engrossed Substitute House Bill No. 1802, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

INTRODUCTIONS AND FIRST READING

2SSB 3157 by Committee on Ways & Means (originally sponsored by Senators Moore, Johnson, Bottiger, McDonald, Thompson, Cantu, Conner, Bluechel and McManus)

Establishing registration fees for watercraft.

Referred to Committee on Ways & Means.

SB 4446 by Senators Thompson, Saling, DeJarnatt, Zimmerman, Garrett, McCaslin, Bailey, McManus and Vognild

Requiring maintenance of fire hydrants.

Referred to Committee on Local Government.

SB 4528 by Senators Talmadge, Newhouse, Barr, Conner and Granlund; by request of Public Disclosure Commission

Consolidating public disclosure reporting exemptions for small political subdivisions.

Referred to Committee on Constitution, Elections & Ethics.

SB 4529 by Senators Talmadge, Newhouse, Halsan and Johnson

Revising registered nurse privileged communications provisions.

Referred to Committee on Judiciary.

SSB 4629 by Committee on Human Services & Corrections (originally sponsored by Senators Talmadge, Sellar, McDermott, Granlund, Zimmerman and Lee)

Reauthorizing the examining board of psychology.

Referred to Committee on Social & Health Services.

ESB 4645 by Senators Warnke, Newhouse and Vognild; by request of Employment Security Department

Modifying provisions on unemployment coverage of corporate officers.

Referred to Committee on Commerce & Labor.

SSB 4676 by Committee on Parks & Ecology (originally sponsored by Senators Bender, Bluechel, Kreidler, Hansen, McManus and Owen)

Modifying worker right to know employer fee provisions.

Referred to Committee on Environmental Affairs.

SB 4713 by Senators Warnke and Newhouse; by request of Board of Industrial Insurance Appeals

Modifying industrial insurance appeal procedures.

Referred to Committee on Commerce & Labor.

ESSB 4722 by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Newhouse and Vognild)

Modifying provisions on contractor infractions.

Referred to Committee on Commerce & Labor.

SSB 4741 by Committee on Natural Resources (originally sponsored by Senators Goltz, Metcalf and Rasmussen)

Granting commercial fishing licenses to owners of vessels seized by a foreign government.

Referred to Committee on Natural Resources.

ESSB 4792 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Kiskaddon, Stratton, Deccio, Granlund, Barr, Zimmerman, Vognild and Peterson)

Creating department of public health and environment.

Referred to Committee on Social & Health Services.

ESSB 4872 by Committee on Education (originally sponsored by Senators Gaspard, Talmadge and Conner; by request of Governor)

Revising school governance.

Referred to Committee on Education.

SSB 4923 by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Zimmerman and Thompson)

Authorizing an interim alternative allocation mechanism for tax exempt bonds.

Referred to Committee on Trade & Economic Development.

SB 4925 by Senators Warnke, Stratton, Thompson, Bender, Gaspard and Owen

Designating Mt. Frances to honor Frances North.

Referred to Committee on State Government.

ESSB 4938 by Committee on Governmental Operations (originally sponsored by Senators Thompson, Goltz, Conner, Rinehart, Garrett, DeJarnatt, Owen and Kreidler; by request of Governor)

Revising provisions relating to various boards and commissions.

Referred to Committee on State Government.

E2SSB 4941 by Committee on Ways & Means (originally sponsored by Senators Granlund, DeJarnatt, Bender, Fleming, Kreidler, Wojahn and Rinehart; by request of Governor)

Providing for school districts to operate child care programs.

Referred to Committee on Education.

SSB 4990 by Committee on Parks & Ecology (originally sponsored by Senator Goltz)

Regulating river running.

Referred to Committee on Environmental Affairs.

MOTION

On motion of Mr. J. King, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

REPORT OF STANDING COMMITTEE

February 14, 1986

ESSB 4519 Prime Sponsor, Committee on Ways & Means: Adopting provisions on water quality. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment:

On page 9, beginning on line 11 strike all material down to and including "dollars." on line 24

Renumber the remaining sections consecutively and correct internal references accordingly.

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hine, J. King, Locke, Madsen, Niemi, Rust, Sayan, Smitherman and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith, Tilly and B. Williams.

Voting nay: Representatives Hastings, Holland, Long, G. Nelson, Sanders, Silver, L. Smith, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representative Appelwick.

Passed to Committee on Rules for second reading.

SECOND READING

On motion of Mr. J. King, the Rules Committee was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 4519 and it was placed on today's second reading calendar.

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

Mr. Wang demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Betzoff, Bond, Hastings, Holland, Prince and J. Williams.

On motion of Mr. J. King, the absent members were excused and the House proceeded with business under the Call of the House.

SECOND READING

HOUSE BILL NO. 1824, by Representatives Valle, Brooks, Bristow, Braddock, Rayburn, Baugher, Day, Gallagher, Leonard, Lewis, Dellwo, Ballard, Armstrong, J. King, Vekich, Nutley, Crane, Winsley, Scott, Smitherman, D. Nelson, Hine, Lux, Tanner and P. King

Establishing the department of public health and environment.

The bill was read the second time. On motion of Mr. J. King, Substitute House Bill No. 1824 was substituted for House Bill No. 1824, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1824 was read the second time.

Mr. Locke moved adoption of the following amendment by Representatives Locke, Belcher, Sommers and Hine:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The office of financial management shall conduct a study of merging the public health related duties of the department of social and health services into the department of ecology to create a new department to be known as the department of public health and environment. In conducting this study, the office of financial management shall consult with representatives of the department of social and health services, the department of ecology, and health professionals. The results of the study shall be reported to the 1987 session of the legislature."

Representatives Locke, Brekke, Belcher, Isaacson and Sommers spoke in favor of the amendment, and Representatives Valle, Brooks, Van Luven, Taylor, Bristow and Leonard spoke against it.

Mr. Locke spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Locke and others to Substitute House Bill No. 1824, and the amendment was not adopted by the following vote: Yeas, 27; nays, 65; excused, 6.

Voting yea: Representatives Armstrong, Barnes, Belcher, Brekke, Cole, Crane, Fisher, Gallagher, Grimm, Hine, Isaacson, King R. Locke, Lundquist, Lux, Madsen, O'Brien, Rust, Sanders, Smitherman, Sommers, Todd, Unsoeld, Walk, Wang, Wineberry, and Mr. Speaker - 27.

Voting nay: Representatives Addison, Allen, Appelwick, Ballard, Barrett, Basich, Baugher, Braddock, Bristow, Brooks, Brough, Chandler, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Hankins, Hargrove, Haugen, Jacobsen, King J. King P, Kremen, Leonard, Lewis, Long, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, Padden, Patrick, Peery, Rayburn, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sutherland, Tanner, Taylor, Thomas, Tilly, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walker, West, Williams B, Wilson K, Wilson S, Winsley, Zellinsky - 65.

Excused: Representatives Betrozoff, Bond, Hastings, Holland, Prince, Williams J - 6.

The bill was passed to Committee on Rules for third reading.

HOUSE BILL NO. 1827, by Representatives Valle, Appelwick, Hastings and Lundquist

Apportioning the value of vessels for property tax purposes.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1827 was substituted for House Bill No. 1827, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1827 was read the second time.

Mr. Braddock moved adoption of the following amendment by Representatives Braddock and Valle:

On page 2, line 33 strike "1987" and insert "1988"

Mr. Braddock spoke in favor of the amendment, and Representatives Lundquist, Madsen and Valle opposed it.

The amendment was not adopted.

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

Representatives Valle and Lundquist spoke in favor of passage of the bill, and Mr. Braddock opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1827, and the bill passed the House by the following vote: Yeas, 91; nays, 1; excused, 6.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representative Braddock - 1.

Excused: Representatives Betrozoff, Bond, Hastings, Holland, Prince, Williams J - 6.

Substitute House Bill No. 1827, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1892, by Representatives Locke and Vander Stoep

Limiting the taxation of telecommunications services by cities.

The bill was read the second time. On motion of Mr. D. Nelson, Substitute House Bill No. 1892 was substituted for House Bill No. 1892, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1892 was read the second time.

Mr. D. Nelson moved adoption of the following amendments by Representatives D. Nelson, Isaacson and Locke:

On page 2, line 9, after "1987," insert "If the delay in rate reductions authorized by the preceding sentence is inadequate for a city or town to offset the impact of revenue reductions arising from the removal of revenues from connecting fees, switching charges, or carrier access charges under the provisions of RCW 35.21.714, then the legislative body of such city or town may reimpose for 1987 the rates that such city or town had in effect upon telephone business during 1985."

On page 3, line 8, after "1987," insert, "If the delay in rate reductions authorized by the preceding sentence is inadequate for a code city to offset the impact of revenue reductions arising from the removal of revenues from connecting fees, switching charges, or carrier access charges under the provisions of RCW 35A.82.060, then the legislative body of such code city may reimpose for 1987 the rates that such code city had in effect upon telephone business during 1985."

Representatives D. Nelson and Isaacson spoke in favor of the amendments, and they were adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Locke and Isaacson spoke in favor of passage of the bill, and Representative Unsoeld opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1892, and the bill passed the House by the following vote: Yeas, 87; nays, 5; excused, 6.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Voting nay: Representatives Belcher, Day, Sayan, Unsoeld, West - 5.

Excused: Representatives Betzoff, Bond, Hastings, Holland, Prince, Williams J - 6.

Engrossed Substitute House Bill No. 1892, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1895, by Representatives Tanner and Vekich

Providing for the purchase of the U.S.S. Olympia.

The bill was read the second time. On motion of Ms. Belcher, Substitute House Bill No. 1895 was substituted for House Bill No. 1895, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1895 was read the second time.

Mr. Barrett moved adoption of the following amendments by Representative Prince:

On page 1, line 12 strike "may" and insert "shall" and on line 13 strike "a location in Washington" and insert "Thornton, Washington or as far up the river as it can go. This location is"

Representatives Barrett and Nealey spoke in favor of the amendment.

The amendment was not adopted.

Mr. Sanders moved adoption of the following amendment:

On page 1, line 14 following "access," insert "At the time of transfer, the original Liberty Bell, the original copies of the United States Constitution and the Bill of Rights, the Convention Hall and Ben Franklin's bi-locals shall be loaded on ship and delivered from Philadelphia to Olympia for permanent display."

Mr. Sanders spoke in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Sanders to Substitute House Bill No. 1895, and the amendment was not adopted by the following vote: Yeas, 29; nays, 63; excused, 6.

Voting yea: Representatives Ballard, Barnes, Braddock, Bristow, Brooks, Chandler, Crane, Doty, Ebersole, Fisch, Grimm, Hargrove, Haugen, Isaacson, Lewis, May, Nealey, Padden, Sanders, Sayan, Silver, Sutherland, Tilly, Todd, Waik, Walker, Williams B, Wilson S, Zellinsky - 29.

Voting nay: Representatives Addison, Allen, Appelwick, Armstrong, Barrett, Basich, Baugher, Belcher, Brekke, Brough, Cole, Day, Dellwo, Dobbs, Fisher, Fuhrman, Gallagher, Hankins, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Rayburn, Rust, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Wang, West, Wilson K, Wineberry, Winsley, and Mr. Speaker - 63.

Excused: Representatives Berozoff, Bond, Hastings, Holland, Prince, Williams J - 6.

The bill was passed to Committee on Rules for third reading.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4876, by Committee on Energy & Utilities (originally sponsored by Senators Williams, Rasmussen, Bender, Peterson, Fleming, Bauer, Granlund and Halsan; by request of Governor)

Revising provisions relating to the low-level radioactive waste management program.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives D. Nelson and Isaacson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4876, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Waik, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Berozoff, Bond, Hastings, Holland, Prince, Williams J - 6.

Engrossed Substitute Senate Bill No. 4876, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Mr. J. Williams appeared at the bar of the House.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4519, by Committee on Ways & Means (originally sponsored by Senators McDermott and Bottiger; by request of Governor)

Adopting provisions on water quality.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendment, see today's Report of Standing Committee.)

Mr. Grimm moved adoption of the committee amendment and spoke against its adoption.

Representatives Tilly and Barrett spoke in favor of the committee amendment, and Ms. Niemi spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Committee on Ways & Means to Engrossed Substitute Senate Bill No. 4519, and the amendment was not adopted by the following vote: Yeas, 43; nays, 50; excused, 5.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Brekke, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Isaacson, Lewis, Long, Lundquist, Lux, May, Miller, Nealey, Nelson G, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 43.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 50.

Excused: Representatives Betzoff, Bond, Hastings, Holland, Prince - 5.

Ms. Miller moved adoption of the following amendment:

On page 2, line 26 following "aquifers." insert "Water pollution control facilities shall not include local sewage collection lines or side sewer lines."

Ms. Miller spoke in favor of the amendment.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Miller to Engrossed Substitute Senate Bill No. 4519, and the amendment was not adopted by the following vote: Yeas, 34; nays, 59; excused, 5.

Voting yea: Representatives Allen, Ballard, Barnes, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Patrick, Sanders, Schmidt, Schoon, Smith C, Smith L, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Winsley - 34.

Voting nay: Representatives Addison, Appelwick, Armstrong, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Padden, Peery, Rayburn, Rust, Sayan, Scott, Silver, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 59.

Excused: Representatives Betzoff, Bond, Hastings, Holland, Prince - 5.

Mr. G. Nelson moved adoption of the following amendment:

On page 3, after line 21 insert:

"(10) 'Secondary treatment' means the treatment of wastewater by physical, chemical, and/or biological methods (e.g., trickling filter, activated sludge, or lagoons) to provide a reduction of pollutants as defined by the United States Environmental Protection Agency under the federal clean water act."

Mr. G. Nelson spoke in favor of the amendment, and Mr. Braddock opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative G. Nelson to Engrossed Substitute Senate Bill No. 4519, and the amendment was not adopted by the following vote: Yeas, 42; nays, 51; excused, 5.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Bristow, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Gallagher, Hankins, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 51.

Excused: Representatives Betzoff, Bond, Hastings, Holland, Prince - 5.

Mr. Tilly moved adoption of the following amendments:

On page 5, line 12 strike "act." and insert "act: PROVIDED, That no more than seventy-five thousand dollars may be expended for personal service contracts."

On page 5, line 16 strike "act." and insert "act: PROVIDED, That no more than one hundred twenty-five thousand dollars may be expended for personal service contracts."

Representatives Tilly and B. Williams spoke in favor of the amendments, and Mr. Braddock opposed them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Tilly to Engrossed Substitute Senate Bill No. 4519, and the amendments were not adopted by the following vote: Yeas, 42; nays, 51; excused, 5.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Haugen, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Valle, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 51.

Excused: Representatives Betzoff, Bond, Hastings, Holland, Prince - 5.

Mr. Lundquist moved adoption of the following amendment:

On page 7, line 30 strike "may" and insert "shall"

Representatives Lundquist and Miller spoke in favor of the amendment, and Ms. Hine opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Lundquist to Engrossed Substitute Senate Bill No. 4519, and the amendment was not adopted by the following vote: Yeas, 42; nays, 51; excused, 5.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Isaacson, Kremen, Lewis, Long, Lundquist, May, McMullen, Miller, Nealey, Nelson G, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 51.

Excused: Representatives Betzoff, Bond, Hastings, Holland, Prince - 5.

Mr. Vander Stoep moved adoption of the following amendment by Representatives May and Vander Stoep:

On page 7, line 33 after "act" insert ": PROVIDED, That the director of the department of ecology may recommend that requirements for secondary sewage treatment of wastewater be waived by the United States environmental protection agency if (1) the wastewater is from a public facility that discharges into marine waters, (2) the quality of the receiving water will not be adversely affected, and (3) the applicant has established a system for monitoring the impact of the discharge on the quality of the receiving water."

Representatives Vander Stoep, May and Walker spoke in favor of the amendment, and Representative Hine opposed it.

Mr. Vander Stoep spoke again in favor of the amendment, and Ms. Hine again opposed it.

Representatives Dobbs and Lundquist spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives May and Vander Stoep to Engrossed Substitute Senate Bill No. 4519, and the amendment was not adopted by the following vote: Yeas, 44; nays, 49; excused, 5.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Brooks, Brough, Chandler, Dobbs, Doty, Fisch, Fuhrman, Hankins, Hargrove, Isaacson, Kremen, Lewis, Long, Lundquist, May, McMullen, Miller, Nealey, Nelson G, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luvan, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 44.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grimm, Haugen, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Vaile, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 49.

Excused: Representatives Betrozoff, Bond, Hastings, Holland, Prince - 5.

Mr. Taylor moved adoption of the following amendments by Representatives Taylor, Silver, Padden, Barrett, Ballard, Lundquist and G. Nelson:

On page 8, line 7 strike "twenty" and insert "seven"

On page 8, line 10 strike "with at least two-thirds for" and insert "other than"

On page 8, after line 16 insert:

"(5) At least thirteen percent for water pollution control activities and facilities that protect the Spokane-Rathdrum Prairie Aquifer;"

Remember the subsections consecutively and correct internal references accordingly.

Representatives Taylor and Padden spoke in favor of the amendments, and Ms. Unsoeld opposed them.

POINT OF INQUIRY

Mr. Padden yielded to question by Ms. Unsoeld.

Ms. Unsoeld: "Representative Padden, if this amendment were to be adopted, does that mean the bill would have your vote on final passage?"

Mr. Padden: "I don't believe that's a proper question on question and answer, but it would depend on other items in the bill and the way it turns out. Certainly, it would have a much better chance for my support if that was the case. There are other amendments and should they get adopted, I would be very happy and willing to support the bill."

Ms. Hine spoke against the amendment, and Mr. B. Williams spoke in favor of it.

Mr. Taylor spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Taylor and others to Engrossed Substitute Senate Bill No. 4519, and the amendments were not adopted by the following vote: Yeas, 39; nays, 54; excused, 5.

Voting yea: Representatives Allen, Ballard, Barnes, Barrett, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luvan, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 39.

Voting nay: Representatives Addison, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Vaile, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 54.

Excused: Representatives Betrozoff, Bond, Hastings, Holland, Prince - 5.

The Clerk read the following amendment by Representative Holland:

On page 9, after line 24 insert:

"The state treasurer shall make the transfers provided in this section only if the following conditions are met:

(1) The state retirement system contributions in the previous fiscal year were at least equal to the amount recommended in the state actuary's biennial evaluation; and

(2) The level of public school expenditures per full-time equivalent student in Washington state in the previous fiscal year was at or above the national average."

POINT OF ORDER

Mr. O'Brien: "Mr. Speaker, I refer to Reed's Rule 138. It pertains to amendment by striking out and it contains effective action. 'If the amendment to strike out be decided in the negative, it can not be renewed as to the whole or a part of the words. ...Hence all motions to amend a paragraph should be put before the motion to strike out is put.' This amendment amends section 11 that the House has already acted on and decided to keep the language. Therefore, the amendment to strike section 11 is out of order."

SPEAKER'S RULING

The Speaker: "Representative O'Brien, the committee amendment did not strike the section. The amendment follows line 24 and would be an addition to that section. The section was never struck. The Speaker rules your point is not well taken."

Mr. Tilly moved adoption of the amendment and spoke in favor of it. Mr. Braddock opposed the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Holland to Engrossed Substitute Senate Bill No. 4519, and the amendment was not adopted by the following vote: Yeas, 40; nays, 53; excused, 5.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G. Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C. Smith L. Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 40.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 53.

Excused: Representatives Betrozoff, Bond, Hastings, Holland, Prince - 5.

Ms. Silver moved adoption of the following amendments:

On page 9, line 31 after "cigarette," insert "This section shall expire on June 30, 2021."

On page 9, line 34 strike ", and in the general fund thereafter"

On page 11, line 2 after "retailers," insert "This section shall expire on June 30, 2021."

On page 11, line 5 strike ", and in the general fund thereafter"

Representatives Silver, May and G. Nelson spoke in favor of the amendments, and Mr. Grimm opposed them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Silver to Engrossed Substitute Senate Bill No. 4519, and the amendments were not adopted by the following vote: Yeas, 40; nays, 53; excused, 5.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G. Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C. Smith L. Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 40.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 53.

Excused: Representatives Betrozoff, Bond, Hastings, Holland, Prince - 5.

Mr. Padden moved adoption of the following amendment by Representatives Padden, Taylor, Silver, Sanders, Barrett, Ballard and Lundquist:

Beginning on page 9, line 25 strike all of sections 12 through 14.

Renumber the remaining sections and correct internal references accordingly.

Representatives Padden, Lewis and B. Williams spoke in favor of the amendment and Representative Grimm opposed it.

POINT OF INQUIRY

Mr. Padden yielded to question by Mr. Tilly.

Mr. Tilly: "Representative Padden, I'm concerned over this amendment. Could you tell me what the fiscal impact of this amendment is?"

Mr. Padden: "Yes, Representative Tilly. There is no fiscal impact of this amendment on the bill."

Mr. Tilly spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Padden and others to Engrossed Substitute Senate Bill No. 4519, and the amendment was not adopted by the following vote: Yeas, 41; nays, 52; excused, 5.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Gallagher, Hankins, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 41.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 52.

Excused: Representatives Berozoff, Bond, Hastings, Holland, Prince - 5.

Mr. Isaacson moved adoption of the following amendment:

On page 11, following line 25 insert:

***NEW SECTION, Sec. 19.** A new section is added to chapter 82.44 RCW to read as follows:

(1) In addition to the taxes imposed under RCW 82.44.020, there is levied and there shall be collected a tax upon the sale, use, handling, or distribution of all automobiles in this state at the rate of sixteen and three-fourths percent of the wholesale sales price of such automobile. Such tax shall be imposed at the time the distributor (a) brings, or causes to be brought, into this state from without the automobile for sale, (b) makes, manufactures, or fabricates automobiles in this state for sale in this state, or (c) ships or transports automobiles to retailers in this state, to be sold by those retailers.

(2) The moneys collected under this section shall be deposited in the water quality account under section 3 of this act through June 30, 2021, and in the general fund thereafter."

Mr. Isaacson spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Isaacson to Engrossed Substitute Senate Bill No. 4519, and the amendment was not adopted by the following vote: Yeas, 2; nays, 91; excused, 5.

Voting yea: Representatives Isaacson, Locke - 2.

Voting nay: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Berozoff, Bond, Hastings, Holland, Prince - 5.

Mr. Vander Stoep moved adoption of the following amendment:

On page 11, after line 14 insert the following:

"Sec. 16. RCW 90.48.460 is amended to read as follows:

The department of ecology shall collect administrative expenses from any person or entity requesting action of the department pertaining to the processing of applications for permits provided in RCW 90.48.160, 90.48.162, and 90.48.260. For the purposes of this section, 'administrative expenses' shall mean the total actual costs incurred by the department in processing

such permit applications and conducting adequate departmental permit surveillance, investigation, monitoring, enforcement, and related activities.

NEW SECTION, Sec. 17. (1) Violators of RCW 90.48.460 shall forfeit not less than two hundred dollars nor more than ten thousand dollars or an amount double the applicable fee, whichever is greater, for each offense.

(2) The department shall develop a fee schedule and report to the legislature on implementation of this section by January 1, 1987."

Renumber the remaining sections consecutively.

Representatives Vander Stoep, B. Williams, G. Nelson and Fuhrman spoke in favor of the amendment, and Representatives Rust and Lux opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Vander Stoep to Engrossed Substitute Senate Bill No. 4519, and the amendment was not adopted by the following vote: Yeas, 6; nays, 87; excused, 5.

Voting yea: Representatives Brough, Fuhrman, May, Schoon, Vander Stoep, Williams B - 6.

Voting nay: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Excused: Representatives Betrozoff, Bond, Hastings, Holland, Prince - 5.

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

Mr. Barrett demanded an oral roll call vote and the demand was sustained.

Representatives Unsoeld and Hine spoke in favor of passage of the bill, and Representatives Tilly, S. Wilson, Vander Stoep, van Dyke, Gallagher, Thomas, B. Williams, Isaacson and Dobbs opposed it.

POINT OF INQUIRY

Mr. Grimm yielded to question by Mr. Day.

Mr. Day: "Representative Grimm, is the distribution formula in section 9 of Engrossed Substitute Senate Bill No. 4519 intended to be binding and, if not, to what extent does it deviate from the formula?"

Mr. Grimm: "Representative Day, the formula is intended to provide somewhat flexible guidelines for the distribution of money. It is stated in section 1 of the bill that the intent is for the funds to be distributed upon an equitable basis for the protection of the state's water, taking into account certain local factors. It is intended the deviations from the formula in this bill be small; that they be made only when clearly necessary to carry out the intent of the bill and that over the life of the program, the total distribution will come out very close to the percentages specified in the bill. For example, under (2) of section 9, the Department of Ecology could distribute somewhat less than twenty percent for underground water in any given year after taking into account the required factors, but over the period from July 1, 1987 until June 30, 1995, the funds for underground water should average out close to twenty percent. Of course, two-thirds of this twenty percent is firmly guaranteed to the Spokane-Rathdrum Prairie Aquifer."

Mr. Day spoke in favor of the bill.

On motion of Mr. Dellwo, the following letter was ordered spread upon the Journal:

February 14, 1986

Honorable Dennis A. Dellwo
 Honorable Bill Day
 House of Representatives
 Olympia, Washington

Dear Representatives Dellwo & Day:

This letter is to clarify and reinforce the Department of Ecology's understanding of the distribution formula in section 9 of Engrossed Substitute Senate Bill 4519.

While it is true that the language in Section 9 does not mandate any spending to fund the categories identified, I do want to emphasize that the department is committed to ensuring that any funds appropriated from the water quality account will be spent in accordance with the bill's formula.

For example, Subsection 2 states that as for all the funds available in the water quality account, "not more than twenty percent (will be used) for water pollution control activities that prevent or mitigate pollution of underground waters and facilities that protect federally designated sole source aquifers with at least two-thirds for the Spokane-Rathdrum Prairie Aquifer." This means that it is the Department's intention to spend twenty percent of all funds available for the activities outlined in subsection 2; and further, to allocate at least two-thirds of those funds for protection of the Spokane aquifer. These funds will be available to Spokane to match other funds as they are generated locally.

I hope this letter answers your concern and reassures you of our desire to achieve clean water for all of Washington state.

Sincerley,
 Andrea Beatty Riniker, Director
 Department of Ecology.

Representatives Dellwo and Braddock spoke in favor of the bill, and Representatives Lundquist, Taylor and G. Nelson spoke against it.

Mr. Crane demanded the previous question and the demand was sustained.

Mr. Grimm closed debate, speaking again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4519, and the bill passed the House by the following vote: Yeas, 50; nays, 43; excused, 5.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 50.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Gallagher, Hankins, Isaacson, Lewis, Long, Lundquist, Lux, May, Miller, Nealey, Nelson G, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 43.

Excused: Representatives Betrozoff, Bond, Hastings, Holland, Prince - 5.

Engrossed Substitute Senate Bill No. 4519, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Mr. Appelwick, the House dispensed with further business under the Call of the House.

On motion of Mr. Appelwick, the House adjourned until 12:30 p.m., Sunday, February 16, 1985.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

THIRTY-FIFTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Wash., Sunday, February 16, 1986

The House was called to order at 12:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Bond, Fuhrman, Hastings, McMullen, Prince, Sanders, Schoon, Tilly, van Dyke, Vekich and Winsley. Representatives Bond, Hastings, McMullen, Prince, Sanders, Tilly and Winsley were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jennifer Stevenson and Dan Kalich. Prayer was offered by Reverend Mary-Lynne Reiner, of the Temple Beth Hatfiloh of Olympia.

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

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

THIRD READING

HOUSE BILL NO. 102, by Representatives Sommers, B. Williams, Grimm, Brekke, Vander Stoep, Tilly, Braddock, Schoon, Thomas, Fuhrman, J. Williams, Winsley, Patrick, Hastings, Isaacson, Hankins, May and Silver; by Legislative Budget Committee request

Eliminating supplemental pension benefits for future higher education employees and permitting retirement plan options.

The bill was read the third time and placed on final passage.

Ms. Sommers spoke in favor of passage of the bill, and Mr. Jacobsen spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 102, and the bill passed the House by the following vote: Yeas, 70; nays, 13; absent, 8; excused, 7.

Voting yea: Representatives Addison, Allen, Armstrong, Ballard, Barrett, Belcher, Betrozoff, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, King J, King P, Kremen, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Valle, Vander Stoep, Walker, Wang, West, Williams B, Williams J, Wilson S, Zellinsky, and Mr. Speaker - 70.

Voting nay: Representatives Barnes, Basich, Baugher, Hankins, Isaacson, Jacobsen, King R, Leonard, Nealey, Nelson D, Unsoeld, Walk, Wilson K - 13.

Absent: Representatives Appelwick, Brekke, Fuhrman, Schoon, van Dyke, Van Luven, Vekich, Wineberry - 8.

Excused: Representatives Bond, Hastings, McMullen, Prince, Sanders, Tilly, Winsley - 7.

House Bill No. 102, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 376, by Committee on Ways & Means (originally sponsored by Representatives Tilly, Sommers, Wang, B. Williams, Grimm, Braddock, Patrick, Silver, Winsley, Addison, Isaacson, Sanders, Padden and Haugen)

Providing for actuarial fiscal notes for retirement legislation.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 376, and the bill passed the House by the following vote: Yeas, 86; absent, 5; excused, 7.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Zellinsky, and Mr. Speaker - 86.

Absent: Representatives Fuhrman, Schoon, van Dyke, Vekich, Wineberry - 5.

Excused: Representatives Bond, Hastings, McMullen, Prince, Sanders, Tilly, Winsley - 7.

Substitute House Bill No. 376, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 378, by Committee on Ways & Means (originally sponsored by Representatives Sommers, Tilly, Wang, B. Williams, Grimm, Braddock, Patrick, Silver, Winsley, Basich, Miller, Isaacson and Brekke)

Requiring funding of cost of living retirement adjustments.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 378, and the bill passed the House by the following vote: Yeas, 69; nays, 17; absent, 5; excused, 7.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dobbs, Ebersole, Fisch, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, King J, Kremen, Leonard, Locke, Long, Lundquist, Madsen, May, Miller, Nealey, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Rust, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Valle, Van Luven, Vander Stoep, Walker, Wang, West, Williams B, Williams J, Wilson S, Zellinsky, and Mr. Speaker - 69.

Voting nay: Representatives Basich, Belcher, Dellwo, Doty, Fisher, Jacobsen, King P, King R, Lewis, Lux, Nelson D, Niemi, Rayburn, Sayan, Unsoeld, Walk, Wilson K - 17.

Absent: Representatives Fuhrman, Schoon, van Dyke, Vekich, Wineberry - 5.

Excused: Representatives Bond, Hastings, McMullen, Prince, Sanders, Tilly, Winsley - 7.

Substitute House Bill No. 378, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE HOUSE BILL NO. 458, by Committee on Ways & Means (originally sponsored by Representatives Sommers, Tilly, B. Williams, Braddock, Wang, Grimm, Silver, Patrick and P. King)

Modifying provisions relating to judges' retirement.

The bill was read the third time and placed on final passage.

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

POINT OF ORDER

Mr. Armstrong: "Mr. Speaker, I must request, since I have a member of the judiciary in my family, whether it would be a conflict of interest for me to vote on this bill?"

SPEAKER'S RULING

The Speaker: "This is a dilemma that many people have in a citizen legislature, Representative Armstrong. We all have relatives employed in something pertaining to the bills in the legislature. Our rule has been in the past and this would be consistent with the Speaker's ruling that unless a person has an immediate or

particular interest, specifically--I remember one of the former Representatives, Helen Fancher, owned a specific piece of property which we were dealing with in a bill. If the bill had passed, the state would acquire that piece of land. It was very clear that she had a specific and particular interest and she was excused. That has only happened in two or three occasions during my career here. So, Representative Armstrong, we appreciate your concern, but since no one in this class is treated any differently than anyone else in this class, your point for being excused is denied."

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 458, and the bill passed the House by the following vote: Yeas, 84; nays, 2; absent, 5; excused, 7.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hanks, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Crane, King P - 2.

Absent: Representatives Fuhrman, Schoon, van Dyke, Vekich, Wineberry - 5.

Excused: Representatives Bond, Hastings, McMullen, Prince, Sanders, Tilly, Winsley - 7.

Substitute House Bill No. 458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Fuhrman and van Dyke appeared at the bar of the House.

SUBSTITUTE HOUSE BILL NO. 1134, by Committee on Social & Health Services (originally sponsored by Representatives West, G. Nelson, Lewis, Isaacson and May)

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

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1134, and the bill passed the House by the following vote: Yeas, 88; absent, 3; excused, 7.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hanks, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Zellinsky, and Mr. Speaker - 88.

Absent: Representatives Schoon, Vekich, Wineberry - 3.

Excused: Representatives Bond, Hastings, McMullen, Prince, Sanders, Tilly, Winsley - 7.

Substitute House Bill No. 1134, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Vekich and Wineberry appeared at the bar of the House.

SUBSTITUTE HOUSE BILL NO. 197, by Committee on Social & Health Services (originally sponsored by Representatives Brække, Lewis, Braddock, Sanders, Sayan and Isaacson; by Department of Social and Health Services request)

Providing for adjustment of nursing home rates for energy retrofitting.

The bill was read the third time. On motion of Mr. Appelwick, the rules were suspended, and the bill was returned to second reading for the purpose of amendment.

Ms. Brække moved adoption of the following amendment by Representatives Brække and Lewis:

On page 1, beginning on line 6, strike all material down to and including line 24 on page 7 and insert the following:

"Sec. 1. Section 2, chapter 177, Laws of 1980 as last amended by section 16, chapter 361, Laws of 1985 and RCW 74.46.020 are each amended to read as follows:

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

(1) 'Accrual method of accounting' means a method of accounting in which revenues are reported in the period when they are earned, regardless of when they are collected, and expenses are reported in the period in which they are incurred, regardless of when they are paid.

(2) 'Ancillary care' means those services required by the individual, comprehensive plan of care provided by qualified therapists.

(3) 'Appraisal' means the process of estimating the fair market value or reconstructing the historical cost of an asset acquired in a past period as performed by a professionally designated real estate appraiser with no pecuniary interest in the property to be appraised. It includes a systematic, analytic determination and the recording and analyzing of property facts, rights, investments, and values based on a personal inspection and inventory of the property.

(4) 'Arm's-length transaction' means a transaction resulting from good-faith bargaining between a buyer and seller who are not related organizations and have adverse positions in the market place. Sales or exchanges of nursing home facilities among two or more parties in which all parties subsequently continue to own one or more of the facilities involved in the transactions shall not be considered as arm's-length transactions for purposes of this chapter. Sale of a nursing home facility which is subsequently leased back to the seller within five years of the date of sale shall not be considered as an arm's-length transaction for purposes of this chapter.

(5) 'Assets' means economic resources of the contractor, recognized and measured in conformity with generally accepted accounting principles.

(6) 'Bad debts' means amounts considered to be uncollectable from accounts and notes receivable.

(7) 'Beds' means the number of set-up beds in the facility, not to exceed the number of licensed beds.

(8) 'Beneficial owner' means:

(a) Any person who, directly or indirectly, through any contract, arrangement, understanding, relationship, or otherwise has or shares:

(i) Voting power which includes the power to vote, or to direct the voting of such ownership interest; and/or

(ii) Investment power which includes the power to dispose, or to direct the disposition of such ownership interest;

(b) Any person who, directly or indirectly, creates or uses a trust, proxy, power of attorney, pooling arrangement, or any other contract, arrangement, or device with the purpose or effect of divesting himself of beneficial ownership of an ownership interest or preventing the vesting of such beneficial ownership as part of a plan or scheme to evade the reporting requirements of this chapter;

(c) Any person who, subject to subparagraph (b) of this subsection, has the right to acquire beneficial ownership of such ownership interest within sixty days, including but not limited to any right to acquire:

(i) Through the exercise of any option, warrant, or right;

(ii) Through the conversion of an ownership interest;

(iii) Pursuant to the power to revoke a trust, discretionary account, or similar arrangement;

or
(iv) Pursuant to the automatic termination of a trust, discretionary account, or similar arrangement;

except that, any person who acquires an ownership interest or power specified in subparagraphs (i), (ii), or (iii) of this subparagraph (c) with the purpose or effect of changing or influencing the control of the contractor, or in connection with or as a participant in any transaction having such purpose or effect, immediately upon such acquisition shall be deemed to be the

beneficial owner of the ownership interest which may be acquired through the exercise or conversion of such ownership interest or power:

(d) Any person who in the ordinary course of business is a pledgee of ownership interest under a written pledge agreement shall not be deemed to be the beneficial owner of such pledged ownership interest until the pledgee has taken all formal steps necessary which are required to declare a default and determines that the power to vote or to direct the vote or to dispose or to direct the disposition of such pledged ownership interest will be exercised; except that:

(i) The pledgee agreement is bona fide and was not entered into with the purpose nor with the effect of changing or influencing the control of the contractor, nor in connection with any transaction having such purpose or effect, including persons meeting the conditions set forth in subparagraph (b) of this subsection; and

(ii) The pledgee agreement, prior to default, does not grant to the pledgee:

(A) The power to vote or to direct the vote of the pledged ownership interest; or

(B) The power to dispose or direct the disposition of the pledged ownership interest, other than the grant of such power(s) pursuant to a pledge agreement under which credit is extended and in which the pledgee is a broker or dealer.

(9) 'Capitalization' means the recording of an expenditure as an asset.

(10) 'Contractor' means an entity which contracts with the department to provide services to medical care recipients in a facility and which entity is responsible for operational decisions.

(11) 'Department' means the department of social and health services (DSHS) and its employees.

(12) 'Depreciation' means the systematic distribution of the cost or other basis of tangible assets, less salvage, over the estimated useful life of the assets.

(13) 'Direct care supplies' means medical, pharmaceutical, and other supplies required for the direct nursing and ancillary care of medical care recipients.

(14) 'Energy cost savings' means the reduction in anticipated energy consumption multiplied by the current per unit cost of that energy.

(15) 'Energy retrofit improvement' means a capital improvement which decreases the amount of energy a nursing home uses and shall be determined by an independent licensed contractor which installs energy efficient equipment or a licensed engineer or licensed architect.

(16) 'Entity' means an individual, partnership, corporation, or any other association of individuals capable of entering enforceable contracts.

~~((15))~~ (17) 'Equity' means the net book value of all tangible and intangible assets less the recorded value of all liabilities, as recognized and measured in conformity with generally accepted accounting principles.

~~((16))~~ (18) 'Facility' means a nursing home licensed in accordance with chapter 18.51 RCW, or that portion of a hospital licensed in accordance with chapter 70.41 RCW which operates as a nursing home.

~~((17))~~ (19) 'Fair market value' means the replacement cost of an asset less observed physical depreciation on the date for which the market value is being determined.

~~((18))~~ (20) 'Financial statements' means statements prepared and presented in conformity with generally accepted accounting principles including, but not limited to, balance sheet, statement of operations, statement of changes in financial position, and related notes.

~~((19))~~ (21) 'Generally accepted accounting principles' means accounting principles approved by the financial accounting standards board (FASB).

~~((20))~~ (22) 'Generally accepted auditing standards' means auditing standards approved by the American institute of certified public accountants (AICPA).

~~((21))~~ (23) 'Goodwill' means the excess of the price paid for a business over the fair market value of all other identifiable, tangible, and intangible assets acquired.

~~((22))~~ (24) 'Historical cost' means the actual cost incurred in acquiring and preparing an asset for use, including feasibility studies, architect's fees, and engineering studies.

~~((23))~~ (25) 'Imprest fund' means a fund which is regularly replenished in exactly the amount expended from it.

~~((24))~~ (26) 'Joint facility costs' means any costs which represent resources which benefit more than one facility, or one facility and any other entity.

~~((25))~~ (27) 'Lease agreement' means a contract between two parties for the possession and use of real or personal property or assets for a specified period of time in exchange for specified periodic payments. Elimination (due to any cause other than death or divorce) or addition of any party to the contract, expiration, or modification of any lease term in effect on January 1, 1980, or termination of the lease by either party by any means shall constitute a termination of the lease agreement. An extension or renewal of a lease agreement, whether or not pursuant to a renewal provision in the lease agreement, shall be considered a new lease agreement. A strictly formal change in the lease agreement which modifies the method, frequency, or manner in which the lease payments are made, but does not increase the total lease payment obligation of the lessee, shall not be considered modification of a lease term.

((26)) (28) 'Medical care program' means medical assistance provided under RCW 74.09.500 or authorized state medical care services.

((27)) (29) 'Medical care recipient' or 'recipient' means an individual determined eligible by the department for the services provided in chapter 74.09 RCW.

((28)) (30) 'Net book value' means the historical cost of an asset less accumulated depreciation.

((29)) (31) 'Net invested funds' means the net book value of tangible fixed assets employed by a contractor to provide services under the medical care program, including land, buildings, and equipment as recognized and measured in conformity with generally accepted accounting principles, plus an allowance for working capital which shall be five percent of the allowable costs of each contractor for the previous calendar year.

((30)) (32) 'Operating lease' means a lease under which rental or lease expenses are included in current expenses in accordance with generally accepted accounting principles.

((31)) (33) 'Owner' means a sole proprietor, general or limited partners, and beneficial interest holders of five percent or more of a corporation's outstanding stock.

((32)) (34) 'Ownership interest' means all interests beneficially owned by a person, calculated in the aggregate, regardless of the form which such beneficial ownership takes.

((33)) (35) 'Patient day' or 'client day' means a calendar day of care which will include the day of admission and exclude the day of discharge; except that, when admission and discharge occur on the same day, one day of care shall be deemed to exist.

((34)) (36) 'Professionally designated real estate appraiser' means an individual who is regularly engaged in the business of providing real estate valuation services for a fee, and who is deemed qualified by a nationally recognized real estate appraisal educational organization on the basis of extensive practical appraisal experience, including the writing of real estate valuation reports as well as the passing of written examinations on valuation practice and theory, and who by virtue of membership in such organization is required to subscribe and adhere to certain standards of professional practice as such organization prescribes.

((35)) (37) 'Qualified therapist' means:

(a) An activities specialist who has specialized education, training, or experience as specified by the department;

(b) An audiologist who is eligible for a certificate of clinical competence in audiology or who has the equivalent education and clinical experience;

(c) A mental health professional as defined by chapter 71.05 RCW;

(d) A mental retardation professional who is either a qualified therapist or a therapist approved by the department who has had specialized training or one year's experience in treating or working with the mentally retarded or developmentally disabled;

(e) A social worker who is a graduate of a school of social work;

(f) A speech pathologist who is eligible for a certificate of clinical competence in speech pathology or who has the equivalent education and clinical experience;

(g) A physical therapist as defined by chapter 18.74 RCW; and

(h) An occupational therapist who is a graduate of a program in occupational therapy, or who has the equivalent of such education or training.

((36)) (38) 'Questioned costs' means those costs which have been determined in accordance with generally accepted accounting principles but which may constitute disallowed costs or departures from the provisions of this chapter or rules and regulations adopted by the department.

((37)) (39) 'Records' means those data supporting all financial statements and cost reports including, but not limited to, all general and subsidiary ledgers, books of original entry, and transaction documentation, however such data are maintained.

((38)) (40) 'Related organization' means an entity which is under common ownership and/or control with, or has control of, or is controlled by, the contractor.

(a) 'Common ownership' exists when an entity is the beneficial owner of five percent or more ownership interest in the contractor and any other entity.

(b) 'Control' exists where an entity has the power, directly or indirectly, significantly to influence or direct the actions or policies of an organization or institution, whether or not it is legally enforceable and however it is exercisable or exercised.

((39)) (41) 'Restricted fund' means those funds the principal and/or income of which is limited by agreement with or direction of the donor to a specific purpose.

((40)) (42) 'Secretary' means the secretary of the department of social and health services.

((41)) (43) 'Title XIX' or 'Medicaid' means the 1965 amendments to the social security act, P.L. 89-07, as amended."

On page 9, line 10, after "this" strike "1985" and insert "1986"

On page 9, beginning on line 17, strike all material down to and including line 3 on page 10 and insert the following:

"Sec. 4. Section 46, chapter 177, Laws of 1980 as last amended by section 15, chapter 361, Laws of 1985 and RCW 74.46.460 are each amended to read as follows:

(1) Each contractor's reimbursement rates will be determined prospectively at least once each calendar year, to be effective July 1st.

(2) Rates may be adjusted as determined by the department to take into account variations of more than ten percent in the distribution of patient classifications or changes in patient characteristics from the prior reporting year, program changes required by the department, ~~((or))~~ changes in staffing levels at a facility required by the department, or capital improvements for energy retrofittings as provided for in section 2 of this 1986 act. Rates shall be adjusted for any capitalized additions or replacements made as a condition for licensure or certification.

(3) Where the contractor participated in the provisions of prospective cost-related reimbursement in effect prior to July 1, 1983, such contractor's prospective rate effective July 1, 1983, will be determined utilizing the contractor's desk-reviewed allowable costs for calendar year 1982.

(4) All prospective reimbursement rates for 1984 and thereafter shall be determined utilizing the prior year's desk-reviewed cost reports."

On page 10, line 8, after "this" strike "1985" and insert "1986"

On page 11, line 9, after "this" strike "1985" and insert "1986"

On page 11, beginning on line 11, strike all material down to and including line 34 on page 13 and insert the following:

"Sec. 7, Section 53, chapter 177, Laws of 1980 as last amended by section 17, chapter 361, Laws of 1985 and RCW 74.46.530 are each amended to read as follows:

(1) The department shall establish for individual facilities return on investment allowances composed of two parts: A financing allowance and a variable return allowance, except that this section shall not apply to energy retrofit improvements funded under section 2 of this 1986 act.

(a) The financing allowance shall be determined by multiplying the net invested funds of each facility by .11, and dividing by the contractor's total patient days. If a capitalized addition or retirement of an asset will result in a different licensed bed capacity during the ensuing period, the prior period total patient days used in computing the financing and variable return allowances shall be adjusted to the anticipated patient day level.

(b) In computing the portion of net invested funds representing the net book value of tangible fixed assets, the same assets, depreciation bases, lives, and methods referred to in RCW 74.46.330, 74.46.350, 74.46.360, and 74.46.370, including owned and leased assets, shall be utilized, except that the capitalized cost of land upon which the facility is located and such other contiguous land which is reasonable and necessary for use in the regular course of providing patient care shall also be included. In the case of leased facilities where the net invested funds are unknown or the contractor is unable to provide necessary information to determine net invested funds, the secretary shall have the authority to determine an amount for net invested funds based on an appraisal conducted according to RCW 74.46.360(1).

(c) In determining the variable return allowance:

(i) The department will first rank all facilities in numerical order from highest to lowest according to their average per diem allowable costs for the sum of the administration and operations and property cost centers for the previous cost report period.

(ii) The department shall then compute the variable return allowance by multiplying the appropriate percentage amounts, which shall not be less than one percent and not greater than four percent, by the total prospective rate for each facility, as determined in RCW 74.46.450 through 74.46.510. The percentage amounts will be based on groupings of facilities according to the rankings as established in subparagraph (1)(b)(i) of this section. Those groups of facilities with lower per diem costs shall receive higher percentage amounts than those with higher per diem costs.

(d) The sum of the financing allowance and the variable return allowance shall be the return on investment for each facility, and shall be added to the prospective rates of each contractor as determined in RCW 74.46.450 through 74.46.510.

(e) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, which continues to be leased under the same lease agreement, and for which the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center determined according to RCW 74.46.510, is more than the return on investment allowance determined according to subsection (1)(d) of this section, the following shall apply:

(i) The financing allowance shall be recomputed substituting the fair market value of the assets as of January 1, 1982, as determined by the department of general administration through an appraisal procedure, less accumulated depreciation on the lessor's assets since January 1, 1982, for the net book value of the assets in determining net invested funds for the facility. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious.

(ii) The sum of the financing allowance computed under subsection (1)(e)(i) of this section and the variable allowance shall be compared with the annualized lease payment, plus any interest and depreciation expenses associated with contractor-owned assets, for the period covered by the prospective rates, divided by the contractor's total patient days, minus the property cost center rate determined according to RCW 74.46.510. The lesser of the two amounts shall be called the alternate return on investment allowance.

(iii) The return on investment allowance determined according to subsection (1)(d) of this section or the alternate return on investment allowance, whichever is greater, shall be the return on investment allowance for the facility and shall be added to the prospective rates of the contractor as determined in RCW 74.46.450 through 74.46.510.

(f) In the case of a facility which was leased by the contractor as of January 1, 1980, in an arm's-length agreement, if the lease is renewed or extended pursuant to a provision of the lease, the treatment provided in subsection (1)(e) of this section shall be applied except that in the case of renewals or extensions made subsequent to April 1, 1985, reimbursement for the annualized lease payment shall be no greater than the reimbursement for the annualized lease payment for the last year prior to the renewal or extension of the lease.

(2) An energy retrofit improvement installed by a contractor under section 2 of this 1986 act shall not be included in the computation for financing allowance under this section, except as provided in section 2 of this 1986 act.

(3) In the event that the department of health and human services disallows the application of the return on investment allowances to nonprofit facilities, the department shall modify the measurements of net invested funds used for computing individual facility return on investment allowances as follows: Net invested funds for each nonprofit facility shall be multiplied by one minus the ratio of equity funds to the net invested funds of all nonprofit facilities.

~~((3))~~ (4) Each biennium, beginning in 1985, the secretary shall review the adequacy of return on investment allowances in relation to anticipated requirements for maintaining, reducing, or expanding nursing care capacity. The secretary shall report the results of such review to the legislature and make recommendations for adjustments in the return on investment rates utilized in this section, if appropriate."

Representatives Brekke and Lewis spoke in favor of the amendment, and it was adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 197, and the bill passed the House by the following vote: Yeas, 88; nays, 2; absent, 1; excused, 7.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Braddock, Brekke - 2.

Absent: Representative Schoon - 1.

Excused: Representatives Bond, Hastings, McMullen, Prince, Sanders, Tilly, Winsley - 7.

Engrossed Substitute House Bill No. 197, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

SECOND READING

HOUSE JOINT RESOLUTION NO. 57, by Representatives Grimm, Tilly, Sommers and Long

Requiring funding of statutes granting increases in public retirement benefits.

The resolution was read the second time and passed to Committee on Rules for third reading.

The Speaker called on Mr. O'Brien to preside.

HOUSE BILL NO. 488, by Representatives Brekke, Lux, Valle, Rust and D. Nelson
Revising provisions relating to solid waste.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 488 was substituted for House Bill No. 488, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 488 was read the second time.

Mr. Chandler moved adoption of the following amendments:

On page 1, line 9 following "allow" insert ", upon request."

On page 1, line 16 following "commission" insert ", upon request."

Representatives Chandler and Lundquist spoke in favor of the amendments and Ms. Brekke opposed them.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Chandler to page 1, line 9 and line 16 of Substitute House Bill No. 488, and the amendments were not adopted by the following vote: Yeas, 41; nays, 49; absent, 1; excused, 7.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Betrozoff, Brooks, Brough, Chandler, Day, Dobbs, Doty, Fuhrman, Hankins, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, Madsen, May, Miller, Nealey, Nelson G, Padden, Patrick, Schmidt, Silver, Smith C, Smith L, Taylor, Thomas, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 41.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 49.

Absent: Representative Schoon - 1.

Excused: Representatives Bond, Hastings, McMullen, Prince, Sanders, Tilly, Winsley - 7.

Representatives Schoon and Tilly appeared at the bar of the House.

Mr. Chandler moved adoption of the following amendments:

On page 1, line 12 following "waste," insert "This section shall apply only to cities with a population of 20,000 or more and counties with a population of 60,000 or more."

On page 1, line 17 following "recycling," insert "This section shall apply only to cities with a population of 20,000 or more and counties with a population of 60,000 or more."

Representatives Chandler, Brough and Isaacson spoke in favor of the amendments, and Representatives Brekke, Rust and D. Nelson opposed them.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Chandler to page 1, line 12 and line 17 of Substitute House Bill No. 488, and the amendments were adopted by the following vote: Yeas, 52; nays, 40; excused, 6.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Baugher, Betrozoff, Braddock, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doty, Fuhrman, Grimm, Hankins, Hargrove, Haugen, Holland, Isaacson, King P, Kremen, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Rayburn, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 52.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Brekke, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Hine, Jacobsen, King J, King R, Leonard, Locke, Lux, Madsen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 40.

Excused: Representatives Bond, Hastings, McMullen, Prince, Sanders, Winsley - 6.

Mr. D. Nelson moved adoption of the following amendments by Representatives D. Nelson, Allen, Brekke and Rust:

On page 2, line 35 strike "recommendations" and insert "plans"

On page 3, line 6 after "(8)" strike everything through "reduction" and insert "An analysis of options to promote waste reduction and plans to implement the preferred options."

Representatives D. Nelson, Allen and Rust spoke in favor of the amendments, and Representatives Barrett, Isaacson and Doty spoke against them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative D. Nelson and others to Substitute House Bill No. 488, and the amendments were adopted by the following vote: Yeas, 52; nays, 40; excused, 6.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Baugher, Belcher, Brekke, Brooks, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Thomas, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 52.

Voting nay: Representatives Ballard, Barrett, Basich, Betrozoff, Braddock, Bristow, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 40.

Excused: Representatives Bond, Hastings, McMullen, Prince, Sanders, Winsley - 6.

Representative Sanders appeared at the bar of the House.

Mr. G. Nelson moved adoption of the following amendments:

On page 1, line 9 after "shall" strike "allow for" and insert "consider"

On page 1, line 16 after "shall" strike "allow for" and insert "consider"

Mr. G. Nelson spoke in favor of the amendments.

POINT OF INQUIRY

Mr. G. Nelson yielded to question by Ms. Brekke.

Ms. Brekke: "Representative Nelson, you were referring to the UTC and page 1, line 16 would affect the UTC, but your amendment seems to apply to both UTC and the cities. Would you clarify for me what your amendment is intended to do?"

Mr. G. Nelson: "The amendment strikes the words in both sections that says, 'shall allow for' and puts in 'shall consider.' Both places--section 1 where the city or county is doing its own refuse collection, or section 2 where you are, in fact, having a franchisee within the city or county who is now trying to get a certificate of operation from the Utilities and Transportation Commission. The wording there today is in such a fashion as far as its location, to require or to, in fact, mandate. That's what the discussion was here earlier on the previous amendment, that by simply changing the words that I have indicated in this amendment, you eliminate the indication that you are only going to give a certificate if the hauler allows for the diversion of material."

Representatives Brekke and Rust opposed the amendments, and Mr. G. Nelson spoke again in favor of them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative G. Nelson to page 1, lines 9 and 16 of Substitute House Bill No. 488, and the amendments were not adopted by the following vote: Yeas, 46; nays, 47; excused, 5.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doty, Fuhrman, Hankins, Holland, Isaacson, Lewis, Long, Lundquist, Madsen, May, Miller, Nealey, Nelson G, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 46.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 47.

Excused: Representatives Bond, Hastings, McMullen, Prince, Winsley - 5.

The bill was ordered engrossed. Mr. Appelwick moved that the rules be suspended, the second reading considered the third, and the bill be placed on final passage.

Mr. Barrett spoke against the motion, and Mr. Appelwick spoke in favor of it.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the rules be suspended and Engrossed Substitute House Bill No. 488 be placed on final passage, and the motion was carried by the following vote: Yeas, 52; nays, 41; excused, 5.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Vaile, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 52.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 41.

Excused: Representatives Bond, Hastings, McMullen, Prince, Winsley - 5.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be final passage of Engrossed Substitute House Bill No. 488.

Representatives Brekke, Rust and Allen spoke in favor of passage of the bill, and Representatives Chandler, Brough and Lundquist spoke against it.

Representatives McMullen and Winsley appeared at the bar of the House.

POINT OF INQUIRY

Ms. Brekke yielded to question by Mr. D. Nelson.

Mr. D. Nelson: "Representative Brekke, the question that seems to be bothering some people is the meaning of the words 'to allow for.' Can you explain your intent in using those words? Does 'to allow for' have the meaning, in your opinion, mandate, or does the meaning of that phrase mean that people in government must be open to proposals either from the private or public sector for the purpose of recycling?"

Ms. Brekke: "It is my intention that the cities and counties be open to proposals from public or private enterprise to provide for a diversion of materials and the waste reduction through recycling. In this context, counties and cities must allow it to happen, not stand in the way, provide opportunities for, be open to proposals from either public or private enterprise for that waste reduction."

Representatives D. Nelson and Lux spoke in favor of passage of the bill, and Mr. Barnes opposed it.

Mr. Todd demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 488, and the bill failed to pass the House by the following vote: Yeas, 48; nays, 47; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Todd, Unsoeld, Vaile, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 48.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Baugher, Betzoff, Bristow, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Tanner, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 47.

Excused: Representatives Bond, Hastings, Prince - 3.

Engrossed Substitute House Bill No. 488, having failed to receive the constitutional majority, was declared lost.

HOUSE BILL NO. 803, by Representatives Scott, Silver, Armstrong, Schmidt, Locke, Tilly and J. Williams

Prescribing penalties for criminal mistreatment.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 803 was substituted for House Bill No. 803, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 803 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Scott and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 803, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bond, Hastings, Prince - 3.

Substitute House Bill No. 803, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1355, by Representatives Madsen, R. King, Vekich, P. King, Baugher, Isaacson, Todd, C. Smith and K. Wilson

Authorizing a Washington-bred horse marketing program.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1355 was substituted for House Bill No. 1355, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1355 was read the second time.

Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendment, see Journal, 26th Day, February 7, 1986.)

Mr. Braddock moved adoption of the committee amendment.

Mr. Braddock spoke in favor of the amendment, and Mr. Vekich opposed it.

The amendment was adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Madsen and Chandler spoke in favor of passage of the bill, and Mr. Armstrong spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1355, and the bill passed the House by the following vote: Yeas, 85; nays, 10; excused, 3.

Voting yea: Representatives Allen, Appelwick, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Madsen, May,

McMullen, Miller, Nealey, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Addison, Armstrong, Braddock, Fuhrman, Locke, Lundquist, Lux, Nelson D, Sutherland, Valle - 10.

Excused: Representatives Bond, Hastings, Prince - 3.

Engrossed Substitute House Bill No. 1355, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1382, by Representatives Rust, Allen, Jacobsen, Nutley, Belcher and Unsoeld

Revising off-road vehicle funds distribution.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1382 was substituted for House Bill No. 1382, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1382 was read the second time.

Mr. Walk moved adoption of the following amendment:

On page 12, line 24 after "legislative" strike "budget" and insert "transportation"

Mr. Walk spoke in favor of the amendment, and Mr. Tilly opposed it.

The amendment was adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust, Tilly and Allen spoke in favor of passage of the bill, and Representatives Lewis, Isaacson and Chandler spoke against it.

Ms. Rust again spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1382, and the bill passed the House by the following vote: Yeas, 79; nays, 16; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vekich, Waik, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 79.

Voting nay: Representatives Baugher, Brooks, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hargrove, Isaacson, Lewis, Lundquist, Nealey, Patrick, Rayburn, Smith C, Vander Stoep - 16.

Excused: Representatives Bond, Hastings, Prince - 3.

Engrossed Substitute House Bill No. 1382, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1393, by Representatives Sayan, Vekich and Belcher

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

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sayan and Van Luven spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Sayan yielded to question by Ms. Niemi.

Ms. Niemi: "Representative Sayan, doesn't this bill not only divide Mason and Thurston, but also add another judgeship to Thurston County?"

Mr. Sayan: "The answer is yes."

Ms. Niemi spoke against passage of the bill, and Mr. Sayan spoke again in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1393, and the bill passed the House by the following vote: Yeas, 73; nays, 22; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Brekke, Brooks, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sayan, Schoon, Scott, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Ballard, Barnes, Barrett, Betzoff, Braddock, Bristow, Brough, Chandler, Fuhrman, Holland, Isaacson, Long, Niemi, Sanders, Schmidt, Silver, Smith C, Smith L, Sommers, West, Williams B, Wilson S - 22.

Excused: Representatives Bond, Hastings, Prince - 3.

House Bill No. 1393, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

It was my intent to vote in favor of House Bill 1393, adding judicial positions in Mason and Thurston County and dividing the judicial district.

PAUL SANDERS, 48th District.

HOUSE BILL NO. 1395, by Representative Wang

Prohibiting certain pseudo-games of skill.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1395 was substituted for House Bill No. 1395, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1395 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang, Barrett and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1395, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bond, Hastings, Prince - 3.

Substitute House Bill No. 1395, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1450, by Representative Baugher

Authorizing performance standards for motor vehicle equipment.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Baugher and Lewis spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1450, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bond, Hastings, Prince - 3.

House Bill No. 1450, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1527, by Representatives Haugen, S. Wilson, McMullen, Kremen, Braddock and K. Wilson

Establishing monitoring programs for Puget Sound whiting fishery.

The bill was read the second time. On motion of Mr. Sutherland, Substitute House Bill No. 1527 was substituted for House Bill No. 1527, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1527 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen, Sutherland, K. Wilson and S. Wilson spoke in favor of passage of the bill, and Representatives Thomas, Lundquist, van Dyke, Isaacson and G. Nelson spoke against it.

Ms. Haugen spoke again in favor of the bill, and Mr. Isaacson again opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1527, and the bill passed the House by the following vote: Yeas, 61; nays, 34; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Lux, Madsen, May, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 61.

Voting nay: Representatives Addison, Ballard, Belcher, Betzoff, Brooks, Brough, Chandler, Dobbs, Fuhrman, Hankins, Holland, Isaacson, Locke, Long, Lundquist, Miller, Nealey, Nelson G, Padden, Patrick, Sanders, Schoon, Silver, Smith C, Smith L, Smitherman, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B - 34.

Excused: Representatives Bond, Hastings, Prince - 3.

Substitute House Bill No. 1527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

MESSAGE FROM THE SENATE

February 16, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 4519,
SUBSTITUTE SENATE BILL NO. 4876,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 4519,
SUBSTITUTE SENATE BILL NO. 4876.

HOUSE BILL NO. 1565, by Representatives Valle, S. Wilson, Dellwo, Lux, Crane, Sutherland, Winsley, Addison and Unsoeld

Providing for the selection of bond counsel by state and local government.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendment, see Journal, 29th Day, February 10, 1986.)

On motion of Mr. Grimm, the committee amendment was adopted.

Ms. Valle moved adoption of the following amendments by Representatives Valle and Grimm:

On page 1, line 6, before "government" insert "state"

On page 1, at the beginning of line 13, strike "(1)"

On page 1, line 14, after "by the state" strike all material through "corporation" on line 16

On page 1, line 17, strike "or local agency"

On page 1, line 23, after "agency" strike all material through "agency" on line 25

On page 2, line 32, after "state" strike all material through "local" on line 33.

On page 3, line 7, after "Sec. 6." strike all material through "may" on line 8 and insert "A state agency may not"

On page 3, line 17, after "state" strike "or local"

On page 3, after line 30 insert the following:

"NEW SECTION, Sec. 10. The provisions of this chapter do not apply to the selection of bond counsel by any county, city, town, special purpose district, municipal corporation, or quasi municipal corporation."

Remember the remaining sections consecutively and correct any internal references accordingly.

Ms. Valle spoke in favor of the amendments.

POINT OF INQUIRY

Ms. Valle yielded to question by Mr. Tilly.

Mr. Tilly: "Representative Valle, my question is, by removing this, who pays for this cost of bond counsel?"

Ms. Valle: "The amendment that I am speaking to simply removes local government and they would be paid as they are paid right now. The second amendment, which I have withdrawn, speaks to payment and I am withdrawing the second series of amendments."

Mr. Addison spoke against the amendments, and Mr. Taylor spoke in favor of them.

The amendments were not adopted.

The bill was ordered engrossed. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1565, and the bill passed the House by the following vote: Yeas, 88; nays, 7; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Barnes, Chandler, Haugen, Hine, Lewis, Taylor, Wang - 7.

Excused: Representatives Bond, Hastings, Prince - 3.

Engrossed House Bill No. 1565, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1609, by Representatives Niemi, Ballard, Leonard, Brooks and P. King

Providing for the certification of respiratory care practitioners.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1609 was substituted for House Bill No. 1609, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1609 was read the second time.

Ms. Niemi moved adoption of the following amendment by Representatives Niemi and Ballard:

On page 2, beginning on line 2 insert the following:

NEW SECTION. Sec. 3. (1) No hospital may employ persons engaging in respiratory care as respiratory care practitioners that have not received a certificate to practice respiratory care in the state. However, rural hospitals are exempt from the provisions of this subsection. As used in this subsection rural hospitals include hospitals having no more than three thousand in-patient admissions per year located in a rural area as rural areas are defined for the purposes of the United States census.

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Niemi and Ballard spoke in favor of the amendment, and Ms. Brekke opposed it.

The amendment was adopted.

The bill was ordered engrossed. On motion of Mr. Dellwo, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1609, and the bill passed the House by the following vote: Yeas, 93; nays, 2; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Barnes, Sayan - 2.

Excused: Representatives Bond, Hastings, Prince - 3.

Engrossed Substitute House Bill No. 1609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1637, by Representatives Baugher, Rayburn, Jacobsen, McMullen, Haugen, Zellinsky, Dellwo, Smitherman, Taylor, Day, Lewis, Braddock, Nealey, Unsoeld, P. King, J. Williams, Silver and Todd.

Expanding access to state emergency information telephone lines.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For amendment, see Journal, 22nd Day, February 3, 1986.)

Mr. D. Nelson moved adoption of the committee amendment.

Representatives D. Nelson and Isaacson spoke against the committee amendment, and it was not adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1637, and the bill passed the House by the following vote: Yeas, 78; nays, 17; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Isaacson, Jacobsen, King J. King P. King R. Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D. Nelson G. Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 78.

Voting nay: Representatives Betzoff, Brooks, Brough, Chandler, Dobbs, Fuhrman, Holland, Lundquist, Padden, Patrick, Schmidt, Smith C, Smith L, Thomas, van Dyke, Walker, Williams J - 17.

Excused: Representatives Bond, Hastings, Prince - 3.

House Bill No. 1637, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1651, by Representatives Brekke, Cole and Rust

Revising provisions on educational requirements for mental health professionals.

The bill was read the second time. On motion of Ms. Brekke, Substitute House Bill No. 1651 was substituted for House Bill No. 1651, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1651 was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1651, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P. King R. Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D. Nelson G. Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk,

Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Braddock - 1.

Excused: Representatives Bond, Hastings, Prince - 3.

Substitute House Bill No. 1651, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1661, by Representatives Walk, Schmidt, Fisher, Sutherland, Isaacson, Baugher, Rayburn, Dellwo, Bristow, Peery, S. Wilson, Hargrove, Bond, Hine, Scott, Madsen, Haugen, Basich, Vekich, K. Wilson, Braddock, Zellinsky, Taylor, Hankins and Schoon

Modifying payment provisions on motor vehicle and special fuel taxes.

The bill was read the second time. On motion of Mr. Walk, Substitute House Bill No. 1661 was substituted for House Bill No. 1661, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1661 was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1661, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bond, Hastings, Prince - 3.

Substitute House Bill No. 1661, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1678, by Representatives Wang, Jacobsen, Tilly, Todd, Fisher, Patrick, D. Nelson, Barnes, Lux, Isaacson, Locke, Sayan, Unsoeld, Long, Sutherland, Brough, Van Luven, Winsley, Gallagher, Nealey, P. King, C. Smith and Taylor

Regulating telephone solicitation.

The bill was read the second time. On motion of Mr. D. Nelson, Substitute House Bill No. 1678 was substituted for House Bill No. 1678, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1678 was read the second time.

On motion of Mr. J. King, further consideration of Substitute House Bill No. 1678 was deferred and the bill was placed on the second reading calendar following House Bill No. 1786.

MESSAGE FROM THE SENATE

February 15, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SENATE BILL NO. 3495,
 SUBSTITUTE SENATE BILL NO. 3905,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4242,
 SENATE BILL NO. 4450,
 SUBSTITUTE SENATE BILL NO. 4479.

On page 2, line 22 after "funds," insert "Priority in awarding at least a portion of these funds shall be to innovative job training programs chosen through competitive processes."

Mr. D. Nelson spoke in favor of the amendment, and Ms. Sommers opposed it.

The amendment was not adopted.

On motion of Ms. Sommers, the following amendments by Representatives Sommers and Prince were adopted:

On page 7, beginning on line 8, after "(1)" strike all the material through "council," on line 10 and insert "The advisory council on vocational education is continued as and hereby renamed the council on vocational education."

On page 7, beginning on line 13, after "law," strike all the material down to and including "terms." on line 15 and insert "As terms expire, the governor shall appoint members for three-year terms."

On motion of Ms. Sommers, the following amendment by Representatives Sommers, Prince, Belcher, Allen and Unsoeld was adopted:

On page 3, after line 21 insert a new section as follows:

"NEW SECTION. Sec. 7. A new section is added to chapter 28C.04 RCW to read as follows:

A vocational education advisory committee is hereby created to advise the office, the superintendent of public instruction, and the state board for community college education.

(1) The committee shall consist of eight voting members appointed by the governor, as follows:

- (a) One member representing community-based organizations;
- (b) One member representing private vocational schools;
- (c) Three members representing labor, including agriculture, in consultation with state-wide labor organizations; and
- (d) Three members representing business, including agriculture, in consultation with state-wide employer organizations.

The executive director of the office of vocational education; a representative of the superintendent of public instruction; and a representative of the state board for community college education shall each be ex officio non-voting members.

(2) The term of office of each voting committee member shall be for a period of three years, subject to the following exceptions:

- (a) An appointment to fill any vacancy which occurs shall be for the balance of the unexpired term of the position;
- (b) The initial terms of the members shall be staggered as determined by the governor; and

(c) The term of office of initial committee members shall be deemed to have commenced July 1, 1986, for the purpose of computing initial and subsequent terms of office.

(3) The committee shall:

- (a) Advise regarding development of the state plan and vocational education in general;
- (b) Review and make recommendations on the final state plan;
- (c) Make recommendations on the awarding of job skills grants and the granting of Washington awards for vocational excellence.

(4) The joint policy committee shall meet no fewer than four times each fiscal year. Committee members shall be reimbursed for travel expenses in accordance with RCW 43.03.050."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On motion of Ms. Sommers, the following amendments by Representatives Sommers and Prince were adopted:

On page 4, beginning on line 28, strike all material through "management," on line 32 and insert:

"NEW SECTION. Sec. 10. The director of financial management shall conduct an analysis of staffing needs for the office of vocational education. The commission on vocational education and the office of vocational education shall not fill any vacancies without approval of the director of financial management."

Renumber the remaining sections consecutively and correct the internal references accordingly.

On page 8, line 28, after "1986" insert ", except that section 10 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately"

On page 1, line 5 of the title, after "43.131.288;" strike "and"

On page 1, line 6 of the title, after "date" insert "; and declaring an emergency"

The bill was ordered engrossed. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Sommers, Silver, Basich and Allen spoke in favor of passage of the bill, and Representatives R. King, Taylor and Lewis spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1704, and the bill passed the House by the following vote: Yeas, 73; nays, 22; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brough, Crane, Dellwo, Ebersole, Fisch, Gallagher, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Kremen, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Brooks, Chandler, Cole, Day, Dobbs, Doty, Fisher, Fuhrman, Grimm, King R, Leonard, Lewis, Lundquist, Padden, Patrick, Rayburn, Sanders, Scott, Taylor, van Dyke, Walk, Winsley - 22.

Excused: Representatives Bond, Hastings, Prince - 3.

Engrossed Substitute House Bill No. 1704, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1720, by Representatives Wang, Cole and Patrick

Modifying provisions on boilers and unfired pressure vessels.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1720, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bond, Hastings, Prince - 3.

House Bill No. 1720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1723, by Representatives Nutley, L. Smith, Ebersole and Madsen

Revising regulation of public dances and recreational activities.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1723 was substituted for House Bill No. 1723, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1723 was read the second time.

Ms. Nutley moved adoption of the following amendments by Representatives Nutley, Patrick, Isaacson and L. Smith:

On page 1, beginning on line 25 strike "~~any dance house, public pool or billiard hall, or in~~" and insert "any (~~dance house;~~) public pool or billiard hall, or in"

On page 1, line 27 after "him" insert "or her"

Representatives Nutley and Ebersole spoke in favor of the amendments, and they were adopted.

The bill was ordered engrossed. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nutley and Brough spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Nutley yielded to question by Mr. Sayan.

Mr. Sayan: "Representative Nutley, each year in Grapeview--which is the uncontested grape growing capital of the world--we have a harvest of unlimited dimensions and the natives, historically, consume the grape of the year before in some quantity. As a result of that, there is a great deal of frivolity and dancing in the fields. Would this bill, in any way, restrict the annual harvest, frivolity and dancing in the fields of Grapeview?"

Ms. Nutley: "I sincerely doubt that it would, because the county commissioners will have to pass an ordinance specifically to regulate the act and hold a public hearing. I'm sure the citizens of Grapeview, if they choose to be regulated, could do so under the regular process."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1723, and the bill passed the House by the following vote: Yeas, 93; nays, 2; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Waik, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Hargrove, Vekich - 2.

Excused: Representatives Bond, Hastings, Prince - 3.

Engrossed Substitute House Bill No. 1723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1730, by Representatives K. Wilson, Jacobsen, Thomas, McMullen, Allen, Unsoeld, Cole and R. King

Authorizing department of ecology study of demands on competing uses of state's water resources to resolve conflicts associated with determining instream flows.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 1730 was substituted for House Bill No. 1730, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1730 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. Vekich.

Mr. Vekich: "Representative Rust, this says, 'no new water rights will be approved on streams that do not have flow conditions that have been approved by the department of fisheries and game.' So in effect, this bill also carries a moratorium on water rights until the study is completed?"

Ms. Rust: "Yes, it does."

Representatives Vekich, C. Smith, Lewis, Nealey, Ballard, Doty and Chandler spoke against passage of the bill, and Representatives R. King and Rust spoke in favor of it.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1730, and the bill failed to pass the House by the following vote: Yeas, 39; nays, 56; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Belcher, Brekke, Brough, Cole, Crane, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Jacobsen, King J. King P. King R. Leonard, Locke, Lundquist, Lux, McMullen, Nelson D. Niemi, Nutley, O'Brien, Rust, Scott, Sommers, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 39.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Basich, Baugher, Betrozoff, Braddock, Bristow, Brooks, Chandler, Day, Dellwo, Dobbs, Doty, Fuhrman, Hankins, Hargrove, Holland, Isaacson, Kremen, Lewis, Long, Madsen, May, Miller, Nealey, Nelson G. Padden, Patrick, Peery, Rayburn, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C. Smith L. Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Sloep, Vekich, Walker, West, Williams B. Williams J. Wilson S. Winsley, Zellinsky - 56.

Excused: Representatives Bond, Hastings, Prince - 3.

Substitute House Bill No. 1730, having failed to receive the constitutional majority, was declared lost.

HOUSE BILL NO. 1731, by Representatives K. Wilson, Lewis, Day, Winsley, Braddock, Bristow, Scott, Tilly and P. King

Authorizing the placement of runaway juveniles in the home of a parent.

The bill was read the second time. On motion of Mr. Armstrong, Substitute House Bill No. 1731 was substituted for House Bill No. 1731, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1731 was read the second time.

Mr. Crane moved adoption of the following amendment by Representatives Crane, Patrick, Armstrong, K. Wilson and G. Nelson:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 15, chapter 155, Laws of 1979 and RCW 13.32A.010 are each amended to read as follows:

The legislature finds that within any group of people there exists a need for guidelines for acceptable behavior and that, presumptively, experience and maturity are better qualifications for establishing guidelines beneficial to and protective of individual members and the group as a whole than are youth and inexperience. The legislature further finds that it is the right and responsibility of adults to establish laws for the benefit and protection of the society; and that, in the same manner, the right and responsibility for establishing reasonable guidelines for the family unit belongs to the adults within that unit. The legislature further finds that, because the time during which juveniles are maturing toward adulthood can be very difficult for them and their families, parents should have legal access to assistance from courts and service delivery systems for the purpose of resolving crisis situations involving their children. The legislature reaffirms its position stated in RCW 13.34.020 that the family unit is the fundamental resource of American life which should be nurtured and, that it should remain intact in the absence of compelling evidence to the contrary.

Sec. 2. Section 21, chapter 155, Laws of 1979 as amended by section 5, chapter 298, Laws of 1981 and RCW 13.32A.070 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050 may, at his or her discretion, transport the child to the home of a responsible adult who is other than the child's parent where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a child with a responsible adult other than his or her parent shall immediately notify the department's local community service office of this fact and of the reason for taking the child into custody.

(2) A law enforcement officer acting (~~reasonably and~~) in good faith pursuant to this chapter in taking or failing to take a child into custody or in releasing a child to a person other than a parent of such child is immune from civil or criminal liability for such action.

(3) A person other than a parent of such child who receives a child pursuant to this chapter and who acts reasonably and in good faith in doing so is immune from civil or criminal liability for the act of receiving such child. Such immunity does not release such person from liability under any other law including the laws regulating licensed child care and prohibiting child abuse.

NEW SECTION. Sec. 3. The legislature finds that the related problems of juvenile runaways and juvenile prostitution have reached serious levels, that parents need support in setting limits on the unsupervised late night activities of their children, and that a state-wide curfew would address these areas of concern. The adoption of a curfew is intended to protect our state's children from others and themselves and is not criminal or punitive in nature.

NEW SECTION. Sec. 4. A new section is added to chapter 13.32A RCW to read as follows:

(1) As used in this section the following definitions apply:

(a) 'Direct route' means the shortest path of travel selected to reach a destination within an hour of departure without detours or additional stops at any other destinations along the way.

(b) 'Emergency' means, but is not limited to, fire, natural disaster, an automobile accident, or obtaining immediate medical care for the minor or a member of the minor's immediate family.

(c) 'Employment' does not mean any activity or business conducted in violation of the laws of the state or its political subdivisions.

(d) 'Minor' means any person sixteen years of age or younger.

(e) 'Operator' means, but is not limited to, any agent or employee having control of the premises open for business.

(f) 'Public place' means any street, alley, highway, park, or plaza, used or open to members of the public or any public building, place of business, amusement, or entertainment facility.

(2) A law enforcement officer may stop and detain a minor, obtain his or her name, age, and the address of his or her parent or legal guardian and take the minor into custody if the minor is in or on any public place between the hours of 12:00 a.m. and 5:00 a.m. unless:

(a) The minor is accompanied by a parent, legal guardian, or a person twenty-one years or older who is authorized by the minor's parent or legal guardian to accompany the minor;

(b) The minor is traveling by direct route to or from a youth activity sponsored by an educational institution or a recognized nonprofit or religious organization;

(c) The minor is in a motor vehicle and engaged in interstate travel, with consent of a parent or legal guardian, through the state;

(d) The minor is traveling by direct route to or from his or her place of employment;

(e) The minor is on the sidewalk of his or her legal residence or on the sidewalk of either next door neighbor; or

(f) The minor is involved in an emergency concerning his or her safety or welfare or that of his or her family.

(3) An officer taking a minor into custody may, at his or her discretion, transport the child home or to a law enforcement station that is reasonably close to the place where the minor was taken into custody. The child may be held in temporary custody at such station for a reasonable period of time. It is the responsibility of law enforcement staff to contact the child's parent or guardian to arrange for the release of the minor. Minors held pursuant to this section shall be held in a nonsecure waiting area separate from areas holding confined adults. Minors taken into custody under this section who do not meet the criteria in RCW 13.32A.050 (1) through (4) shall not be transported to a facility licensed by the department of social and health services under this chapter.

(4) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law that local ordinance or law restricts curfew hours to at least the extent required by this section.

NEW SECTION. Sec. 5. A new section is added to chapter 13.32A RCW to read as follows:

It shall be unlawful for any owner or operator of a premises open for business to permit any minor on the premises if any such minor is subject to being taken into custody under RCW 13.32A.070. Any violation of this section shall be a misdemeanor.

Sec. 6. Section 31, chapter 155, Laws of 1979 as last amended by section 10, chapter 257, Laws of 1985 and RCW 13.32A.170 are each amended to read as follows:

(1) The court shall hold a fact-finding hearing to consider a proper petition and may approve or deny alternative residential placement giving due weight to the intent of the legislature that families, absent compelling reasons to the contrary, shall remain together and that parents have the right to place reasonable rules and restrictions upon their children. The court may appoint legal counsel and/or a guardian ad litem to represent the child and advise parents of their right to be represented by legal counsel. The court may approve an order stating that the child shall be placed in a residence other than the home of his or her parent only if it is established by a preponderance of the evidence that:

(a) The petition is not capricious;

(b) The petitioner, if a parent or the child, has made a reasonable effort to resolve the conflict;

(c) The conflict which exists cannot be resolved by delivery of services to the family during continued placement of the child in the parental home; and

(d) Reasonable efforts have been made to prevent or eliminate the need for removal of the child from the child's home and to make it possible for the child to return home.

The court may not grant a petition filed by the child or the department if it is established that the petition is based only upon a dislike of reasonable rules or reasonable discipline established by the parent.

(2) The order approving out-of-home placement shall direct the department to submit a disposition plan for a three-month placement of the child that is designed to reunite the family and resolve the family conflict. Such plan shall delineate any conditions or limitations on parental involvement. In making the order, the court shall further direct the department to make recommendations, as to which agency or person should have physical custody of the child, as to which parental powers should be awarded to such agency or person, and as to parental visitation rights. The court may direct the department to consider the cultural heritage of the child in making its recommendations.

(3) The hearing to consider the recommendations of the department for a three-month disposition plan shall be set no later than fourteen days after the approval of the court of a petition to approve alternative residential placement. Each party shall be notified of the time and place of such disposition hearing.

(4) If the court approves or denies a petition for an alternative residential placement, a written statement of the reasons shall be filed. If the court denies a petition requesting that a child be placed in a residence other than the home of his or her parent, the court shall enter an order requiring the child to remain at or return to the home of his or her parent. The order may include the requirement that the child abide by a written list of reasonable rules while the order is in effect.

(5) If the court denies the petition, the court shall impress upon the party filing the petition of the legislative intent to restrict the proceedings to situations where a family conflict is so great that it cannot be resolved by the provision of in-home services.

(6) A child who fails to comply with a court order directing that the child remain at or return to the home of his or her parent shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within ninety calendar days after the day of the order.

Sec. 7. Section 33, chapter 155, Laws of 1979 as last amended by section 2, chapter 188, Laws of 1984 and RCW 13.32A.190 are each amended to read as follows:

(1) Upon making a dispositional order under RCW 13.32A.180, the court shall schedule the matter on the calendar for review within three months, advise the parties of the date thereof, appoint legal counsel and/or a guardian ad litem to represent the child at the review hearing, advise parents of their right to be represented by legal counsel at the review hearing, and notify the parties of their rights to present evidence at the hearing. Where resources are available, the court shall encourage the parent and child to participate in mediation programs for reconciliation of their conflict.

(2) At the review hearing, the court shall approve or disapprove the continuation of the dispositional plan in accordance with the goal of resolving the conflict and reuniting the family which governed the initial approval. The court shall determine whether reasonable efforts have been made to reunify the family and make it possible for the child to return home. The court is authorized to discontinue the placement and order that the child return home if the court has reasonable grounds to believe that the parents have displayed concerted efforts to utilize services and resolve the conflict and the court has reason to believe that the child's refusal to return home is capricious. If out-of-home placement is continued, the court may modify the dispositional plan.

Out-of-home placement may not be continued past one hundred eighty days from the day the review hearing commenced. The court shall order that the child return to the home of the parent at the expiration of the placement. If continued out-of-home placement is disapproved, the court shall enter an order requiring that the child return to the home of the child's parent. The order may include the requirement that the child abide by a written list of reasonable rules while the order is in effect.

Sec. 8. Section 2, chapter 160, Laws of 1913 as last amended by section 29, chapter 354, Laws of 1985 and RCW 13.04.030 are each amended to read as follows:

The juvenile courts in the several counties of this state, shall have exclusive original jurisdiction over all proceedings:

(1) Under the interstate compact on placement of children as provided in chapter 26.34 RCW;

(2) Relating to children alleged or found to be dependent as provided in chapter 26.44 RCW and in RCW 13.34.030 through 13.34.170, as now or hereafter amended;

(3) Relating to the termination of a parent and child relationship as provided in RCW 13.34.180 through 13.34.210, as now or hereafter amended;

(4) To approve or disapprove alternative residential placement as provided in RCW 13.32A.170, and to approve or disapprove in-home placement as provided in section 11 of this 1986 act;

(5) Relating to juveniles alleged or found to have committed offenses, traffic infractions, or violations as provided in RCW 13.40.020 through 13.40.230, as now or hereafter amended, unless:

(a) The juvenile court transfers jurisdiction of a particular juvenile to adult criminal court pursuant to RCW 13.40.110, as now or hereafter amended; or

(b) The statute of limitations applicable to adult prosecution for the offense, traffic infraction, or violation has expired; or

(c) The alleged offense or infraction is a traffic, fish, boating, or game offense or traffic infraction committed by a juvenile sixteen years of age or older and would, if committed by an adult, be tried or heard in a court of limited jurisdiction, in which instance the appropriate court of limited jurisdiction shall have jurisdiction over the alleged offense or infraction: PROVIDED, That if such an alleged offense or infraction and an alleged offense or infraction subject to juvenile court jurisdiction arise out of the same event or incident, the juvenile court may have jurisdiction of both matters: PROVIDED FURTHER, That the jurisdiction under this subsection does not constitute 'transfer' or a 'decline' for purposes of RCW 13.40.110(1) or subsection (5)(a) of this section: PROVIDED FURTHER, That courts of limited jurisdiction which confine juveniles for an alleged offense or infraction may place juveniles in juvenile detention facilities under an agreement with the officials responsible for the administration of the juvenile detention facility in RCW 13.04.035 and 13.20.060;

(6) Under the interstate compact on juveniles as provided in chapter 13.24 RCW; and

(7) Relating to termination of a diversion agreement under RCW 13.40.080 as now or hereafter amended, including a proceeding in which the divertee has attained eighteen years of age.

NEW SECTION, Sec. 9. A new section is added to chapter 13.32A RCW to read as follows:

(1) A parent of a minor who (a) has been a reported runaway, or (b) has been unable to resolve conflict with the parent after counseling from either family reconciliation services or other formal counseling services initiated by either the parent or minor may file a petition with the court requesting that the minor be ordered to reside in the home of the parent.

(2) A minor who has been unable to resolve conflict with his or her parent or parents after counseling from either family reconciliation services or other formal counseling services initiated by either the minor or his or her parent or parents may file a petition with the court requesting that the parent or parents be ordered to allow the child to reside in the home of the parent or parents.

(3) The department shall, when requested and to the extent possible within existing budgetary constraints, assist a parent or minor in the filing of a petition under subsection (1) or (2) of this section.

(4) A petition under subsection (1) of this section shall request an order for the minor to be required to reside in the home of the parent and may request a specific list of rules by which the minor will be expected to abide.

(5) The filing of a petition to order a minor to reside in the home of the parent under subsection (1) of this section is not dependent upon the court having prior jurisdiction over the minor.

(6) A petition under subsection (2) of this section shall request an order for the parent or parents of a minor to reside in the home of the parent or parents and may request a specific list of rules by which the parent or parents will be expected to abide.

NEW SECTION, Sec. 10. A new section is added to chapter 13.32A RCW to read as follows:

(1) When a petition is filed under section 9 of this act, the juvenile court shall:

(a) Schedule a date for a fact-finding hearing;

(b) Notify the parent and the minor of the date;

(c) Inform the parent and the minor of the legal consequences of the court entering an order for the minor to reside in the home of the parent; and

(d) Notify all parties of the right to present evidence at the fact-finding hearing.

(2) Upon the filing of a petition under section 9 of this act, the minor may be placed, if not already placed, by the department in a crisis residential center, foster family home, group home facility licensed under chapter 74.15 RCW, or any other suitable residence determined by the department.

(3) If the minor has been placed in a foster family home or group care facility under chapter 74.15 RCW, the minor shall remain there, or in any other suitable residence as determined by the department, pending resolution of the petition by the court. Any placement may be reviewed by the court within three court days upon the request of the minor or the minor's parent.

NEW SECTION, Sec. 11. A new section is added to chapter 13.32A RCW to read as follows:

(1) The court shall hold a fact-finding hearing to consider a petition and may approve or deny the petition to order the child to reside in the home of the parent, giving due weight to the intent of the legislature that families, absent compelling reasons to the contrary, shall

remain together and that parents have the right to place reasonable rules and restrictions upon their children. The court may appoint legal counsel or a guardian ad litem, or both, to represent the child and may advise parents of their right to be represented by legal counsel. The court may approve an order stating that the child shall be required to reside in the home of his or her parent only if it is established by a preponderance of the evidence that:

- (a) The petition is not capricious;
- (b) The petitioner has made a reasonable effort to resolve the conflict without seeking court intervention; and
- (c) The conflict which exists cannot be resolved by delivery of services to the family without the use of a court order.

(2) The order may be entered at the fact-finding hearing or the court may set a dispositional hearing on a date no later than fourteen days after the fact-finding hearing.

(3) The order may include: (a) The requirement that the minor reside or be allowed to reside in the home of his or her parent or parents; (b) the requirement that the minor and his or her parent or parents abide by a written list of rules while the order is in effect; (c) a specific period of time for the order to be in effect; and (d) requirements for the family to attend counseling if deemed of value by the judge to resolve the family conflict. Written rules that the minor is required to abide by may include rules relating to attendance at informational classes, educational programs, controlled substance rehabilitation programs, or employment; rules to obey a set family curfew; and such other conditions or limitations as the court may require.

(4) A party in the order who fails to comply with a court order directing that the minor reside or be allowed to reside in the home of his or her parent or parents shall be subject to contempt proceedings, as provided in this chapter, but only if the noncompliance occurs within the time stipulated in subsection (3)(c) of this section. The contempt proceedings shall be in accordance with RCW 13.32A.250.

NEW SECTION. Sec. 12. The legislature finds that accurate representation of the provisions of chapters 13.04, 13.32A, 13.34, and 74.13 RCW by affected parts of the criminal justice and child care systems to members of the public is of foremost importance. It further finds that effective implementation of the legislative intent of these provisions by the affected agencies is necessary in order to strengthen the family unit.

There shall be created a committee charged with overseeing implementation and administration of chapters 13.04, 13.32A, 13.34, and 74.13 RCW. The committee shall be composed of the following individuals:

(1) Two parents who have had experience in dealing with the juvenile authorities at some time during the period between June 1, 1984, and January 31, 1986, and have demonstrable familiarity with the juvenile code. One of the parents shall be selected by the speaker of the house of representatives and the other shall be selected by the majority leader of the senate;

(2) Two members of the house of representatives, one from each major political party, selected by the speaker of the house of representatives;

(3) Two members of the senate, one from each major political party, selected by the majority leader of the senate; and

(4) One representative from each of the following: (a) The judiciary, (b) law enforcement, (c) the division of children and family services of the department of social and health services, and (d) private nonprofit service providers.

The committee established under this section shall meet at least four times each year. Citizen members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

The committee shall monitor the implementation and administration of chapters 13.04, 13.32A, 13.34 and 74.13 RCW by affected agencies in all regions of the state. To this end, the committee may inquire into instances where it is alleged that a law enforcement officer, school employee, department employee, judge, or juvenile court employee has either misrepresented a provision of the cited chapters or has failed to follow any such provision.

The oversight committee shall be granted access to all relevant information necessary to monitor behavior of agencies and/or employees.

The oversight committee shall report its findings and make recommendations regarding implementation of the chapters cited in this section in a report submitted to the judiciary committees of the house of representatives and the senate before the 1988 regular session of the legislature. The report shall include an evaluation of the need for specialized, structured residential homes for serious behaviorally or emotionally disturbed or hard to place juveniles, an evaluation of services currently being offered to families in conflict, and the resources necessary to support mandated or recommended services.

The oversight committee, unless recreated by the legislature, shall cease to exist after submitting the report required under this section.

NEW SECTION. Sec. 13. The legislature finds that there is evidence of failure to implement and enforce juvenile justice laws due to resource limitations within the various units of government charged with responsibility for such implementation and enforcement.

Therefore, commencing with the effective date of this act, and continuing through such time as further legislative direction is enacted into law, any person legally responsible for implementation or enforcement of any provision of chapter 13.04, 13.32A, 13.34, or 74.13 RCW who is unable to implement or enforce any such provision due to insufficient available resources, including but not limited to personnel, facilities, services, or programs, shall file a report on the situation as soon as possible with the oversight committee created under section 12 of this act or, if the oversight committee has ceased to exist, to the judiciary committees of the house of representatives and the senate. Any such report shall include a documented description of the situation and the reason or reasons for failure to implement or enforce the provision in question.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. Section 12 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Mr. Jacobsen moved adoption of the following amendment by Representatives Jacobsen and Appelwick to the Crane amendment:

On page 20, line 16 of the amendment after "services." insert "The committee shall consider the establishment of a residential school to address the needs of children who, pursuant to law, may be ordered into an alternative residential placement. A residential school may be funded and operated, in whole or in part by private contributions."

POINT OF ORDER

Mr. Armstrong: "Mr. Speaker, I would like to request a ruling on the scope and object of this amendment."

SPEAKER'S RULING

The Speaker: "Representative Armstrong, the Speaker has examined the Crane amendment and the amendment to that amendment and the bill. It calls for a committee to be set up. The amendment indicates that one of the activities of the committee is to look at the juvenile justice code. The Speaker finds that the amendment to the amendment is within the scope and object and is in order."

Mr. Jacobsen spoke in favor of the amendment to the amendment, and it was adopted.

Mr. Tilly moved adoption of the following amendment by Representatives Tilly, K. Wilson, Fuhrman, Patrick, Bristow, West and Chandler to the Crane amendment:

On page 24 after line 16, insert the following:

"Sec. 17. Section 1, chapter 198, Laws of 1969 ex. sess. as last amended by section 9, chapter 303, Laws of 1985 and RCW 10.31.100 are each amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (5) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or use or possession of liquor by a minor, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or

other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.02.025 shall have the authority to arrest the person.

(6) Except as specifically provided in subsections (2), (3), and (4) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(7) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) if the police officer acts in good faith and without malice."

POINT OF ORDER

Mr. Armstrong: "Mr. Speaker, I request a ruling on the scope and object of this amendment."

SPEAKER'S RULING

The Speaker: "The Speaker has examined the bill and the floor amendment by Representative Crane. Substitute House Bill 1731 deals with the juvenile justice statutes and when children may be taken into custody under this act. The amendment to the amendment deals with the authority of the police officers and warrants for arrest. Also there is a difference in the title. This amendment would expand the scope and object of the bill. Your point is well taken, Representative Armstrong."

The Speaker stated the question before the House to be the amendment by Representative Crane and others as amended.

POINT OF INQUIRY

Mr. Crane yielded to question by Mr. D. Nelson.

Mr. D. Nelson: "Representative Crane, I notice that there are some exceptions to the curfew which runs from 12 a.m. to 5 a.m. I'm looking for an exception that would cover a case that I'm familiar with, because it occurred when I was a minor and that case might take this kind of scenario: When three buddies, 16-year-olds, jump in their car, one of them has a driver's license, and they leave at 4 a.m. to go fishing because the sun comes up at about 5 a.m. and that's the best fishing time. Would this amendment allow those kids to go out on a fishing trip by themselves and not violate the curfew?"

Mr. Crane: "Representative Nelson, I don't think we just exactly took care of fishing trips, and I would believe it would be, in some degree, within the discretion of the officer, but I don't believe there is any specific exception."

Representatives D. Nelson, Braddock and Niemi spoke against the amendment as amended, and Representatives Crane, Patrick, Van Luven and G. Nelson spoke in favor of it.

Mr. Crane spoke again in favor of the amendment.

Mr. Zellinsky demanded the previous question and the demand was sustained.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Crane and others as amended to Substitute House Bill No. 1731, and the amendment was adopted by the following vote: Yeas, 72; nays, 23; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betrozoff, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King P, Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nealey, Nelson G, O'Brien, Padden, Patrick, Peery, Rayburn, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Sommers, Sutherland, Taylor, Thomas, Tilly, Todd, Valle, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 72.

Voting nay: Representatives Basich, Braddock, Brekke, Cole, Fisher, Grimm, King J, King R, Locke, May, Nelson D, Niemi, Nutley, Rust, Schoon, Smitherman, Tanner, Unsoeld, Vekich, Walk, Wang, Wineberry, and Mr. Speaker - 23.

Excused: Representatives Bond, Hastings, Prince - 3.

The bill was ordered engrossed and passed to Committee on Rules for third reading.

HOUSE BILL NO. 1768, by Representatives McMullen, Vekich, Haugen, Unsoeld, Jacobsen and P. King

Providing for the establishment of museum districts.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1768 was substituted for House Bill No. 1768, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1768 was read the second time and passed to Committee on Rules for third reading.

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

MOTIONS

On motion of Mr. J. King, ENGROSSED SUBSTITUTE SENATE BILL NO. 3416 was referred from Committee on Financial Institutions & Insurance to Committee on Judiciary.

On motion of Mr. J. King, ENGROSSED SUBSTITUTE SENATE BILL NO. 4792 was referred from Committee on Social & Health Services to Committee on State Government.

The House reverted to the fourth order of business.

INTRODUCTIONS AND FIRST READING

ESB 3495 by Senators Kreidler and Gaspard

Providing for the licensing and regulation of amusement rides.

Referred to Committee on Commerce & Labor.

SSB 3905 by Committee on Human Services & Corrections (originally sponsored by Senators Kreidler, Saling and McManus)

Certifying radiologic technologists.

Referred to Committee on Social & Health Services.

E2SSB 4242 by Committee on Ways & Means (originally sponsored by Senators McDermott, Kiskaddon, Rasmussen, Johnson, Bender, Deccio, Goltz, Lee, Benitz and Bailey; by Office of the Governor request)

Implementing procedures to control and monitor health care costs.

Referred to Committee on Ways & Means.

SB 4450 by Senators Thompson, Rasmussen and Granlund

Establishing procedures for filing of candidacy by mail and ordering the appearance of names on ballots.

Referred to Committee on Constitution, Elections & Ethics.

SSB 4479 by Committee on Ways & Means (originally sponsored by Senators McManus and Moore)

Permitting broadcast and communications facilities to qualify as public corporations for purposes of industrial development revenue bonds.

Referred to Committee on Trade & Economic Development.

ESSB 4503 by Committee on Commerce & Labor (originally sponsored by Senator Warnke)

Revising provisions on the taxation of mobile homes, travel trailers, and campers.

Referred to Committee on Ways & Means.

SB 4535 by Senators Halsan, Newhouse and Talmadge

Changing provisions relating to professional service corporations.

Referred to Committee on Judiciary.

SSB 4610 by Committee on Judiciary (originally sponsored by Senators Halsan and Talmadge)

Creating a joint select committee on decriminalization of misdemeanors.

Referred to Committee on Judiciary.

ESSB 4630 by Committee on Judiciary (originally sponsored by Senator Talmadge)

Revising provisions relating to civil actions.

Referred to Committee on Judiciary.

SB 4633 by Senators Talmadge, Newhouse and Bottiger; by request of Department of Licensing

Relating to fees under the uniform commercial code.

Referred to Committee on Judiciary.

SSB 4635 by Committee on Energy & Utilities (originally sponsored by Senators Williams and Saling; by request of Utilities and Transportation Commission)

Establishing certain jurisdictional issues under the utilities and transportation commission to be questions of fact.

Referred to Committee on Energy & Utilities.

SB 4636 by Senators Williams and Saling; by request of Utilities and Transportation Commission

Increasing penalties of the utilities and transportation commission.

Referred to Committee on Energy & Utilities.

SSB 4639 by Committee on Governmental Operations (originally sponsored by Senators Granlund, Zimmerman and Thompson)

Revising procedures for filling vacancies in elective offices.

Referred to Committee on Constitution, Elections & Ethics.

SB 4647 by Senators Warnke, Newhouse and Vognild; by request of Employment Security Department

Modifying employer experience rating definitions.

Referred to Committee on Commerce & Labor.

SB 4649 by Senator Pullen

Permitting voters to deposit their own ballots in the ballot box.

Referred to Committee on Constitution, Elections & Ethics.

ESB 4660 by Senators Halsan and Newhouse

Exempting specified pension moneys from attachment.

Referred to Committee on Judiciary.

ESSB 4710 by Committee on Ways & Means (originally sponsored by Senators Talmadge, Newhouse, Deccio, Moore, Hansen, Halsan, DeJarnatt, Conner, Granlund, McManus, Bauer, Gaspard, Garrett, Vognild, Bender, Warnke, Bailey, Rasmussen and Lee)

Establishing the automatic fingerprint information system.

Referred to Committee on Ways & Means.

SSB 4720 by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Newhouse, Vognild and Bauer)

Establishing a certificate of coverage for industrial insurance.

Referred to Committee on Commerce & Labor.

SB 4746 by Senators Gaspard and Saling

Removing the requirement that the regional universities and TESC's extension departments be assigned territories.

Referred to Committee on Higher Education.

ReESB 4875 by Senators Granlund, Garrett, Conner, Wojahn, Peterson, DeJarnatt, Talmadge, Gaspard, Goltz, Williams, Vognild and McManus; by request of Governor

Providing for the appointment by the governor of the secretary of transportation, the director of game, and the director of parks and recreation.

Referred to Committee on State Government.

SSB 4897 by Committee on Judiciary (originally sponsored by Senators Bender, Newhouse and Bottiger)

Requiring certification of process servers.

Referred to Committee on Judiciary.

SSB 4948 by Committee on Judiciary (originally sponsored by Senators Talmadge, Halsan and Newhouse)

Modifying provisions on materialmen's lien to include recording of release of lien bond on real property.

Referred to Committee on Judiciary.

ESB 4958 by Senators Vognild and Peterson

Authorizing municipalities to permit directional signs to motorist service businesses.

Referred to Committee on Transportation.

MOTION

On motion of Mr. J. King, the bills listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

The House advanced to the sixth order of business.

SECOND READING

HOUSE BILL NO. 2080, by Representative Lux

Relating to day care liability insurance.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 2080 was substituted for House Bill No. 2080, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 2080 was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lux and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2080, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bond, Hastings, Prince - 3.

Substitute House Bill No. 2080, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2088, by Representative Lux

Relating to insurance.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 2088 was substituted for House Bill No. 2088, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 2088 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lux, Winsley and Locke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2088, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bond, Hastings, Prince - 3.

Substitute House Bill No. 2088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1699, by Representatives Lux, Barrett, Nutley, Schmidt, Zellinsky, Appelwick, Unsoeld and P. King

Requiring property and casualty insurers to report loss and expense experiences.

The bill was read the second time.

On motion of Mr. West, the following amendment by Representatives West and Lux was adopted:

On page 1, line 14, after "for" strike "both commercial and personal" and insert "(~~both commercial and personal~~)"

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lux, Winsley and Holland spoke in favor of passage of the bill.

POINT OF INQUIRY

Representative Lux yielded to question by Mr. West.

Mr. West: "Representative Lux, as this bill applies to recording of daycare center liability, is it the intent to require the insurer to provide additional information on homeowner insurance policies that provide incidental coverage for daycare liability?"

Mr. Lux: "No, Representative West. Insurers would not be required to make a special report of their experience under homeowner policies. The addition of daycare center liability is extended to require reporting for policies designed or written specifically to cover daycare liability risks."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1699, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yeas: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bond, Hastings, Prince - 3.

Engrossed House Bill No. 1699, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2089, by Representative Lux

Relating to insurance.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 2089 was substituted for House Bill No. 2089, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 2089 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lux and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2089, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yeas: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher,

Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bond, Hastings, Prince - 3.

Substitute House Bill No. 2089, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT MEMORIAL NO. 29, by Representatives Lux, Appelwick, Locke, Dellwo, Belcher, Armstrong, Nutley, Unsoeld, Crane and Fisch

Requesting the federal regulation of insurance.

The memorial was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Lux and Winsley spoke in favor of the memorial, and Representative Barnes opposed it.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 29, and the memorial passed the House by the following vote: Yeas, 66; nays, 29; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams J, Wilson K, Wineberry, Winsley, and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Barnes, Barrett, Brooks, Chandler, Dobbs, Fuhrman, Haugen, Holland, Isaacson, Lewis, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Sanders, Schoon, Silver, Smith C, Smith L, Thomas, Tilly, van Dyke, Van Luven, Williams B, Wilson S, Zellinsky - 29.

Excused: Representatives Bond, Hastings, Prince - 3.

House Joint Memorial No. 29, having received the constitutional majority, was declared passed.

STATEMENT FOR THE JOURNAL

I wish to change my vote on House Joint Memorial No. 29 from Aye to Nay.

JOSEPH L. WILLIAMS, 41st District.

MOTION FOR RECONSIDERATION

Representative Tanner, having voted on the prevailing side, moved that the House immediately reconsider the vote by which ENGROSSED SUBSTITUTE HOUSE BILL NO. 488 failed to pass the House.

Mr. Tanner spoke in favor of the motion, and Mr. Barrett spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House reconsider the vote by which Engrossed Substitute House Bill No. 488 failed to pass the House, and the motion was carried by the following vote: Yeas, 48; nays, 47; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Dellwo, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 48.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Baugher, Betrozoff, Brooks, Brough, Chandler, Day, Dobbs, Doty, Ebersole, Fuhrman, Hankins, Haugen, Holland, Isaacson,

Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 47.

Excused: Representatives Bond, Hastings, Prince - 3.

On motion of Mr. Appelwick, further consideration of Engrossed Substitute House Bill No. 488 was deferred and the bill was ordered held on the third reading calendar.

MOTION

On motion of Mr. Appelwick, the House adjourned until 10:00 a.m., Monday, February 17, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

THIRTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, February 17, 1986

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Hastings and Valle, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Stephanie Brough and Shannon Simms. Prayer was offered by Pastor Dan Selmann of Bethesda Lutheran Church of Mountlake Terrace.

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

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-124, by Representatives Ehlers and Sanders

WHEREAS, General George Washington was born two hundred fifty-four years ago this week; and

WHEREAS, George Washington was our first president and the Father of our Country; and

WHEREAS, General George Washington was a valiant leader of colonial troops in both the French and Indian War and the American Revolution; and

WHEREAS, General Washington was a skilled mathematician and an excellent engineer and surveyor; and

WHEREAS, He is the namesake of our nation's capitol; and

WHEREAS, By his actions, George Washington lived ahead of his time and he became America's model citizen; and

WHEREAS, George Washington is the only president to have a state named in his honor; and

WHEREAS, Washington State has seen fit to bestow this honor on our first citizen; and

WHEREAS, Washington State is considered a model state in many of its legislative endeavors;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the members pause to acknowledge our debt to America's first president, rededicate ourselves to following his examples and pay homage to the birthday of George Washington.

Mr. Appelwick moved adoption of the resolution. Representatives Appelwick and B. Williams spoke in favor of the resolution, and it was adopted.

The House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1784, by Representatives Day, Vander Stoep, Dellwo, van Dyke, Addison, Wineberry and Tanner

Changing provisions relating to disclosures required in securities registration statements.

The bill was read the second time.

Mr. Lux moved adoption of the following amendment:

On page 2, line 17 after "(8)" strike all material through "circular," on line 26 and insert "(The offering has been or would be made with unreasonable amounts of underwriters' and sellers' discounts, commissions, or compensation or promoters' profits or participation, or unreasonable amounts or kinds of options:)) The applicant has not disclosed to the director and included in any prospectus or circular provided to prospective buyers the nature and amounts

of all underwriters' and sellers' discounts, commissions, and compensation, and the profits, participation, and options of all underwriters, sellers, and promoters. Such information shall be disclosed in plain English and must be located or referenced on the first page of such prospectus or circular.

(9) The offering is being made on terms that are unfair, unjust, or inequitable."

Representatives Lux, Holland and Winsley spoke in favor of the amendment, and Representatives Day, Dobbs and Barrett spoke against it.

Mr. Dobbs again opposed the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Lux to House Bill No. 1784, and the amendment was not adopted by the following vote: Yeas, 25; nays, 71; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cole, Ebersole, Haugen, Holland, Jacobsen, Locke, Lux, Miller, Nelson D, Niemi, Rust, Schoon, Sommers, Wang, West, Wilson K, Winsley, Zellinsky - 25.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Baugher, Betzoff, Bond, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hine, Isaacson, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Madsen, May, McMullen, Nealey, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Williams B, Williams J, Wilson S, Wineberry, and Mr. Speaker - 71.

Excused: Representatives Hastings, Valle - 2.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-108, by Representatives Brough, Hine, Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Ehlers, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Jacobsen, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, D. Nelson, G. Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, The Washington State Cheetahs, a seventeen-member young women's U-15 premier soccer team from the Federal Way, Kent and Auburn area have been state champions for three years and have competed regionally, nationally and internationally; and

WHEREAS, The Cheetahs have been invited by the China Sports Center to visit five Chinese cities as a cultural exchange. The team leaves with its two coaches and chaperon in June 1986; and

WHEREAS, The Cheetahs will arrive in Hong Kong and then travel to Beijing, the oldest existing civilization in the world. In Beijing the team will stay at the China Sports Center. They will visit the Forbidden City, the Great Wall of China and the Ming Tombs. They will then continue on to Tinanjing and Shenyang in the north and Guilin and Guangzhou in the south; and

WHEREAS, In each of these cities, the Cheetahs will have a clinic and two soccer games. In the clinics, they will work side-by-side with young women from the Chinese soccer teams exchanging techniques and ideas; and

WHEREAS, Most team members have played soccer for at least eight years and are active in their schools, participate in Honor Society, Natural Helpers, science research projects, band, music, newspaper and annual staff projects; and

WHEREAS, Team members participate in school athletics on varsity and junior varsity teams in volleyball, basketball, gymnastics and softball and outside activities that include Boys' and Girls' Clubs, skiing, karate, Explorers' Club, traveling softball teams and church activities; and

WHEREAS, The Cheetahs have been diligent and dedicated in their efforts to earn money for their trip and have planned several fundraisers throughout the year; and

WHEREAS, As ambassadors of good will, the Cheetahs will experience and share with their Chinese counterparts, a new and exciting cultural experience both on and off the soccer field;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes the valuable contribution the Cheetahs are making to the athletic and cultural exchange between the State of Washington and the People's Republic of China; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to all team members and their coaches.

Ms. Brough moved adoption of the resolution. Representatives Brough and Schoon spoke in favor of the resolution and it was adopted.

The House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1784:

The House resumed consideration of the bill on second reading.

On motion of Mr. Day, the following amendment by Representatives Day and Barrett was adopted:

On page 2, after line 26 insert the following:

"NEW SECTION. Sec. 2. There is added to chapter 21.20 RCW a new section to read as follows:

The director may not establish regulations distinguishing cheap stock from other securities. For the purposes of this section, 'cheap stock' means any securities sold or issued within five years prior to the public offering date to persons for consideration lower than the proposed net public offering price, including options and warrants exercised, in the absence of a public market for the securities or substantial change in the earnings or financial position of the issuer."

MOTION

On motion of Mr. Appelwick, further consideration of House Bill No. 1784 was deferred, and the bill was ordered placed on the second reading calendar following House Bill No. 1786.

Representative Valle appeared at the bar of the House.

HOUSE BILL NO. 1786, by Representatives Unsoeld, Belcher, Allen, Vekich, Miller and Sayan

Creating the twenty-fourth community college district.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For amendment, see Journal, 26th Day, February 7, 1986.)

Ms. Sommers moved adoption of the committee amendment.

Mr. R. King moved adoption of the following amendments by Representatives R. King, Unsoeld, Miller, Allen and Belcher to the committee amendment:

On page 1, line 7 of the committee amendment strike "1986" and insert "1987"

On page 1, line 8 of the committee amendment after "2" insert ", 5"

Representatives R. King and Unsoeld spoke in favor of the amendments, and Mr. Vander Stoep opposed them.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative R. King and others to House Bill No. 1786, and the amendments were adopted by the following vote: Yeas, 52; nays, 45; excused, 1.

Voting yea: Representatives Allen, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Sommers, Sutherland, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 52.

Voting nay: Representatives Addison, Appelwick, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Holland, Isaacson, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Tanner, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Vekich, Walker, West, Williams B, Williams J, Wilson S - 45.

Excused: Representative Hastings - 1.

Representative Hastings appeared at the bar of the House.

The committee amendment as amended was adopted.

On motion of Mr. R. King, the following amendments by Representatives R. King, Unsoeld, Miller, Allen and Belcher were adopted:

On page 3, line 26 following "period" strike "of three years" and insert "ending July 1, 1990"

On page 3, line 28 following "before" strike "May 1, 1986" and insert "March 1, 1987"

On page 3, line 30 following "to" strike "June 30, 1986" and insert "June 30, 1987"

On page 5, line 19 after "district" insert "on July 1, 1987"

On page 5, line 23 after "RCW 28B.50.100" insert ": PROVIDED, That the additional members of the board of trustees of the twenty-fourth community college district and the replacement members of the board of trustees of the twelfth community college district shall be appointed no later than October 1, 1986, so that they may informally participate in transition activities related to the separation: PROVIDED FURTHER, That such newly appointed trustees shall not officially take office until July 1, 1987"

On page 6, line 23 strike "July 1, 1986" and insert "July 1, 1987"

Mr. Vander Stoep moved adoption of the following amendment:

On page 6, after line 34 insert:

"NEW SECTION, Sec. 12. Not later than January 1, 1988, the office of financial management shall report to the ways and means committees of both the house and senate the administrative cost experienced by the two newly created districts."

Renumber the remaining section consecutively.

Representatives Vander Stoep and R. King spoke in favor of the amendment, and it was adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Unsoeld, Belcher and Sayan spoke in favor of passage of the bill, and Representatives Vander Stoep and Dobbs spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1786, and the bill passed the House by the following vote: Yeas, 55; nays, 43.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Silver, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 55.

Voting nay: Representatives Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Smith C, Smith L, Smitherman, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 43.

Engrossed House Bill No. 1786, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) recognized within the bar of the House, the 1986 Washington State Wheat Queen and appointed Representatives Prince, Peery and Nealey to escort her to the rostrum.

The Speaker (Mr. O'Brien presiding) introduced Wheat Queen Michelle Nelson and she briefly addressed the House.

The Speaker instructed the committee to escort Queen Michelle from the House Chambers.

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-117, by Representatives Tilly, Ballard, C. Smith, Chandler and Vekich

WHEREAS, Roslyn, Washington is celebrating its one hundredth anniversary in 1986; and

WHEREAS, In the 1880s coal was discovered in Kittitas County and Roslyn, Washington was founded in response to the large influx of coal miners; and

WHEREAS, Roslyn, Washington was dedicated as a townsite in 1886 and became an incorporated city in 1890; and

WHEREAS, Roslyn, Washington is located in scenic Upper Kittitas County and the beautiful mountainside setting provides the recreationist, sportsman, outdoorsman and historian a place to enjoy their activities in summer, winter, spring or fall; and

WHEREAS, Such activities include camping, hiking, horse riding, biking, boating, swimming, fishing, hunting, rockhounding, snowmobiling, skiing, picture taking, craft making and many other pleasurable pastimes; and

WHEREAS, Today the Roslyn Museum preserves the rich coal mining heritage of the area and includes displays of tools, equipment, clothing, fixtures and furniture from the early days, along with many other exhibits; and

WHEREAS, There are many other historic sites to see and enjoy, such as the Northwest Improvement Company building, the authentic log cabin, the Brick Tavern, the bank building, the Roslyn City Hall and Library, the unique Roslyn cemetery, and the early-day Church used in 1978 for filming the movie, "The Runner Stumbles," starring Dick Van Dyke; and

WHEREAS, the people of Roslyn, Washington represent immigrant forefathers from over twenty-four nations around the world and constitute a rich cross-section of ethnic and cultural history; and

WHEREAS, The people and the Centennial Committee of Roslyn, Washington request the honor of everyone's presence at their parade and celebration on July 5, 1986;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives expresses its appreciation to the citizens of Roslyn, Washington for preserving and maintaining the rich cultural heritage passed on to them by their forefathers for the benefit of all people everywhere; and

BE IT FURTHER RESOLVED, That the Legislature congratulates the people of Roslyn, Washington on their one-hundredth birthday and joins in their celebration, and encourages everyone to visit Roslyn and participate in the exciting activities provided there; and

BE IT FINALLY RESOLVED, That the Chief Clerk of the House of Representatives send a copy of the Resolution to the Mayor of Roslyn, Washington, to the chairperson of the Roslyn Centennial Committee and to Governor Booth Gardner.

On motion of Mr. Tilly, the resolution was adopted.

The House reverted to the sixth order of business.

SECOND READING

HOUSE BILL NO. 1784:

The House resumed consideration of the bill on second reading.

Mr. Lux moved adoption of the following amendment by Representatives Lux and Locke:

On page 2, line 26 after "circular" insert "; (9) The offering is being made on terms that are unfair, unjust or inequitable"

Mr. Lux spoke in favor of the amendment, and Mr. J. King opposed it.

The amendment was not adopted.

Mr. Holland moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 32, chapter 282, Laws of 1959 as last amended by section 6, chapter 272, Laws of 1981 and RCW 21.20.320 are each amended to read as follows:

The following transactions are exempt from RCW 21.20.040 through 21.20.300 except as expressly provided:

(1) Any isolated transaction, or sales not involving a public offering, whether effected through a broker-dealer or not; or any transaction effected in accordance with any rule by the director establishing a nonpublic offering exemption pursuant to this subsection where registration is not necessary or appropriate in the public interest or for the protection of investors.

(2) Any nonissuer distribution of an outstanding security by a registered broker-dealer if (a) a recognized securities manual contains the names of the issuer's officers and directors, a balance sheet of the issuer as of a date within eighteen months, and a profit and loss statement for either the fiscal year preceding that date or the most recent year of operations, or (b) the security has a fixed maturity or a fixed interest or dividend provision and there has been no default during the current fiscal year or within the three preceding fiscal years, or during the existence of the issuer and any predecessors if less than three years, in the payment of principal, interest, or dividends on the security.

(3) Any nonissuer transaction effected by or through a registered broker-dealer pursuant to an unsolicited order or offer to buy; but the director may by rule require that the customer acknowledge upon a specified form that the sale was unsolicited, and that a signed copy of each such form be preserved by the broker-dealer for a specified period.

(4) Any transaction between the issuer or other person on whose behalf the offering is made and an underwriter, or among underwriters.

(5) Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust, or by an agreement for the sale of real estate or chattels, if the entire mortgage, deed of trust, or agreement, together with all the bonds or other evidences of indebtedness secured thereby, is offered and sold as a unit.

(6) Any transaction by an executor, administrator, sheriff, marshal, receiver, trustee in bankruptcy, guardian, or conservator.

(7) Any transaction executed by a bona fide pledgee without any purpose of evading this chapter.

(8) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer, or to a broker-dealer, whether the purchaser is acting for itself or in some fiduciary capacity.

(9) Any transaction pursuant to an offering not exceeding five hundred thousand dollars effected in accordance with any rule by the director if the director finds that registration is not necessary in the public interest and for the protection of investors.

(10) Any offer or sale of a preorganization certificate or subscription if (a) no commission or other remuneration is paid or given directly or indirectly for soliciting any prospective subscriber, (b) the number of subscribers does not exceed ten, and (c) no payment is made by any subscriber.

(11) Any transaction pursuant to an offer to existing security holders of the issuer, including persons who at the time of the transaction are holders of convertible securities, nontransferable warrants, or transferable warrants exercisable within not more than ninety days of their issuance, if (a) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this state, or (b) the issuer first files a notice specifying the terms of the offer and the director does not by order disallow the exemption within the next five full business days.

(12) Any offer (but not a sale) of a security for which registration statements have been filed under both this chapter and the Securities Act of 1933 if no stop order or refusal order is in effect and no public proceeding or examination looking toward such an order is pending under either act.

(13) The issuance of any stock dividend, whether the corporation distributing the dividend is the issuer of the stock or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or stock.

(14) Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi reorganization, stock split, reverse stock split, merger, consolidation, or sale of assets.

(15) The offer or sale by a registered broker-dealer, or a person exempted from the registration requirements pursuant to RCW 21.20.040, acting either as principal or agent, of securities previously sold and distributed to the public: PROVIDED, That:

(a) Such securities are sold at prices reasonably related to the current market price thereof at the time of sale, and, if such broker-dealer is acting as agent, the commission collected by such broker-dealer on account of the sale thereof is not in excess of usual and customary commissions collected with respect to securities and transactions having comparable characteristics;

(b) Such securities do not constitute the whole or a part of an unsold allotment to or subscription or participation by such broker-dealer as an underwriter of such securities or as a participant in the distribution of such securities by the issuer, by an underwriter or by a person or group of persons in substantial control of the issuer or of the outstanding securities of the class being distributed; and

(c) The security has been lawfully sold and distributed in this state or any other state of the United States under this or any act regulating the sale of such securities.

(16) Any transactions by a mutual or cooperative association issuing to its patrons any receipt, written notice, certificate of indebtedness, or stock for a patronage dividend, or for contributions to capital by such patrons in the association if any such receipt, written notice, or certificate made pursuant to this paragraph is nontransferable except in the case of death or by operation of law and so states conspicuously on its face.

(17) Any transaction effected in accordance with rules adopted by the director establishing a limited offering exemption: PROVIDED, That any rules establishing a limited offering exemption shall further the objectives of compatibility with federal exemptions and uniformity among the states; PROVIDED FURTHER, That any such rule may prohibit the payment of a commission or other remuneration to any person, directly or indirectly, for effecting sales under the limited offering exemption, unless the person is registered under this chapter as a broker-dealer or salesperson.

Sec. 2. Section 24, chapter 68, Laws of 1979 ex. sess. as amended by section 7, chapter 272, Laws of 1981 and RCW 21.20.340 are each amended to read as follows:

The following fees shall be paid in advance under the provisions of this chapter:

(1) For registration of all securities other than investment trusts and securities registered by coordination the fee shall be one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered during that year: PROVIDED, HOWEVER, That an issuer may upon the payment of a fifty dollar fee renew for one additional twelve-month period only the unsold portion for which the registration fee has been paid.

(2) For registration of securities issued by a face-amount certificate company or redeemable security issued by an open-end management company or investment trust, as those terms are defined in the Investment Company Act of 1940, the fee shall be one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-twentieth of one percent for any excess over one hundred thousand dollars which are to be offered in this state during that year: PROVIDED, HOWEVER, That an issuer may upon the payment of a fifty dollar fee renew for an additional twelve-month period the unsold portion for which the registration fee has been paid.

(3) For registration by coordination, other than investment trusts, the initial filing fee shall be one hundred dollars for the first one hundred thousand dollars of initial issue, or portion thereof in this state, based on offering price, plus one-fortieth of one percent for any excess over one hundred thousand dollars for the first twelve-month period plus one hundred dollars for each additional twelve months in which the same offering is continued.

(4) For filing annual financial statements, the fee shall be twenty-five dollars.

(5) For filing an amended offering circular after the initial registration permit has been granted the fee shall be ten dollars.

(6) For registration of a broker-dealer or investment adviser, the fee shall be one hundred fifty dollars for original registration and seventy-five dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(7) For registration of a salesperson or investment adviser salesperson, the fee shall be thirty-five dollars for original registration with each employer and fifteen dollars for each annual renewal. When an application is denied or withdrawn the director shall retain one-half of the fee.

(8) For written examination for registration as a salesperson or investment adviser salesperson, the fee shall be fifteen dollars. For examinations for registration as a broker-dealer or investment adviser, the fee shall be fifty dollars.

(9) If a registration of a broker-dealer, salesperson, investment adviser, or investment adviser salesperson is not renewed on or before December 31st of each year the renewal is

delinquent. The director by rule or order may set and assess a fee for delinquency not to exceed two hundred dollars. Acceptance by the director of an application for renewal after December 31st is not a waiver of delinquency. A delinquent application for renewal will not be accepted for filing after March 1st.

(10) (a) For the transfer of a broker-dealer license to a successor, the fee shall be fifty dollars.

(b) For the transfer of a salesperson license from a broker-dealer or issuer to another broker-dealer or issuer, the transfer fee shall be twenty-five dollars.

(c) For the transfer of an investment adviser salesperson license from an investment adviser to another investment adviser, the transfer fee shall be twenty-five dollars.

(d) For the transfer of an investment adviser license to a successor, the fee shall be fifty dollars.

(11) The director may provide by rule for the filing of notice of claim of exemption under RCW 21.20.320 (1) ((or)), (9), and (17) and set fees accordingly not to exceed three hundred dollars.

(12) For filing of notification of claim of exemption from registration pursuant to RCW 21.20.310(11), as now or hereafter amended, the fee shall be fifty dollars for each filing.

(13) For rendering interpretative opinions, the fee shall be thirty-five dollars.

(14) For certified copies of any documents filed with the director, the fee shall be the cost to the department.

(15) For a duplicate license the fee shall be five dollars.

All fees collected under this chapter shall be turned in to the state treasury and are not refundable, except as herein provided."

POINT OF ORDER

Mr. Tanner: "Mr. Speaker, I would ask you for a ruling on scope and object of this amendment."

SPEAKER'S RULING (MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding): "The Speaker is going to rule that the amendment is in order. It pertains to the registration of securities and some exclusions. It's the same type of material contained in the original bill."

Representatives Holland and Lux spoke in favor of the amendment, and Representatives Day and Dobbs opposed it.

The amendment was not adopted.

On motion of Mr. Appelwick, the following amendment to the title of the bill was adopted:

On page 1, line 1 strike "and" and on line 2 after "RCW 21.20.280" insert "; and adding a new section to chapter 21.20 RCW"

On motion of Mr. Appelwick, further consideration of House Bill No. 1784 was deferred, and the bill was ordered placed on the second reading calendar following House Bill No. 1611.

SUBSTITUTE HOUSE BILL NO. 1678, by Committee on Energy & Utilities (originally sponsored by Representatives Wang, Jacobsen, Tilly, Todd, Fisher, Patrick, D. Nelson, Barnes, Lux, Isaacson, Locke, Sayan, Unsoeld, Long, Sutherland, Brough, Van Luven, Winsley, Gallagher, Nealey, P. King, C. Smith and Taylor)

Regulating telephone solicitation.

The bill was read the second time.

On motion of Mr. Wang, the following amendment by Representatives Wang, Barnes and Jacobsen was adopted.

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The legislature finds that certain kinds of telephone solicitation are increasing and that these solicitations interfere with the legitimate privacy rights of the citizens of the state. A study conducted by the utilities and transportation commission, as directed by the forty-ninth legislature, has found that the level of telephone solicitation in this state is significant to warrant regulatory action to protect the privacy rights of the citizens of the state. It is the intent of the legislature to clarify and establish the rights of individuals to reject unwanted telephone solicitations.

NEW SECTION. Sec. 2. A new section is added to chapter 80.36 RCW to read as follows:

(1) As used in this section, 'telephone solicitation' means the unsolicited initiation of a telephone call by a commercial or nonprofit company or organization to a residential telephone

customer and conversation for the purpose of encouraging a person to purchase property, goods, or services or soliciting donations of money, property, goods, or services. "Telephone solicitation" does not include:

(a) Calls made in response to a request or inquiry by the called party. This includes calls regarding an item that has been purchased by the called party from the company or organization during a period not longer than twelve months prior to the telephone contact;

(b) Calls made by a not-for-profit organization to its own list of bona fide or active members of the organization;

(c) Calls limited to polling or soliciting the expression of ideas, opinions, or votes; or

(d) Business-to-business contacts.

For purposes of this section, each individual real estate agent or insurance agent who maintains a separate list from other individual real estate or insurance agents shall be treated as a company or organization. For purposes of this section, an organization as defined in RCW 29.01.090 or 29.01.100 and organized pursuant to RCW 29.42.010 shall not be considered a commercial or nonprofit company or organization.

(2) A person making a telephone solicitation must identify him or herself and the company or organization on whose behalf the solicitation is being made and the purpose of the call within the first thirty seconds of the telephone call.

(3) If, at any time during the telephone contact, the called party states or indicates that he or she does not wish to be called again by the company or organization or wants to have his or her name and individual telephone number removed from the telephone lists used by the company or organization making the telephone solicitation, then:

(a) The company or organization shall not make any additional telephone solicitation of the called party at that telephone number within a period of at least one year; and

(b) The company or organization shall not sell or give the called party's name and telephone number to another company or organization: PROVIDED, That the company or organization may return the list, including the called party's name and telephone number, to the company or organization from which it received the list.

(4) A violation of subsection (2) or (3) of this section is punishable by a fine of up to one thousand dollars for each violation.

(5) The attorney general may bring actions to enforce compliance with this section. For the first violation by any company or organization of this section, the attorney general shall notify the company with a letter of warning that the section has been violated. An action under this section shall be instituted for the second and subsequent violations by a company or organization.

(6) A person aggrieved by a violation of this section may bring a civil action in superior court to enjoin future violations, to recover damages, or both. The court shall award damages of at least one hundred dollars for each individual violation of this section. If the aggrieved person prevails in a civil action under this subsection, the court shall award the aggrieved person reasonable attorneys' fees and cost of the suit.

(7) The utilities and transportation commission shall by rule ensure that telecommunications companies inform their residential customers of the provisions of this section. The notification may be made by (a) annual inserts in the billing statements mailed to residential customers, or (b) conspicuous publication of the notice in the consumer information pages of local telephone directories."

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang, Barrett, Long and Barnes spoke in favor of passage of the bill, and Representatives Nealey, Miller and Van Luven spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1678, and the bill passed the House by the following vote: Yeas, 67; nays, 31.

Voting yea: Representatives Addison, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Braddock, Brekke, Bristow, Brough, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zöllinsky, and Mr. Speaker - 67.

Voting nay: Representatives Allen, Ballard, Belcher, Betrozoff, Bond, Brooks, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Isaacson, Lewis, May, Miller, Nealey, Nelson G, Padden, Prince, Sanders, Smith C, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J - 31.

Engrossed Substitute House Bill No. 1678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Appelwick, the House recessed until 1:15 p.m.

AFTERNOON SESSION

The House was called to order at 1:15 p.m. by the Speaker (Representative Hargrove presiding). The Clerk called the roll and all members were present.

SECOND READING

HOUSE BILL NO. 1805, by Representatives Jacobsen, Belcher and Sanders

Increasing the authority of certain agencies to use local private printing companies.

The bill was read the second time.

The Clerk read the following amendment by Representative Padden:
On page 1, line 23 following "by" insert "the legislature."

With the consent of the House, Mr. Padden withdrew the amendment.

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

Representatives Jacobsen and Hankins spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1805, and the bill passed the House by the following vote: Yeas, 96; absent, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Dellwo, Locke - 2.

House Bill No. 1805, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. J. King, the Rules Committee was relieved of HOUSE BILL NO. 2055 and HOUSE BILL NO. 2100 and they were ordered placed at the top of the second reading calendar.

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

The Speaker called the House to order.

Representatives Leonard and Van Luven were excused.

MESSAGE FROM THE SENATE

February 16, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3990,

SUBSTITUTE SENATE BILL NO. 4165,

ENGROSSED SUBSTITUTE SENATE BILL NO. 4465,

SENATE BILL NO. 4512.

ENGROSSED SENATE BILL NO. 4527,
 SENATE BILL NO. 4551,
 ENGROSSED SENATE BILL NO. 4564,
 SUBSTITUTE SENATE BILL NO. 4571,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4611,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4627,
 ENGROSSED SENATE BILL NO. 4638,
 SUBSTITUTE SENATE BILL NO. 4682,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4683,
 SUBSTITUTE SENATE BILL NO. 4685,
 SENATE BILL NO. 4749,
 SENATE BILL NO. 4781,
 SUBSTITUTE SENATE BILL NO. 4782,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4784,
 SUBSTITUTE SENATE BILL NO. 4793,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4917,
 SUBSTITUTE SENATE BILL NO. 4936,
 SENATE BILL NO. 5068,
 SUBSTITUTE SENATE JOINT RESOLUTION NO. 138,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

HOUSE BILL NO. 2055, by Representative Grimm

Relating to bonded indebtedness.

The bill was read the second time.

Mr. Braddock moved adoption of the following amendment by Representative Grimm:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 4, Laws of 1985 ex. sess. and RCW 43.99G.020 are each amended to read as follows:

Bonds issued under RCW 43.99G.010 are subject to the following conditions and limitations:

(1) General obligation bonds of the state of Washington in the sum of thirty-eight million fifty-four thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for grants and loans to local governments and subdivisions of the state for capital projects through the community economic revitalization board and for the department of general administration, ((department of trade and economic development,)) military department, parks and recreation commission, and department of corrections to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of general administration, subject to legislative appropriation.

(2) General obligation bonds of the state of Washington in the sum of four million six hundred thirty-five thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the planning, design, acquisition, construction, and improvement of a Washington state agricultural trade center, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state building construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered ((by the department of trade and economic development)) as provided in the capital budget acts, subject to legislative appropriation.

(3) General obligation bonds of the state of Washington in the sum of thirty-eight million seven hundred sixty-two thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of social and health services and

the department of corrections to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, and grounds, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the social and health services construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of social and health services, subject to legislative appropriation.

(4) General obligation bonds of the state of Washington in the sum of three million two hundred thirty thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of ecology, parks and recreation commission, department of fisheries, department of game, and the department of natural resources to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the outdoor recreation account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the interagency committee for outdoor recreation, subject to legislative appropriation.

(5) General obligation bonds of the state of Washington in the sum of three million three hundred fifty-nine thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the department of fisheries to acquire real property and perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the fisheries capital ~~((project(s)))~~ projects account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the department of fisheries, subject to legislative appropriation.

(6) General obligation bonds of the state of Washington in the sum of fifty-nine million six hundred thirty thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for state agencies and the institutions of higher education, including the community colleges, to perform capital renewal projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, lands, and waters, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the state facilities renewal account hereby created in the state treasury, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered ~~((by the office of the state treasurer))~~ as provided in the capital budget acts, subject to legislative appropriation.

(7) General obligation bonds of the state of Washington in the sum of twenty-three million six hundred forty-three thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the University of Washington and the state community colleges to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, improving, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the higher education reimbursable short-term bond account hereby created in the state treasury, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses

incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by the University of Washington, subject to legislative appropriation.

(8) General obligation bonds of the state of Washington in the sum of thirty-three million nine hundred twenty-eight thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the institutions of higher education to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection shall be deposited in the higher education construction account, shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection, and shall be administered by Washington State University, subject to legislative appropriation.

(9) General obligation bonds of the state of Washington in the sum of eighty million six hundred ten thousand dollars, or so much thereof as may be required, shall be issued for the purpose of providing funds for the institutions of higher education, including facilities for the community college system, to perform capital projects which consist of the planning, designing, constructing, remodeling, repairing, furnishing, and equipping of state buildings, structures, utilities, roads, grounds, and lands, and to provide for the administrative cost of such projects, including costs of bond issuance and retirement, salaries and related costs of officials and employees of the state, costs of insurance or credit enhancement agreements, and other expenses incidental to the administration of capital projects. The proceeds from the sale of the bonds issued for the purposes of this subsection, together with all grants, donations, transferred funds, and all other moneys which the state finance committee may direct the state treasurer to deposit therein, shall be deposited in the state higher education construction account in the state treasury and shall be used exclusively for the purposes specified in this subsection and for the payment of expenses incurred in the issuance and sale of the bonds issued for the purposes of this subsection."

Representatives Braddock and B. Williams spoke in favor of the amendment, and it was adopted.

On motion of Mr. Braddock, the following amendment to the title was adopted: On page 1, line 1 of the title after "indebtedness" insert "; and amending RCW 43.99G.020"

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 2055, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Vander Sloep - 1.

Excused: Representatives Leonard, Van Luven - 2.

Engrossed House Bill No. 2055, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1838, by Representatives Barnes and Fisher

Changing provisions relating to campaign financing disclosure.

The bill was read the second time. On motion of Ms. Fisher, Substitute House Bill No. 1838 was substituted for House Bill No. 1838, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1838 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fisher and Bond spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1838, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Willson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Hastings - 1.

Excused: Representatives Leonard, Van Luven - 2.

Substitute House Bill No. 1838, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1900, by Representatives Baugher, Rayburn, Bristow, Vekich, Peery and Braddock

Allowing agreement to run purebred or crossbred bulls and proportioning number of cows to bulls on range area.

The bill was read the second time. Committee on Agriculture recommendation: Majority, do pass as amended. (For amendments, see Journal, 26th Day, February 7, 1986.)

On motion of Mr. Vekich, the committee amendments were adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1900, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Vander Stoep, Walk, Walker, Wang, West, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Basich, Vekich, Wilson K - 3.

Excused: Representatives Leonard, Van Luven - 2.

Engrossed House Bill No. 1900, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Leonard and Van Luven appeared at the bar of the House.

HOUSE BILL NO. 1937, by Representatives Locke, Scott, Nutley, Winsley, Niemi, Wineberry, Jacobsen, Wang, Miller and R. King; by request of Governor Gardner

Providing for school districts to operate child care programs.

The bill was read the second time. On motion of Mr. Ebersole, Substitute House Bill No. 1937 was substituted for House Bill No. 1937, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1937 was read the second time.

Mr. Fuhrman moved adoption of the following amendment:
On page 1, line 25 before "and" strike "and special tax levy revenues."

Mr. Fuhrman spoke in favor of the amendment, and Mr. Ebersole opposed it.

The amendment was not adopted.

Ms. Walker moved adoption of the following amendments:

On page 1, line 25 after "revenue" and before the period on line 27 strike ", and any state funds as may be appropriated by the legislature for the purpose of child care programs"

On page 2, line 25 after "and" and before "with" on line 26 strike "any earmarked state appropriated funds"

Representatives Walker, Betzoff, Fuhrman and L. Smith spoke in favor of the amendments, and Representatives Ebersole and Locke opposed them.

Ms. Walker spoke again in favor of the amendments.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Walker to Substitute House Bill No. 1937, and the amendments were not adopted by the following vote: Yeas, 45; nays, 53.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Day, Dobbs, Doty, Fuhrman, Hankins, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, Madsen, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 45.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Schoon, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 53.

Ms. Walker moved adoption of the following amendment:

On page 2, line 24 after "both" and before the semicolon insert "and charge a fee in an amount sufficient to reimburse the district for the actual per seat cost of providing such transportation"

Representatives Walker and Ebersole spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Walker to Substitute House Bill No. 1937, and the amendment was adopted by the following vote: Yeas, 95; nays, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Cole, Locke, Valle - 3.

Mr. Fuhrman moved adoption of the following amendment:

On page 2, line 25 strike all of subsection (5) and renumber the remaining subsections consecutively.

Mr. Fuhrman spoke in favor of the amendment, and Representatives Ebersole and L. Smith opposed it.

The amendment was not adopted.

The Clerk read the following amendment by Representative Fuhrman:

On page 3, after line 19, add a new section as follows:

"Sec. 8. Section 1, chapter 307, Laws of 1981, and RCW 28A.24.065 are each amended to read as follows:

Every school district board of directors (~~may~~) shall authorize children attending a private school approved in accordance with RCW 28A.02.201 to ride a school bus or other student transportation vehicle to and from school so long as the following conditions are met:

(1) The board of directors shall not be required to alter those bus routes or stops established for transporting public school students; and

(2) Private school students shall be allowed to ride on a seat-available basis only (~~and~~
(3) ~~The board of directors shall charge an amount sufficient to reimburse the district for the actual per seat cost of providing such transportation.~~");"

With the consent of the House, Mr. Fuhrman withdrew the amendment.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Locke, Miller, Cole and Ebersole spoke in favor of passage of the bill, and Representatives Lundquist, Vander Stoep, Holland and Schoon spoke against it.

Mr. Crane demanded the previous question and the demand was not sustained.

Representatives L. Smith and Fuhrman opposed passage of the bill.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1937, and the bill passed the House by the following vote: Yeas, 55; nays, 43.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Basich, Belcher, Braddock, Brekke, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 55.

Voting nay: Representatives Ballard, Barrett, Baugher, Betzoff, Bond, Bristow, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Haugen, Holland, Isaacson, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 43.

Engrossed Substitute House Bill No. 1937, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Todd was excused.

HOUSE BILL NO. 1967, by Representative McMullen

Providing for the lease of state lands for county fairgrounds.

The bill was read the second time. On motion of Ms. Haugen, Substitute House Bill No. 1967 was substituted for House Bill No. 1967, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1967 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives McMullen and Lundquist spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1967, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Sanders - 1.

Excused: Representative Todd - 1.

Substitute House Bill No. 1967, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1972, by Representatives P. King and Long

Authorizing entities to self-insure for property damage and casualty insurance.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 1972 was substituted for House Bill No. 1972, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1972 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives P. King and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1972, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Todd - 1.

Substitute House Bill No. 1972, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2011, by Representatives P. King and Addison

Requiring maintenance of separate trust accounts for insurance agents.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 2011 was substituted for House Bill No. 2011, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 2011 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives P. King and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2011, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Todd - 1.

Substitute House Bill No. 2011, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2021, by Representatives J. King and Brooks

Creating Washington health care project commission.

The bill was read the second time. On motion of Mr. Appelwick, Substitute House Bill No. 2021 was substituted for House Bill No. 2021, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 2021 was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendments, see Journal, 29th Day, February 10, 1986.)

On motion of Mr. Appelwick, the committee amendments were adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Ms. Brekke yielded to question by Mr. Ballard.

Mr. Ballard: "Representative Brekke, how are community health centers affected by this legislation?"

Ms. Brekke: "The community health clinic system plays a central role in the Washington State health care network. In 1984 they logged over 312,700 medical visits providing services to people who would otherwise be unable to receive adequate accessible medical treatment. Located throughout the state, they can be found in cities such as Wenatchee, Spokane, Pasco, Walla Walla, Mt. Vernon, Grandview, just to name a few. They are funded by a variety of sources and are regarded as one of the most cost-efficient health care providing systems within the state. In recognition of their important role and desired participation in this program, certain assurances have been provided for in this legislation. On page 2, line 31 it indicates, 'The department shall seek to obtain a large number of contracts with providers of health services to medicaid recipients. The department shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems are seriously considered as providers in the project.' We did receive assurances from the Department of Social and Health Services during the time this was considered in committee that they will fully cooperate in this endeavor."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2021, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince,

Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Todd - 1.

Engrossed Substitute House Bill No. 2021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 2083, by Representative Lux

Relating to self-insurance.

The bill was read the second time. On motion of Mr. Lux, Substitute House Bill No. 2083 was substituted for House Bill No. 2083, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 2083 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lux and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2083, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristol, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Wang - 1.

Excused: Representative Todd - 1.

Substitute House Bill No. 2083, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE JOINT MEMORIAL NO. 38, by Representatives D. Nelson, Armstrong, Long, Jacobsen, Sutherland, Todd, Unsoeld, Nutley and Peery

Requesting the state to encourage short-term nuclear waste storage so that long-term alternative deadlines may be extended for purposes of further study of long-term alternatives.

The memorial was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For amendments, see Journal, 26th Day, February 7, 1986.)

On motion of Mr. D. Nelson, the committee amendments were adopted.

Mr. Isaacson moved adoption of the following amendment:

On page 1, line 28 strike subsection (2) and insert:

"(2) That the purpose of this consideration be to extend the repository deadlines and thereby ensure the safety of the long-term waste storage repository; and

Mr. Isaacson spoke in favor of the amendment, and Mr. D. Nelson opposed it.

Mr. Isaacson spoke again in favor of the amendment.

The amendment was not adopted.

Mr. Isaacson moved adoption of the following amendment:

On page 2, line 1 strike all of subsection (3) and insert:

"(3) That MRS be studied further as an alternative permanent solution."

Mr. Isaacson spoke in favor of the amendment, and Mr. D. Nelson opposed it.

The amendment was not adopted.

The memorial was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives D. Nelson and Miller spoke in favor of the memorial, and Mr. Isaacson opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Joint Memorial No. 38, and the memorial passed the House by the following vote: Yeas, 89; nays, 8; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Baugher, Bond, Dobbs, Hankins, Hastings, Isaacson, Sanders, van Dyke - 8.

Excused: Representative Todd - 1.

Engrossed House Joint Memorial No. 38, having received the constitutional majority, was declared passed.

HOUSE BILL NO. 1956, by Representatives Grimm, Padden and May; by request of Secretary of State

Clarifying terms of judges of the state court of appeals.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Armstrong and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1956, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Todd - 1.

House Bill No. 1956, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 508, by Representatives Vekich, Basich, Thomas, R. King, Lundquist, S. Wilson and Haugen

Requiring timber from public lands to be sold on a sustainable yield basis.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 508 was substituted for House Bill No. 508, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 508 was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendment, see Journal, 29th Day, February 10, 1986.)

Mr. Braddock moved adoption of the committee amendment. Representatives Braddock and Lundquist spoke in favor of the committee amendment, and it was adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Vekich and Lundquist spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Sutherland yielded to question by Mr. Ebersole.

Mr. Ebersole: "Representative Sutherland, we sometimes on this floor have to trust the opinions of those who know about these things. I, as Chair of Education Committee, have some misgivings about this bill in terms of what it will do to the trust lands and to the common school construction fund in the long run. In your opinion, as Chair of Natural Resources, do you think that this is in the best interest of the trust lands?"

Mr. Sutherland: "Representative Ebersole, House Bill 508 has actually been before this body for about a year now and last year we didn't pass it because there were a number of considerations on it. During the last year I've had the opportunity to review it quite a bit. I think there are some things that point out that it is a direct benefit to the trust and to the trust lands, in fact. I'd like to point out that the impact of what we are looking at here in dollars to the common school construction fund, above what the Department of Natural Resources is currently doing, would be a benefit cash flow to the trust of, from forecasts, \$58.5 million. The trees that we are talking about here now, eighty-three percent of the dollar volume for new trees, are going to go to the common school construction fund. That tells me that it's good for the trust. How much just for the land? The land that we are talking about is in white wood--old growth--and it needs to be harvested and turned into good productive high-valued second growth timber, which will be of even greater benefit for the trust. So, I think, when you are looking at whether or not it's in the best interest of the trust and the trust lands, the way the Natural Resources Committee and the Ways & Means Committee have revised this bill, it is definitely in the best interest of the trusts."

Representatives Rust, D. Nelson and Belcher spoke against passage of the bill, and Representatives Sayan, Basich and Vander Stoep spoke in favor of it.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 508, and the bill passed the House by the following vote: Yeas, 81; nays, 16; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, King J, King P, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Madsen, May, McMullen, Miller, Nealey, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Zellinsky, and Mr. Speaker - 81.

Voting nay: Representatives Belcher, Cole, Ebersole, Fisher, Jacobsen, King R, Lux, Nelson D, Niemi, Rust, Sommers, Tilly, Unsoeld, Wang, Wineberry, Winsley - 16.

Excused: Representative Todd - 1.

Engrossed Substitute House Bill No. 508, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1830, by Representatives Ebersole, Holland and Cole; by request of Superintendent of Public Instruction

Authorizing bonds for common school capital projects.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1830 was substituted for House Bill No. 1830, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1830 was read the second time.

Mr. Sutherland moved adoption of the following amendments by Representatives Sutherland, Lundquist and Vekich:

On page 1, line 12 after "(a)" strike "Two" and insert "Three"

On page 1, line 16 after "(a)" strike "Two" and insert "Three"

On page 1, line 14 after "committee" insert ", at least one member shall be from the natural resources committee"

On page 1, line 18 after "committee" insert ", at least one member shall be from the natural resources committee"

Representatives Sutherland and Ebersole spoke in favor of the amendments, and they were adopted.

Mr. Ebersole moved adoption of the following amendment by Representatives Ebersole, Holland, Cole, Long, Grimm, Hine, Betzoff and Tilly:

On page 2, after line 6, insert the following:

"Sec. 3. Section 3, chapter 244, Laws of 1969 ex. sess. as amended by section 2, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.802 are each amended to read as follows:

In allotting the state funds provided by RCW 28A.47.800 through 28A.47.811, and in accordance with student enrollment as computed for the purposes of RCW 28A.41.140, the state board of education shall:

(1) Prescribe rules and regulations not inconsistent with RCW 28A.47.800 through 28A.47.811 governing the administration, control, terms, conditions, and disbursement of allotments to school districts to assist them in providing school plant facilities;

(2) Approve, whenever the board deems such action advisable, allotments to districts that apply for state assistance;

(3) Authorize the payment of approved allotments by warrant of the state treasurer; and

(4) In the event that the amount of state assistance applied for pursuant to the provisions hereof exceeds the funds available for such assistance during any biennium, make allotments on the basis of the urgency of need for school facilities in the districts that apply for assistance or prorate allotments among such districts in conformity with procedures and regulations applicable thereto which shall be established by the board. State board rules affecting prioritization of projects shall minimize delays in allotting funds provided pursuant to sections 4 through 8 of this 1986 act. Commitments concerning project eligibility or the amount or timing of state assistance shall not be binding until the district is authorized by the state board to open bids for the project.

NEW SECTION. Sec. 4. For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities and to provide for the state administrative costs of such projects, including costs of bond issuance and retirement, salaries, and related costs of officials and employees of the state, costs of credit enhancement agreements, and other expenses incidental to the administration of capital projects, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of thirty million dollars, or so much thereof as may be required to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section.

NEW SECTION. Sec. 5. The proceeds from the sale of the bonds authorized in section 4 of this act shall be deposited in the common school construction fund and shall be used exclusively for the purposes specified in this section and section 4 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the state board of education in any fiscal year to provide state assistance for primary and secondary school construction and modernization projects: (1) Which would not receive state assistance under state board allocation rules in effect January 1, 1986, from funds other than the proceeds of these bonds, and (2) for which state assistance is limited to the state matching percentage calculated pursuant to RCW 28A.47.803(2).

NEW SECTION. Sec. 6. The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 4 of this act. The state finance committee may provide that a special account be created in such fund to facilitate payment of principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days before the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund, or a special account in that fund, an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 4 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION. Sec. 7. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 4 of this act, and section 6 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION. Sec. 8. The bonds authorized in section 4 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 9. Sections 4 through 8 of this act are each added to chapter 28A.47 RCW."

Renumber the remaining sections consecutively and correct any internal references accordingly

On page 2, beginning on line 12, after "education," strike everything down to and including "appropriation," on line 18

On page 2, after line 36, insert the following:

"**NEW SECTION.** Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining section consecutively and correct any internal references accordingly.

Representatives Ebersole, Betzoff and Cole spoke in favor of the amendment, and it was adopted.

Mr. Vander Stoep moved adoption of the following amendment by Representatives Vander Stoep, Betzoff, Taylor, Lewis and Hastings:

On page 2, after line 36, insert the following:

"Sec. 4. Section 33, chapter 7, Laws of 1983 as last amended by section 85, chapter 57, Laws of 1985 and RCW 82.32.400 are each amended to read as follows:

(1) At the close of each fiscal biennium, the state treasurer shall transfer thirty million dollars, or as much thereof as remains in the general fund other than amounts reappropriated for the next fiscal biennium, to the common school construction fund.

(2) The revenue accrual account is hereby created in the state treasury. At the close of each fiscal biennium, the state treasurer shall transfer the balance in the state general fund, other than amounts transferred pursuant to subsection (1) of this section and reappropriated for the next fiscal biennium, to this account. Moneys in this account may only be spent after appropriation by statute for the purpose of decreasing the unfunded liability of a state retirement system ((or, during the 1983-1985 fiscal biennium, for the purpose of discharging obligations which the legislature determines are correctly chargeable to a prior biennium)). All earnings of investments of balances in the revenue accrual account shall be credited to the general fund.

NEW SECTION. Sec. 5. For the purpose of furnishing funds for state assistance to school districts in providing common school plant facilities and modernization of existing common school plant facilities and to provide for the state administrative costs of such projects, including costs of bond issuance and retirement, salaries, and related costs of officials and employees of the state, costs of credit enhancement agreements, and other expenses incidental to the administration of capital projects, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of thirty million dollars less the amount transferred into the common school construction fund pursuant to section 4 of this act at the close of the 1985-87 fiscal biennium, or so much thereof as may be required to finance these projects and all costs incidental thereto. Bonds authorized in this section may be sold at such price as the state finance committee shall determine. No bonds authorized in this section may be offered for sale without prior legislative appropriation of the net proceeds of the sale of the bonds. The

state finance committee may obtain insurance or letters of credit and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of bonds authorized in this section.

NEW SECTION, Sec. 6. The proceeds from the sale of the bonds authorized in section 5 of this act shall be deposited in the common school construction fund and shall be used exclusively for the purposes specified in section 5 of this act and for the payment of expenses incurred in the issuance and sale of the bonds. These proceeds shall be administered by the state board of education.

NEW SECTION, Sec. 7. The state general obligation bond retirement fund shall be used for the payment of the principal of and interest on the bonds authorized in section 5 of this act. The state finance committee may provide that a special account be created in such fund to facilitate payment of principal and interest.

The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet the bond retirement and interest requirements. Not less than thirty days before the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the general obligation bond retirement fund, or a special account in that fund, an amount equal to the amount certified by the state finance committee to be due on the payment date.

Bonds issued under section 5 of this act shall state that they are a general obligation of the state of Washington, shall pledge the full faith and credit of the state to the payment of the principal thereof and the interest thereon, and shall contain an unconditional promise to pay the principal and interest as the same shall become due.

The owner and holder of each of the bonds or the trustee for the owner and holder of any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed in this section.

NEW SECTION, Sec. 8. The legislature may provide additional means for raising moneys for the payment of the principal of and interest on the bonds authorized in section 5 of this act, and section 7 of this act shall not be deemed to provide an exclusive method for the payment.

NEW SECTION, Sec. 9. The bonds authorized in section 5 of this act shall be a legal investment for all state funds or funds under state control and for all funds of any other public body.

NEW SECTION, Sec. 10. Sections 5 through 9 of this act are each added to chapter 28A.47 RCW.

NEW SECTION, Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 3, line 1 strike "This act is" and insert "(1) Sections 1 through 4 of this act are"

On page 3, after line 4 insert the following:

"(2) Sections 5 through 10 of this act shall take effect September 1, 1987."

Mr. Vander Stoep spoke in favor of the amendments, and Mr. Braddock opposed them.

The amendments were not adopted.

On motion of Mr. Ebersole, the following amendments to the title were adopted:

On page 1, line 1 of the title after "projects;" insert "authorizing the issuance of general obligation bonds;"

On page 1, line 1 after "RCW" insert "28A.47.802 and"

On page 1, line 2 after "28A.47.806;" insert "adding new sections to chapter 28A.47 RCW;"

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ebersole, Tilly, Betzoff and Holland spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Braddock yielded to question by Mr. Lux.

Mr. Lux: "Representative Braddock, is this a deficit increase or is it a deficit decrease when we do this?"

Mr. Braddock: "As the great leader, the national leader, has proven, deficit is in the eye of the beholder."

Mr. Lux spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1830, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Braddock, Vekich - 2.

Excused: Representative Todd - 1.

Engrossed Substitute House Bill No. 1830, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1607, by Representatives Sommers and Prince

Revising provisions relating to negotiations by community college academic personnel.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendments, see Journal, 26th Day, February 7, 1986.)

Mr. Grimm moved adoption of the committee amendment to page 1, line 15.

ROLL CALL

The Clerk called the roll on adoption of the committee amendment to page 1, line 15 of House Bill No. 1607, and the amendment was adopted by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Nelson G, Tilly - 2.

Excused: Representative Todd - 1.

Mr. Grimm moved adoption of the committee amendment to page 1, line 16.

Mr. Grimm spoke against adoption of the amendment, and Mr. Vander Stoep spoke in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the committee amendment to page 1, line 16 of House Bill No. 1607, and the amendment was not adopted by the following vote: Yeas, 47; nays, 50; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, King R, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Vekich, Walker, West, Williams B, Williams J, Wilson S, Winsley - 47.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers,

Sutherland, Tanner, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 50.

Excused: Representative Todd - 1.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

POINT OF INQUIRY

Ms. Sommers yielded to question by Mr. Lewis.

Mr. Lewis: "Representative Sommers, does this have any impact on the suit of Carlstrom versus the state that's involved with salary increases at Yakima Valley Community College? Would this take care of that problem?"

Ms. Sommers: "Representative Lewis, this is prospective. It does not solve the problem."

Mr. Lewis: "It would solve any future problems?"

Ms. Sommers: "It would preclude the same problem happening in the future."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1607, and the bill passed the House by the following vote: Yeas, 93; nays, 4; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Baugher, Dellwo, King R, Sayan - 4.

Excused: Representative Todd - 1.

Engrossed House Bill No. 1607, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1784, by Representatives Day, Vander Stoep, Dellwo, van Dyke, Addison, Wineberry and Tanner

Changing provisions relating to disclosures required in securities registration statements.

The House resumed consideration of the bill on second reading.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Day spoke in favor of passage of the bill, and Mr. Lux spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1784, and the bill passed the House by the following vote: Yeas, 67; nays, 30; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Basich, Baugher, Bond, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hargrove, Haugen, Hine, Isaacson, King J, King P, Kremen, Leonard, Lewis, Long, Lundquist, Madsen, May, McMullen, Nealey, Nelson G, Nutley, Padden, Patrick, Peery, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Unsoeld, Valle, van Dyke, Van Luven, Vekich, Walk, Williams B, Williams J, Wilson S, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Appelwick, Armstrong, Belcher, Betzoff, Braddock, Brekke, Cole, Fisher, Hankins, Hastings, Holland, Jacobsen, King R, Locke, Lux, Miller, Nelson D, Niemi,

O'Brien, Prince, Rust, Sommers, Tilly, Vander Sloep, Walker, Wang, West, Wilson K, Wineberry, Winsley - 30.

Excused: Representative Todd - 1.

Engrossed House Bill No. 1784, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1614, by Representatives Long and Armstrong; by request of Department of Licensing

Delaying certain new prerequisites for the issuance of vehicle licenses.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For amendment, see Journal, 26th Day, February 7, 1986.)

On motion of Mr. Walk, the committee amendment was adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. van Dyke spoke against passage of the bill, and Mr. Betrozoff spoke in favor of it.

MOTION

On motion of Mr. Appelwick, further consideration of the bill was deferred, and it was ordered placed at the bottom of the third reading calendar.

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

INTRODUCTIONS AND FIRST READING

ESSB 3990 by Committee on Financial Institutions (originally sponsored by Senator Moore)

Establishing requirements for specified suits brought by purchasers or sellers of securities.

Referred to Committee on Financial Institutions & Insurance.

SSB 4165 by Committee on Financial Institutions (originally sponsored by Senators Thompson and Moore)

Providing for the disclosure of checking account information.

Referred to Committee on Financial Institutions & Insurance.

ESSB 4465 by Committee on Judiciary (originally sponsored by Senators Fleming and Talmadge)

Modifying provisions relative to use of deadly force.

Referred to Committee on Judiciary.

SB 4512 by Senators Peterson, Conner and Patterson; by request of Department of Licensing

Allowing identicards to expire on the holder's birthdate.

Referred to Committee on Transportation.

ESB 4527 by Senators Moore, Newhouse, Bender and Sellar; by request of Department of Licensing

Establishing a commodities and securities licensing program.

Referred to Committee on Financial Institutions & Insurance.

SB 4551 by Senators Vognild, Sellar, Peterson, Granlund, Zimmerman, Hansen, Moore, Talmadge, Garrett, Gaspard, Bauer, Rasmussen, Bender, Bottiger and Conner

Prescribing penalties for assaults on fire protection personnel.

Referred to Committee on Judiciary.

ESB 4564 by Senators Vognild, Newhouse, Bottiger, McManus, Conner, DeJarnatt, Granlund, Moore, Bauer, Goltz, Rasmussen, Wojahn and Zimmerman

Authorizing municipal corporations and political subdivisions to establish accident and tort liability funds.

Referred to Committee on Financial Institutions & Insurance.

SSB 4571 by Committee on Governmental Operations (originally sponsored by Senator Hayner)

Authorizing cities to pay rewards under certain circumstances.

Referred to Committee on Local Government.

ESB 4611 by Committee on Judiciary (originally sponsored by Senators Halsan, Talmadge, McCaslin, DeJarnatt, Saling, Moore, Williams, Bailey, Kreidler and Johnson)

Regulating vicious dogs.

Referred to Committee on Agriculture.

ESB 4627 by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Hayner, Vognild and Garrett)

Changing regulation of the cigarette industry to eliminate predatory cigarette pricing.

Referred to Committee on Commerce & Labor.

ESB 4638 by Senators Goltz, Newhouse and Vognild

Eliminating the base rate computation of industrial insurance premiums for building industry employers.

Referred to Committee on Commerce & Labor.

SSB 4682 by Committee on Human Services & Corrections (originally sponsored by Senators Kreidler, Kiskaddon, McDonald and Granlund; by request of Department of Corrections)

Revising provisions relating to offenders performing community services.

Referred to Committee on Social & Health Services.

ESB 4683 by Committee on Human Services & Corrections (originally sponsored by Senators Rasmussen, Owen, Deccio and Metcalf; by request of Department of Corrections)

Revising provisions relating to the death penalty.

Referred to Committee on Judiciary.

SSB 4685 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Deccio and Kreidler; by request of Department of Corrections)

Revising provisions relating to the issuance of death warrants in capital cases.

Referred to Committee on Judiciary.

SB 4749 by Senators Bender and DeJarnatt

Revising reporting requirements for property and casualty insurers.

Referred to Committee on Financial Institutions & Insurance.

SB 4781 by Senators Moore and Goltz

Eliminating certain reporting requirements for primary candidates appearing on the general election ballot and continuing political committees.

Referred to Committee on Constitution, Elections & Ethics.

SSB 4782 by Committee on Financial Institutions (originally sponsored by Senators Moore, Deccio, Goltz, Warnke and Rasmussen)

Requiring financial institutions to release funds within certain time periods after an item has been deposited.

Referred to Committee on Financial Institutions & Insurance.

ESSB 4784 by Committee on Governmental Operations (originally sponsored by Senator Talmadge)

Reauthorizing the public disclosure commission.

Referred to Committee on Constitution, Elections & Ethics.

SSB 4793 by Committee on Ways & Means (originally sponsored by Senators Wojahn, Talmadge, Johnson, Fleming and Guess)

Authorizing a temporary fuel tax for certain counties.

Referred to Committee on Transportation.

ESSB 4917 by Committee on Financial Institutions (originally sponsored by Senators Moore, Newhouse and Bender)

Modifying provisions of Title 30 RCW.

Referred to Committee on Financial Institutions & Insurance.

SSB 4936 by Committee on Financial Institutions (originally sponsored by Senators Granlund and Bottiger)

Modifying insurance rate filing provisions.

Referred to Committee on Financial Institutions & Insurance.

SB 5068 by Senator Moore

Modifying the office of the state actuary.

Referred to Committee on Ways & Means.

SSJR 138 by Committee on Governmental Operations (originally sponsored by Senators Granlund, Zimmerman and Thompson)

Revising procedure for filling vacancies in elective office.

Referred to Committee on Constitution, Elections & Ethics.

MOTION

On motion of Mr. Appelwick, the bills and the resolution listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

MOTION

On motion of Mr. Appelwick, the House adjourned until 10:00 a.m., Tuesday, February 18, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

THIRTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, February 18, 1986

The House was called to order at 10:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Melissa Maxwell and Marcy Reisenauer. Prayer was offered by Pastor Wayne Erickson of Bethany Lutheran Church of Bainbridge Island.

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

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

SECOND READING

HOUSE BILL NO. 1717, by Representative Braddock

Adopting the long-term care corporations planning act of 1986.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1717 was substituted for House Bill No. 1717, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1717 was read the second time.

On motion of Mr. Braddock, the following amendment by Representatives Braddock, J. King and Tilly was adopted:

On page 1, line 5 beginning with "the special" strike all language down to and including "committee" on line 21 and insert:

"long-term care corporations. To that end, the appropriate staff of the senate committees on ways and means and human services and corrections, and house of representatives' committees on ways and means and social and health services prepare a plan that shall:

(a) Analyzes the potential advantages of long-term care corporations and actions necessary for their creation, including negotiating with the United States department of health and human services in seeking waivers or experimental authorities that might be necessary under Titles XVIII and XIX of the social security act to fulfill the purposes of this act;

(b) Studies methods of regulating long-term care corporations; and

(c) Identifies methods for the orderly and expeditious establishment of such corporations.

(2) The plan shall be completed not later than November 1, 1986, and shall include findings and recommendations regarding the feasibility of establishing long-term care corporations in this state. The plan shall also include any legislation that supports the findings and recommendations of the plan."

The bill was ordered engrossed. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and B. Williams spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1717, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsöld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1717, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1357, by Representative Wang

Regulating cigarette sales.

The bill was read the second time. On motion of Mr. Wang, Substitute House Bill No. 1357 was substituted for House Bill No. 1357, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1357 was read the second time.

Mr. Tilly moved adoption of the following amendment:

On page 2, following line 22 insert:

"(5) 'Candy cigarettes' means any item used for simulated smoking made wholly or in part of a sugar product, irrespective of size or shape or caloric content and whether or not such tooth-decaying product is flavored, adulterated, or mixed with any other ingredient such as nutrasweet, the wrapper or cover of which is made of a sweet glaze, powder or granule or any other substance or material except tobacco. Such products include, but are not limited to, any sucrose, glucose or dextrose product used by children or other at-risk persons to act like they are smoking, such as tootsie rolls, butterfingers or snicker bars."

Renumber the remaining subsections consecutively.

Mr. Tilly spoke in favor of the amendment, and Mr. Padden opposed it.

With the consent of the House, Mr. Tilly withdrew the amendment.

Mr. Appelwick moved adoption of the following amendment by Representatives Appelwick and Barrett:

Strike all material after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 2, Laws of 1983 as amended by section 1, chapter 173, Laws of 1984 and RCW 19.91.010 are each amended to read as follows:

When used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) 'Person' means and includes any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, municipal corporation, or other political subdivision of this state, trust, receiver, trustee, fiduciary and conservator.

(2) 'Wholesaler' includes any person who:

(a) Purchases cigarettes directly from the manufacturer, or

(b) Purchases cigarettes from any other person who purchases from or through the manufacturer, for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only, or

(c) Services retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.

Nothing contained herein shall prevent a person from qualifying in different capacities as both a 'wholesaler' and 'retailer' under the applicable provisions of this chapter.

(3) 'Retailer' means and includes any person who operates a store, stand, booth, concession, or vending machine for the purpose of making sales of cigarettes at retail.

(4) 'Cigarettes' means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(5) 'Sale' means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

(6) 'Sell at wholesale', 'sale at wholesale' and 'wholesale' sales mean and include any bona fide transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or in the usual conduct of the wholesaler's business, to a retailer for the purpose of resale.

(7) 'Sell at retail', 'sale at retail' and 'retail sales' mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.

(8) 'Basic cost of cigarettes' means the invoice cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, in the quantity last purchased, whichever is lower, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state and by ordinance of any municipality thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price. ~~(The disposition of the manufacturers' cash discount is at the discretion of the wholesaler. Any retailer or wholesaler who actually~~

receives and sells cigarettes with trade or cash discounts shall execute a sworn affidavit and obtain a sworn affidavit from the person granting the discount, whether a manufacturer or wholesaler, which shows: (a) Amount or rate of the discount; (b) date the discount was granted; (c) names of the persons granting and receiving the discount, and (d) whether the discount is for cash or trade purposes. Sworn affidavits under this section are maintained for five years and available for inspection by the department of revenue's request. The department of revenue may impose a civil penalty not to exceed two hundred fifty dollars for each failure to maintain affidavits under this section.

Nothing in this section may be construed to require any retailer to obtain affidavits from retail purchasers of cigarettes.)

(9) (a) The term 'cost to the wholesaler' means the 'basic cost of cigarettes' to the wholesaler plus the 'cost of doing business by the wholesaler' which said cost of doing business amount shall be expressed percentage-wise in the ratio that said wholesalers 'cost of doing business' bears to said wholesalers dollar volume for all products sold by the wholesaler per annum, and said 'cost of doing business by the wholesaler' shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the 'basic cost of cigarettes'. Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the wholesaler per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) For the purposes of this chapter the 'cost of doing business' may not be computed using a percentage less than the overall percentage shown in subsection (9)(a) of this section or in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the 'cost of doing business by the wholesaler' shall be presumed to be (~~four~~) three percent of the 'basic cost of cigarettes' to the wholesaler, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost, shall be deemed to be one-half of one percent of the 'basic cost of cigarettes' to the wholesaler.

(10) (a) The term 'cost to the retailer' means the 'basic cost of cigarettes' to the retailer plus the 'cost of doing business by the retailer' which said cost of doing business amount shall be expressed percentage-wise in the ratio that said retailers 'cost of doing business' bears to said retailers dollar volume per annum, and said 'cost of doing business by the retailer' shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the 'basic cost of cigarettes': PROVIDED, That any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining 'cost to the retailer', pursuant to this subdivision, add the 'cost of doing business by the wholesaler,' as defined in subdivision (9) of this section, to the 'basic cost of cigarettes' to said retailer, as well as the 'cost of doing business by the retailer'. Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the retailer per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the 'cost of doing business by the retailer' shall be presumed to be (~~twelve~~) fifteen and five-tenths percent of the 'basic cost of cigarettes' to the retailer.

(c) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business, the 'cost of doing business by the retailer', who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be (~~twelve~~) fifteen and five-tenths percent of the sum of the 'basic cost of cigarettes' and the 'cost of doing business by the wholesaler'.

(11) 'Business day' means any day other than a Sunday or a legal holiday.

(12) 'Master license system' means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

NEW SECTION, Sec. 2, Section 2, chapter 173, Laws of 1984 and RCW 19.91.911 are each repealed."

Representatives Appelwick, Lux, Vekich and Barrett spoke in favor of the amendment, and Representatives Addison, Wang, Patrick and Zellinsky spoke against it.

Mr. Appelwick spoke again in favor of the amendment.

The amendment was not adopted.

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

Mr. Wang spoke in favor of passage of the bill, and Representatives Padden, Vekich and Addison opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1357, and the bill passed the House by the following vote: Yeas, 65; nays, 33.

Voting yea: Representatives Allen, Armstrong, Baugher, Belcher, Betrozoff, Braddock, Brekke, Brooks, Brough, Chandler, Cole, Crane, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, King J, King R, Kremen, Leonard, Locke, Lux, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Walk, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Addison, Appelwick, Ballard, Barnes, Barrett, Basich, Bond, Bristow, Day, Dobbs, Fuhrman, Jacobsen, King P, Lewis, Long, Lundquist, Madsen, May, McMullen, Nealey, Padden, Prince, Sanders, Smith C, Smith L, Smitherman, Thomas, Tilly, van Dyke, Vekich, Walker, West, Williams B - 33.

Substitute House Bill No. 1357, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1389, by Representatives Jacobsen, Appelwick, Ballard and Lux

Requiring needs assessment and certificate of need review for air and land ambulance services.

The bill was read the second time. Committee on Social & Health Services recommendation: Majority, do pass with the following amendment:

On page 4, line 13 strike "or replacement"

On motion of Ms. Brekke, the committee amendment was adopted.

Ms. Leonard moved adoption of the following amendment by Representatives Leonard and Ballard:

On page 4, after line 22 insert:

"NEW SECTION, Sec. 5. This 1986 act does not apply to the construction of emergency landing facilities by any regional tertiary care hospital that made an application for a conditional land use permit prior to December 1, 1984."

Renumber the remaining sections consecutively.

Representatives Leonard, Ballard and Fisch spoke in favor of the amendment, and Mr. Zellinsky spoke against it.

POINT OF INQUIRY

Ms. Leonard yielded to question by Mr. Locke.

Mr. Locke: "Representative Leonard, your amendment says that it does not apply to the construction of emergency landing facilities. Does that mean that the facility must be restricted for actual emergencies or would this amendment allow that once an emergency landing facility is built, that the facility could then handle nonemergency landings by helicopters?"

Ms. Leonard: "Representative Locke, it is the intent of the language that the facility be used only for emergency landings as is currently the practice. I support the process of the certificate of need for any other kinds of transport or for the use of the helicopters generally, as has been suggested in the bill. This amendment

was strictly to allow this hospital to construct that landing pad so that those emergency landings could be made safely. It is to further insure the safeness of the landings for emergency use only."

POINT OF INQUIRY

Mr. Ballard yielded to question by Ms. Schmidt.

Ms. Schmidt: "Representative Ballard, the MAST helicopter system is an important safety element in our community. I'm concerned as to what would happen in an emergency with a flight into a hospital with a heliport, and can it land safely? Will they be allowed to use those heliports? Will this make it easier or more difficult or allow them to continue operations?"

Mr. Ballard: "Representative Schmidt, any hospital that has a heliport that is designed for emergency flights will accept those flights whether they are MAST or any other kind of private helicopters. So under no circumstances where it is an emergency, as long as they can land safely would they be denied access to land."

Ms. Schmidt: "Could you also explain to me what would occur in a nonemergency, using MAST?"

Mr. Ballard: "As far as children go, there is a private field nearby an on a nonemergency routine transfer they would use if it was not an emergency. All the hospitals throughout the state that have a heliport that would accept either emergency or nonemergency would not be changed under the conditions of this bill."

Ms. Schmidt spoke in favor of the amendment and it was adopted.

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Jacobsen, Brekke, Smitherman and Ballard spoke in favor of passage of the bill, and Representatives Dobbs, Zellinsky, Lundquist, Barrett and Barnes spoke against it.

Mr. Jacobsen spoke again in favor of the bill.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1389, and the bill passed the House by the following vote: Yeas, 69; nays, 29.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sanders, Sayan, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 69.

Voting nay: Representatives Barnes, Barrett, Betzoff, Bond, Brough, Chandler, Dobbs, Fuhrman, Hankins, Hargrove, Hastings, Isaacson, Lundquist, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Taylor, Thomas, Tilly, van Dyke, Van Luven, West, Williams B, Williams J, Zellinsky - 29.

Engrossed House Bill No. 1389, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. J. King, the House recessed until 1:15 p.m.

AFTERNOON SESSION

The House was called to order at 1:15 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Dobbs, Fuhrman, Sayan, Schoon, Scott, Silver, Todd and West.

HOUSE BILL NO. 1429, by Representatives Rust, Allen, Unsoeld, Brough, May, Ebersole, Nutley, Wang, Cole, Leonard, K. Wilson, McMullen, Jacobsen and Lux

Authorizing grants for mediations.

The bill was read the second time. On motion of Mr. Braddock, Substitute House Bill No. 1429 was substituted for House Bill No. 1429, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1429 was read the second time.

On motion of Mr. Vander Stoep, the following amendments were adopted:

On page 2, line 32 after "disputes." insert "The committee shall make every reasonable effort to have disputants repay state grant moneys."

On page 3, after line 17 insert:

"(d) An assessment of the ability of disputants to pay the entire cost of mediation."

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1429, and the bill passed the House by the following vote: Yeas, 65; nays, 19; absent, 14.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisher, Gallagher, Grimm, Hine, Holland, Jacobsen, King J, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Prince, Rayburn, Rust, Schmidt, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Baillard, Betrozoff, Bond, Brooks, Chandler, Hankins, Hastings, Isaacson, Lundquist, Nealey, Padden, Peery, Sanders, Smith C, Sutherland, Tilly, van Dyke, Walker, Williams B - 19.

Absent: Representatives Basich, Dobbs, Fisch, Fuhrman, Hargrove, Haugen, King P, King R, Sayan, Schoon, Scott, Silver, Todd, West - 14.

Engrossed Substitute House Bill No. 1429, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1447, by Representatives Haugen, Brough, Patrick, Bristow and P. King

Modifying accounting and reporting requirements for public works contracts.

The bill was read the second time. On motion of Ms. Nutley, Substitute House Bill No. 1447 was substituted for House Bill No. 1447, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1447 was read the second time.

On motion of Ms. Brough, the following amendments by Representatives Brough, May, Haugen and Nutley were adopted:

On page 2, line 25 after "contract" insert "or by a small works roster process"

On page 3, line 20 after "contract" insert "or small works roster"

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nutley and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1447, and the bill passed the House by the following vote: Yeas, 88; nays, 2; absent, 8.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brække, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Fisher, Unsoeld - 2.

Absent: Representatives Dobbs, Fuhrman, Sayan, Schoon, Scott, Silver, Todd, West - 8.

Engrossed Substitute House Bill No. 1447, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Dobbs, Fuhrman, Sayan, Schoon, Scott, Silver, Todd and West appeared at the bar of the House.

HOUSE BILL NO. 1754, by Representatives Tanner, Sanders, Long, Peery and P. King

Encouraging employers to hire recipients of unemployment insurance benefits and public assistance.

The bill was read the second time. On motion of Mr. McMullen, Substitute House Bill No. 1754 was substituted for House Bill No. 1754, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1754 was read the second time.

On motion of Mr. Tanner, the following amendment by Representative Grimm was adopted:

On page 1, line 24 after "agreements" insert "if state funds are appropriated or if federal funds are made available for that purpose"

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Tanner, Long and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1754, and the bill passed the House by the following vote: Yeas, 96; nays, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brække, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Hankins, Hastings - 2.

Engrossed Substitute House Bill No. 1754, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

February 17, 1986

Mr. Speaker:

The Senate has passed:

SENATE BILL NO. 3084,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3097,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 3182,
 SENATE BILL NO. 3336,
 SENATE BILL NO. 3796,

SUBSTITUTE SENATE BILL NO. 3847,
 SENATE BILL NO. 4234,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4418,
 SUBSTITUTE SENATE BILL NO. 4425,
 SUBSTITUTE SENATE BILL NO. 4483,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4497,
 ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4498,
 SUBSTITUTE SENATE BILL NO. 4531,
 SUBSTITUTE SENATE BILL NO. 4559,
 SENATE BILL NO. 4560,
 SUBSTITUTE SENATE BILL NO. 4574,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4576,
 SENATE BILL NO. 4587,
 SENATE BILL NO. 4592,
 SENATE BILL NO. 4593,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4602,
 SUBSTITUTE SENATE BILL NO. 4608,
 ENGROSSED SENATE BILL NO. 4609,
 SENATE BILL NO. 4615,
 SENATE BILL NO. 4616,
 SENATE BILL NO. 4617,
 SUBSTITUTE SENATE BILL NO. 4618,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4658,
 SUBSTITUTE SENATE BILL NO. 4664,
 SENATE BILL NO. 4675,
 ENGROSSED SENATE BILL NO. 4679,
 SUBSTITUTE SENATE BILL NO. 4696,
 ENGROSSED SENATE BILL NO. 4725,
 SENATE BILL NO. 4729,
 SUBSTITUTE SENATE BILL NO. 4757,
 SUBSTITUTE SENATE BILL NO. 4763,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4777,
 SUBSTITUTE SENATE BILL NO. 4815,
 SUBSTITUTE SENATE BILL NO. 4892,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4896,
 SENATE BILL NO. 4906,
 SUBSTITUTE SENATE BILL NO. 4920,
 ENGROSSED SENATE BILL NO. 4927,
 SUBSTITUTE SENATE BILL NO. 4931,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4949,
 ENGROSSED SENATE BILL NO. 4968,
 SENATE BILL NO. 4978,
 SUBSTITUTE SENATE BILL NO. 5005,
 SUBSTITUTE SENATE BILL NO. 5034,
 SUBSTITUTE SENATE BILL NO. 5037,
 SUBSTITUTE SENATE BILL NO. 5038,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 5044,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

HOUSE BILL NO. 1825, by Representatives Vekich, Basich, McMullen, Peery and May; by request of Department of Community Development

Authorizing the use of the local hotel/motel tax to develop strategies to expand tourism.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Basich, McMullen and Schoon spoke in favor of passage of the bill, and Representatives Barrett and Doty spoke against it.

POINT OF INQUIRY

Mr. Vekich yielded to question by Mr. Sanders.

Mr. Sanders: "Representative Vekich, this money that we are talking about using for strategizing tourism marketing--would that money be spent by the public sector or private sector, or both?"

Mr. Vekich: "It is my understanding that it would be primarily private sector that would be determining the spending of the money. The City of Westport wanted the bill and they were actually asked by their hotels and motels to come to the legislature, so I get the feeling that there was some cooperative effort of how the money would be spent."

Representatives Smitherman, L. Smith and Isaacson spoke in favor of passage of the bill.

Mr. Crane demanded the previous question and the demand was not sustained.

Mr. G. Nelson opposed passage of the bill, and Mr. Basich spoke again in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1825, and the bill passed the House by the following vote: Yeas, 65; nays, 33.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Brough, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Smith L, Smitherman, Sommers, Sutherland, Tanner, Thomas, Todd, Unsoeld, Valle, Van Luven, Vekich, Walk, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Ballard, Barnes, Barrett, Betzoff, Bond, Bristow, Brooks, Chandler, Day, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Lundquist, Nealey, Nelson G, Padden, Patrick, Prince, Schmidt, Silver, Smith C, Taylor, Tilly, van Dyke, Vander Stoep, Walker, West, Williams J - 33.

House Bill No. 1825, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HOUSE BILL NO. 1842, by Representatives Rust, Allen and Unsoeld; by request of Department of Ecology

Modifying fees for hazardous waste sites.

The bill was read the second time. On motion of Ms. Rust, Substitute House Bill No. 1842 was substituted for House Bill No. 1842, and the substitute bill was placed on the calendar for second reading.

Substitute House Bill No. 1842 was read the second time.

On motion of Ms. Rust, the following amendments by Representatives Rust and Allen were adopted:

- On page 4, line 16 after "~~((one))~~" strike "eight" and insert "five"
- On page 4, line 21 after "thousand" strike "five hundred"
- On page 4, line 24 after "~~((seven thousand))~~" strike "five" and insert "three"
- On page 4, beginning on line 28 strike "seven" and insert "five"
- On page 4, line 30 after "than" strike "twenty" and insert "ten"
- On page 4, line 33 after "than" strike "twenty-five" and insert "thirteen"
- On page 4, line 36 after "than" strike "thirty" and insert "fifteen"
- On page 5, line 15 after "through" strike "(c)" and insert "(g)"
- On page 6, line 11 after "~~((seven))~~" strike "thirty-five" and insert "twenty"

Mr. Barnes moved adoption of the following amendments:

On page 4, beginning on line 10, after "section," strike all the material down to and including "dollars." on line 36 and insert "The amount of the fee for an identified site shall (~~be graduated by reference to~~) not exceed one quarter of one percent of the annual gross income of the business apportioned to the site as provided in subsection (3) of this section (~~in accordance with the following schedule~~:"

(a) For annual gross income not in excess of one million dollars, a fee of not more than one hundred fifty dollars;

(b) For annual gross income in excess of one million dollars but not exceeding ten million dollars, a fee of not more than seven hundred fifty dollars;

(c) For annual gross income in excess of ten million dollars, a fee of not more than seven thousand five hundred dollars)."

On page 6, line 8, after "(5)" strike all the material down to and including "(6)" on line 14 and insert "(Notwithstanding subsection (1) or (2) of this section or RCW 70.105A.040, no person who owns or operates a combined identified site and hazardous waste treatment, storage or disposal site shall be required to pay more than seven thousand five hundred dollars annually to the hazardous waste control and elimination account:

(6))"

Renumber the remaining subsections consecutively.

Representatives Barnes, Zellinsky and J. Williams spoke in favor of the amendments, and Representatives Rust and Allen opposed them.

Mr. Barnes spoke again in favor of the amendments.

Mr. Prince demanded the previous question and the demand was sustained.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Barnes to Substitute House Bill No. 1842, and the amendments were not adopted by the following vote: Yeas, 46; nays, 52.

Voting yea: Representatives Addison, Appelwick, Ballard, Barnes, Barrett, Baugher, Betzozoff, Bond, Bristow, Chandler, Day, Dobbs, Fuhrman, Hankins, Hastings, Haugen, Holland, Isaacson, King P, Lewis, Long, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smitherman, Tanner, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Williams J, Wilson S, Zellinsky - 46.

Voting nay: Representatives Allen, Armstrong, Basich, Belcher, Braddock, Brekke, Brooks, Brough, Cole, Crane, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King R, Kremen, Leonard, Locke, Lundquist, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smith L, Sommers, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, West, Wilson K, Wineberry, Winsley, and Mr. Speaker - 52.

Ms. Rust moved adoption of the following amendment by Representatives Rust and Allen:

On page 5, line 19 after "dollars," insert "In calculating these fees the department shall not include any wastes produced solely from clean-up or remedial actions resulting from actions taken by the department under RCW 70.105A.060(2)."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Rust to page 5 of Substitute House Bill No. 1842, and the amendment was adopted by the following vote: Yeas, 96; absent, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Williams B, Williams J - 2.

On motion of Ms. Rust, the following amendments by Representatives Rust and Allen were adopted:

On page 7, line 30 after "hundred))" strike "thirty" and insert "fifteen"

On page 9, after line 23 insert the following new section to read as follows:

"NEW SECTION, Sec. 5. The department shall adopt rules which allow, subject to the department approval and at the option of an applicant for a facility permit to treat, store, or dispose of hazardous waste, an expedited procedure for permit issuance. The rules shall allow an outside consultant, retained by the department, at the expense of the applicant, to augment

department staff. The consultant shall review part or all of the applicant's permit application as directed and supervised by the department."

The bill was ordered engrossed. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Rust and Allen spoke in favor of passage of the bill, and Representatives Zellinsky, Lewis, Isaacson, Thomas and Barnes spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1842, and the bill failed to pass the House by the following vote: Yeas, 42; nays, 56.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Brough, Cole, Day, Dellwo, Fisch, Fisher, Gallagher, Grimm, Hine, Jacobsen, King J, King R, Leonard, Locke, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Rust, Sayan, Scott, Sommers, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 42.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Baugher, Betrozoff, Bond, Bristow, Brooks, Chandler, Crane, Dobbs, Doty, Ebersole, Fuhrman, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, King P, Kremen, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 56.

Engrossed Substitute House Bill No. 1842, having failed to receive the constitutional majority, was declared lost.

HOUSE BILL NO. 1851, by Representatives Bristow, Appelwick, B. Williams, J. King, Ebersole, Sutherland, Tilly, L. Smith, Silver, Ballard and Fuhrman

Modifying the taxation of ingredients, components, and chemicals used in processing.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1851, and the bill passed the House by the following vote: Yeas, 96; nays, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representatives Braddock, Wilson K - 2.

House Bill No. 1851, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1731, by Committee on Judiciary (originally sponsored by Representatives K. Wilson, Lewis, Day, Winsley, Braddock, Bristow, Scott, Tilly and P. King)

Revising provisions on juveniles.

The bill was read the third time and placed on final passage.

Representatives K. Wilson, Crane, Patrick and G. Nelson spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Crane yielded to question by Mr. Appelwick.

Mr. Appelwick: "Representative Crane, you were the sponsor of the amendment that added the curfew portion to the bill. In section 4(2)(d) it says that a minor who is traveling by direct route to or from his or her employment is exempt from the curfew. Is it your intent as the sponsor of the amendment, that paper carriers who are on their paper routes delivering papers during the curfew period would be exempt under this section of the law?"

Mr. Crane: "Yes, Representative Appelwick, it would be my intent that they would be exempt, and also children going to and from skiing or going fishing as Representative Nelson indicated."

Mr. Appelwick spoke in favor of the bill, and Mr. Braddock spoke against it.

POINT OF INQUIRY

Mr. Crane yielded to question by Mr. May.

Mr. May: "Representative Crane, just assume for a minute that I still have a sixteen-year-old son. If he went with the car to a school dance that ends at midnight and he and his girlfriend stop for a pizza and a coke, is he breaking the law?"

Mr. Crane: "He wouldn't be breaking the law, but he could be detained under the curfew unless he's there with permission. You would have to read the exceptions directly and put them into your own thought pattern because, of course, we can't take care of every possible instance here. There would be police discretion in these matters. I wouldn't expect them to take the time to pick them up and take them home on every occasion. If they are there and they have the permission of their parents, or if they are with an adult, then they would have no trouble."

Mr. R. King opposed passage of the bill, and Mr. Ebersole spoke in favor of it.

POINT OF INQUIRY

Mr. Crane yielded to question by Ms. Long.

Ms. Long: "Representative Crane, I have three sons who often used to go skiing. They were 12, 15 and 18. They would go night skiing sometimes and get home after midnight. Other times they left early in the morning and went up to Mt. Baker skiing. Would they be caught under this kind of law?"

Mr. Crane: "I think the answer to that, and it isn't a perfect answer, but I'm quite sure the police officers would not arrest young people going to the ski areas if they are on the direct route to the ski area. This bill doesn't take care of that specifically, and I would have no objection to attempting to change the language in conference or in the Senate to that extent. I understand your concerns and we do have these exceptions which are difficult to fit into the exceptions we have in the bill. I think we are worrying about something that isn't going to happen."

Representatives Wineberry and Vekich opposed the bill, and Representatives Van Luvan and Taylor spoke in favor of it.

Mr. Hargrove demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1731, and the bill passed the House by the following vote: Yeas, 73; nays, 24; absent, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Betzoff, Bond, Bristow, Brooks, Brough, Chandler, Crane, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King P., Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Nelson G., O'Brien, Padden, Patrick, Peery, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd,

Valle, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 73.

Voting nay: Representatives Belcher, Braddock, Brekke, Cole, Day, Fisher, Hankins, Hastings, King J, King R, Locke, McMullen, Nelson D, Niemi, Nutley, Prince, Rust, Tilly, Unsoeld, Vekich, Walk, Wang, Wineberry, and Mr. Speaker - 24.

Absent: Representative Dellwo - 1.

Engrossed Substitute House Bill No. 1731, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Thomas was excused.

MOTION

Mr. Barrett moved that the House immediately consider HOUSE BILL NO. 2100.

Mr. Padden demanded a electric roll call and the demand was sustained.

SPEAKER'S RULING

The Speaker: "House Bill No. 2100 is on the second reading calendar. We are on the seventh order of business. Your motion is out of order."

ENGROSSED HOUSE BILL NO. 1614, by Representatives Long and Armstrong; by request of Department of Licensing

Delaying certain new prerequisites for the issuance of vehicle licenses.

The bill was read the third time and placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1614, and the bill passed the House by the following vote: Yeas, 88; nays, 5; absent, 4; excused, 1.

Voting yea: Representatives Addison, Appelwick, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Allen, Brough, Long, Miller, Nelson D - 5.

Absent: Representatives Armstrong, Fuhrman, Todd, West - 4.

Excused: Representative Thomas - 1.

Engrossed House Bill No. 1614, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. J. King, the Rules Committee was relieved of ENGROSSED SUBSTITUTE HOUSE BILL NO. 1555, and it was ordered placed at the top of the third reading calendar.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1555, by Committee on State Government (originally sponsored by Representatives Belcher, Niemi, Leonard, Allen, Haugen, Locke, Cole, Sayan, Unsoeld, Brough and Wang)

Identifying other programs for the certification of minority and women's business enterprises.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1555, and the bill passed the House by the following vote: Yeas, 86; nays, 11; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Barnes, Bond, Chandler, Dobbs, Nealey, Padden, Patrick, Schmidt, Smith C, van Dyke, Williams J - 11.

Excused: Representative Thomas - 1.

Engrossed Substitute House Bill No. 1555, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. J. King moved that the House revert to the fourth order of business.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House revert to the fourth order of business, and the motion was carried by the following vote: Yeas, 53; nays, 44; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 53.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 44.

Excused: Representative Thomas - 1.

INTRODUCTIONS AND FIRST READING

SB 3084 by Senators Warnke, McDonald, Vognild, Newhouse, McDermott, Owen and Conner

Repealing provisions that limit state funding of the state council on aging.

Referred to Committee on Ways & Means.

ESSB 3097 by Committee on Ways & Means (originally sponsored by Senators Bauer, Zimmerman, McDermott and Kreidler)

Changing the interest rate for excise taxes assessed or refunded.

Referred to Committee on Ways & Means.

ESSB 3182 by Committee on Ways & Means (originally sponsored by Senators Bauer, Wojahn, Gaspard, Halsan and Kreidler)

Allowing reentering public employees to restore withdrawn contributions to retirement system.

Referred to Committee on Ways & Means.

SB 3336 by Senators Moore, Warnke, Sellar, McManus and Benitz

Authorizing hotels to sell liquor by the bottle to registered guests.

Referred to Committee on Commerce & Labor.

SB 3796 by Senators Moore, Deccio, Wojahn and McManus

Requiring in-state representatives of nursing homes.

Referred to Committee on Social & Health Services.

SSB 3847 by Committee on Ways & Means (originally sponsored by Senators McDermott and Patterson)

Limiting the suspension of pension benefits to retired teachers teaching in public schools in this state.

Referred to Committee on Ways & Means.

SB 4234 by Senators Conner, Garrett, McManus, Williams and Johnson

Extending certain tax exemptions for ride-sharing vehicles.

Referred to Committee on Ways & Means.

ESSB 4418 by Committee on Agriculture (originally sponsored by Senator Hansen)

Directing the department of agriculture to study agricultural water supply availability.

Referred to Committee on Agriculture.

SSB 4425 by Committee on Agriculture (originally sponsored by Senator Hansen)

Exempting livestock sold for personal consumption from sales and use tax.

Referred to Committee on Agriculture.

SSB 4483 by Committee on Judiciary (originally sponsored by Senators Talmadge, Moore, Halsan, Bender, Garrett, Gaspard, Vognild and Rasmussen)

Revising certain provisions governing families in conflict.

Referred to Committee on Judiciary.

ESSB 4497 by Committee on Commerce & Labor (originally sponsored by Senators Boltiger, Peterson, Vognild, Rasmussen, Granlund, Talmadge, Wojahn and Moore)

Regulating vehicle dealers.

Referred to Committee on Commerce & Labor.

E2SSB 4498 by Committee on Ways & Means (originally sponsored by Senators Talmadge and Newhouse)

Implementing the recommendations of the judicial administration commission.

Referred to Committee on Judiciary.

SSB 4531 by Committee on Financial Institutions (originally sponsored by Senators Talmadge, Newhouse, Bender, Lee, Rinehart, McManus, Bauer and Conner)

Modifying provisions relating to mental health insurance coverage.

Referred to Committee on Financial Institutions & Insurance.

SSB 4559 by Committee on Ways & Means (originally sponsored by Senators McDermott, McDonald, Thompson, Bluechel and Zimmerman)

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

Referred to Committee on Ways & Means.

SB 4560 by Senators Thompson, McDermott and McDonald

Revising provisions relating to the legislature and terms of state officials.

Referred to Committee on State Government.

SSB 4574 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Kiskaddon, DeJarnatt, Kreidler, Conner,

Vognild, Johnson and Garrett; by request of Department of Social and Health Services)

Revising provisions on chore services.

Referred to Committee on Social & Health Services.

ESSB 4576 by Committee on Judiciary (originally sponsored by Senators Halsan and Talmadge)

Prescribing standards for community supervision of criminal offenders.

Referred to Committee on Judiciary.

SB 4587 by Senator Williams

Revising utility and transportation commission regulations.

Referred to Committee on Energy & Utilities.

SB 4592 by Senators Rasmussen and Zimmerman; by request of State Treasurer
Abolishing the state school equalization fund.

Referred to Committee on Ways & Means.

SB 4593 by Senators Moore, Sellar and Rasmussen; by request of State Treasurer

Establishing provisions relating to the deposit of public funds.

Referred to Committee on Financial Institutions & Insurance.

ESSB 4602 by Committee on Financial Institutions (originally sponsored by Senators Williams, Moore, Metcalf, Johnson, Bottiger, Bender and Rasmussen)

Establishing procedures for lender payment of property taxes.

Referred to Committee on Financial Institutions & Insurance.

SSB 4608 by Committee on Transportation (originally sponsored by Senator Owen)

Authorizing the deposit of office security for motor vehicle dealers and manufacturers licenses.

Referred to Committee on Transportation.

ESB 4609 by Senators Halsan and Peterson

Allowing county rail districts to be established by petition of the voters.

Referred to Committee on Local Government.

SB 4615 by Senators Peterson, Patterson and Vognild; by request of Department of Transportation

Transferring tax revenues paid on motor vehicle fuel used in aircraft to the aeronautics account.

Referred to Committee on Transportation.

SB 4616 by Senators Peterson, Patterson and Vognild; by request of Department of Transportation

Increasing fees for aircraft pilot registration.

Referred to Committee on Transportation.

SB 4617 by Senators Peterson, Hansen and Patterson; by request of Department of Licensing

Permitting waiver of the drivers' examination for an instruction permit.

Referred to Committee on Transportation.

SSB 4618 by Committee on Transportation (originally sponsored by Senators Guess, Peterson and Hansen; by request of Department of Licensing)

Revising the International Registration Plan.

Referred to Committee on Transportation.

ESSB 4658 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Conner, McDonald and Moore; by request of Department of Social and Health Services)

Changing provisions relating to alternatives to state residential schools for the handicapped.

Referred to Committee on Social & Health Services.

SSB 4664 by Committee on Energy & Utilities (originally sponsored by Senator Williams)

Requiring liability insurance for low-level radioactive waste operations.

Referred to Committee on Energy & Utilities.

SB 4675 by Senators Vognild, Guess, Garrett, Bender, Hansen, Sellar, Barr, Paterson, Metcalf, DeJarnatt, Johnson and Zimmerman

Repealing the mandatory vehicle license plate replacement program.

Referred to Committee on Transportation.

ESB 4679 by Senators Bender and Warnke

Requiring SPI to adopt rules providing for an assistant on school buses that transport students in wheelchairs.

Referred to Committee on Education.

SSB 4696 by Committee on Transportation (originally sponsored by Senators Granlund, Peterson, Conner, Kreidler and Vognild)

Requiring appropriations for expenditures from ferry revenue.

Referred to Committee on Transportation.

ESB 4725 by Senators Warnke, Hayner and Bottiger; by request of Board of Accountancy

Revising provisions of the accountancy act.

Referred to Committee on Commerce & Labor.

SB 4729 by Senators Barr, Rinehart, Lee, Goltz and Craswell

Permitting certain school districts to average their enrollments over two school years to avoid dissolution of the district.

Referred to Committee on Education.

SSB 4757 by Committee on Transportation (originally sponsored by Senators Williams and Peterson)

Granting vehicle licensing reciprocity to Indian tribes.

Referred to Committee on Transportation.

SSB 4763 by Committee on Ways & Means (originally sponsored by Senators McDermott, Gaspard, Bluechel and Moore)

Revising provisions on the conditions for obtaining certain property tax exemptions.

Referred to Committee on Ways & Means.

- ESSB 4777 by Committee on Ways & Means (originally sponsored by Senators McDermott, Sellar, Wojahn, Deccio and Warnke)
Enacting the health care access and cost containment act of 1986.
Referred to Committee on Ways & Means.
- SSB 4815 by Committee on Ways & Means (originally sponsored by Senator McDermott)
Appropriating funds for public works projects.
Referred to Committee on Ways & Means.
- SSB 4892 by Committee on Ways & Means (originally sponsored by Senators Bender, McManus, Vognild, Gaspard and Bluechel)
Revising provisions on the high-technology coordinating board.
Referred to Committee on Trade & Economic Development.
- ESSB 4896 by Committee on Human Services & Corrections (originally sponsored by Senators Goltz, Lee and Halsan)
Providing for the licensure of home health agencies.
Referred to Committee on Social & Health Services.
- SB 4906 by Senators Peterson and Patterson
Modifying provisions on the issuance and sale of certain highway bonds.
Referred to Committee on Transportation.
- SSB 4920 by Committee on Transportation (originally sponsored by Senators Peterson, Bottiger and Conner)
Revising vessel pilot regulations.
Referred to Committee on Transportation.
- ESB 4927 by Senators Moore and Newhouse
Requiring monitoring of health services furnished to industrially injured workers.
Referred to Committee on Commerce & Labor.
- SSB 4931 by Committee on Ways & Means (originally sponsored by Senators Talmadge, Sellar, Warnke, Bender, Bauer, Wojahn, Johnson, Benitz, Bailey and Newhouse)
Establishing state patrol retirement fund.
Referred to Committee on Ways & Means.
- ESSB 4949 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Johnson, Deccio, Kreidler, Bender and Zimmerman)
Requiring an approved list for inspections by health care assistants.
Referred to Committee on Social & Health Services.
- ESB 4968 by Senators Warnke and Rasmussen; by request of Employment Security
Authorizing transfer of funds for unemployment insurance program.
Referred to Committee on Commerce & Labor.
- SB 4978 by Senators Thompson, Barr, Bauer, Zimmerman, Sellar, Stratton, Bender and Moore
Modifying the taxation of ingredients, components, and chemicals used in processing.
Referred to Committee on Ways & Means.

SSB 5005 by Committee on Financial Institutions (originally sponsored by Senators Talmadge and Moore)

Providing consumer buyer protection in credit service transactions.

Referred to Committee on Financial Institutions & Insurance.

SSB 5034 by Committee on Ways & Means (originally sponsored by Senators Gaspard, Bauer, Granlund, Johnson, Saling and Bender; by request of Superintendent of Public Instruction)

Requiring a study of categorical educational services.

Referred to Committee on Education.

SSB 5037 by Committee on Education (originally sponsored by Senators Gaspard and Bauer)

Requiring a study of the number of ninth through twelfth grade dropouts.

Referred to Committee on Education.

SSB 5038 by Committee on Education (originally sponsored by Senators Gaspard and Bauer)

Establishing a program of primary block education.

Referred to Committee on Education.

ESSB 5044 by Committee on Agriculture (originally sponsored by Senators Hansen and Barr)

Modifying department of agriculture commodity authority.

Referred to Committee on Agriculture.

MOTION

Mr. J. King moved that the bills listed on today's introduction sheet be referred to the committees designated.

A division was called.

ROLL CALL

The Clerk called the roll on the motion to refer the bills on introduction and first reading to the committees designated, and the motion was carried by the following vote: Yeas, 54; nays, 43; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 54.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 43.

Excused: Representative Thomas - 1.

MOTION

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Wednesday, February 19, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

THIRTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, February 19, 1986

The House was called to order at 11:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Hargrove, McMullen, Niemi and Thomas, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Steve Jarrett and Nestor Bautista. Prayer was offered by Major Richard Beaver of the Salvation Army of Olympia.

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

MESSAGE FROM THE SENATE

February 18, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 3231,
 SECOND SUBSTITUTE SENATE BILL NO. 3487,
 SENATE BILL NO. 3555,
 SUBSTITUTE SENATE BILL NO. 3948,
 SENATE BILL NO. 4454,
 ENGROSSED SENATE BILL NO. 4463,
 SUBSTITUTE SENATE BILL NO. 4544,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4557,
 ENGROSSED SENATE BILL NO. 4562,
 SENATE BILL NO. 4575,
 SUBSTITUTE SENATE BILL NO. 4577,
 SUBSTITUTE SENATE BILL NO. 4613,
 ENGROSSED SENATE BILL NO. 4620,
 SUBSTITUTE SENATE BILL NO. 4640,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4659,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4663,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4674,
 SENATE BILL NO. 4695,
 SENATE BILL NO. 4712,
 ENGROSSED SENATE BILL NO. 4738,
 SUBSTITUTE SENATE BILL NO. 4766,
 SENATE BILL NO. 4770,
 SUBSTITUTE SENATE BILL NO. 4783,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4790,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4798,
 SENATE BILL NO. 4893,
 SENATE BILL NO. 4914,
 SUBSTITUTE SENATE BILL NO. 4926,
 ENGROSSED SENATE BILL NO. 4932,
 SENATE BILL NO. 4951,
 SENATE BILL NO. 4960,
 SUBSTITUTE SENATE BILL NO. 5026,
 SENATE JOINT MEMORIAL NO. 113,
 SENATE JOINT MEMORIAL NO. 126,
 SENATE JOINT MEMORIAL NO. 133,
 SENATE JOINT MEMORIAL NO. 134,
 SENATE JOINT MEMORIAL NO. 136,
 ENGROSSED SENATE JOINT MEMORIAL NO. 140,
 SENATE JOINT MEMORIAL NO. 141.

SENATE JOINT MEMORIAL NO. 143,
SENATE JOINT RESOLUTION NO. 136,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

ESSB 3231 by Committee on Financial Institutions (originally sponsored by Senators Moore, Deccio, Kreidler, McManus and Rasmussen)

Providing that home delivered nursing services may be eligible for insurance coverage.

Referred to Committee on Financial Institutions & Insurance.

2SSB 3487 by Committee on Energy & Utilities (originally sponsored by Senators Goltz, Bailey, Williams and Benitz)

Requiring guidelines for state agencies to implement energy conservation procedures.

Referred to Committee on Energy & Utilities.

SB 3555 by Senators Moore, Metcalf, Rasmussen and Barr

Requiring actions to examine the federal reserve system.

Referred to Committee on Financial Institutions & Insurance.

SSB 3948 by Committee on Transportation (originally sponsored by Senator Peterson)

Extending log truck liens for labor and services on timber and lumber.

Referred to Committee on Judiciary.

SB 4454 by Senators Barr and Owen

Establishing venue for actions under the residential landlord-tenant act.

Referred to Committee on Judiciary.

ESB 4463 by Senator Bailey

Encouraging the promotion of Washington products.

Referred to Committee on Trade & Economic Development.

SSB 4544 by Committee on Judiciary (originally sponsored by Senators Moore, Talmadge, Granlund, Newhouse, Wojahn, Conner and Lee)

Requiring specified person to report abuse of vulnerable adults.

Referred to Committee on Judiciary.

ESSB 4557 by Committee on Governmental Operations (originally sponsored by Senators Thompson and Zimmerman)

Modifying rule-making authority of state building code council.

Referred to Committee on State Government.

ESB 4562 by Senator Goltz

Providing sales and use tax exemptions for certain sale/leaseback agreements.

Referred to Committee on Ways & Means.

SB 4575 by Senators Halsan and Moore

Providing certain protections for credit card users.

Referred to Committee on Financial Institutions & Insurance.

- SSB 4577 by Committee on Judiciary (originally sponsored by Senators Halsan, Talmadge and Warnke)
 Requiring alcohol-sensing ignition interlocks on vehicles driven by persons granted deferred prosecution from driving while intoxicated.
 Referred to Committee on Judiciary.
- SSB 4613 by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Sellar and Stratton)
 Providing purchasing authority to state hospitals for mentally ill.
 Referred to Committee on State Government.
- ESB 4620 by Senators Halsan, Johnson, Peterson, Bender, Boltiger, McManus, Warnke, Deccio and Lee; by request of Select Committee on Petroleum Marketing Practices
 Modifying provisions on the retail sale of motor vehicle fuel.
 Referred to Committee on Trade & Economic Development.
- SSB 4640 by Committee on Ways & Means (originally sponsored by Senator McDermott)
 Revising business and occupation taxation of health and social welfare services.
 Referred to Committee on Ways & Means.
- ESSB 4659 by Committee on Judiciary (originally sponsored by Senators Talmadge, McDonald, Wojahn and Moore; by request of Department of Social and Health Services)
 Providing for the nonrecognition of separate property agreements in medical care eligibility determinations.
 Referred to Committee on Judiciary.
- ESSB 4663 by Committee on Energy & Utilities (originally sponsored by Senators Williams, Saling, McManus, Bailey, Granlund, Goltz, Halsan, McCaslin, Garrett, Gaspard, Bauer, Bender, Vognil and Talmadge)
 Regulating transportation of radioactive materials.
 Referred to Committee on Energy & Utilities.
- ESSB 4674 by Committee on Governmental Operations (originally sponsored by Senators Thompson and Warnke)
 Providing adjustments to salaries of elective state officials.
 Referred to Committee on Ways & Means.
- SB 4695 by Senators Thompson and Zimmerman
 Broadening the powers of flood control districts.
 Referred to Committee on Local Government.
- SB 4712 by Senators Thompson, Sellar, Zimmerman, Kreidler and Williams; by request of Secretary of State
 Creating state archivist oral history program.
 Referred to Committee on State Government.
- ESB 4738 by Senators Talmadge and Halsan
 Revising provisions relating to juvenile offenders.
 Referred to Committee on Judiciary.

- SSB 4766 by Committee on Energy & Utilities (originally sponsored by Senators Williams, McDermott, Bailey, Kreidler, Bauer, Halsan, McManus and Rasmussen)
Prohibiting the termination of residential space heating from November 15 through March 15 due to delinquent and unpaid charges under certain circumstances.
Referred to Committee on Energy & Utilities.
- SB 4770 by Senators Hansen, Goltz, Barr, Gaspard, Benitz and Bailey
Authorizing an irrigation district to defend employees, officers or agents in suits filed against them.
Referred to Committee on Agriculture.
- SSB 4783 by Committee on Judiciary (originally sponsored by Senators Thompson, Hayner and Newhouse)
Revising seizure provisions of the uniform controlled substances act.
Referred to Committee on Judiciary.
- ESSB 4790 by Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Bluechel and Talmadge)
Regulating the use and disposal of sludge.
Referred to Committee on Environmental Affairs.
- ESSB 4798 by Committee on Parks & Ecology (originally sponsored by Senators Granlund, Zimmerman, Kreidler and Talmadge)
Providing for enforcement of water quality.
Referred to Committee on Environmental Affairs.
- SB 4893 by Senators Warnke, Bender, McManus, Gaspard, Newhouse, Zimmerman, Deccio, McCaslin, Garrett and Rasmussen
Exempting certain hearing aids from sales and use tax.
Referred to Committee on Ways & Means.
- SB 4914 by Senators Peterson, Wojahn, Granlund and Talmadge
Establishing a demonstration project at Northern State for the neurologically impaired.
Referred to Committee on Social & Health Services.
- SSB 4926 by Committee on Governmental Operations (originally sponsored by Senators Thompson, McDonald, Rinehart and Cantu)
Revising provisions relating to agency reporting of fiscal data under the budget and accounting act.
Referred to Committee on Ways & Means.
- ESB 4932 by Senators Bender, Moore, Bottiger, Talmadge, Rasmussen, Fleming, Johnson and Bauer
Prohibiting surcharges by the seller when a buyer purchases with a credit card.
Referred to Committee on Financial Institutions & Insurance.
- SB 4951 by Senators McManus and DeJarnatt
Creating a pilot project in entrepreneurial education.
Referred to Committee on Education.
- SB 4960 by Senator Moore
Declaring that contract bridge is not gambling.
Referred to Committee on Commerce & Labor.

SSB 5026 by Committee on Parks & Ecology (originally sponsored by Senator Kreidler)

Providing for a study on hazardous waste disposal by farmers.

Referred to Committee on Environmental Affairs.

SJM 113 by Senators McManus, Bailey, DeJarnatt, Garrett and Pullen

Requesting Congress to retain the Small Business Administration.

Referred to Committee on Trade & Economic Development.

SJM 126 by Senators Bender, Rasmussen, Moore, McDermott, DeJarnatt, Warnke and Garrett

Petitioning Congress to prevent reductions in benefits to disabled veterans.

Referred to Committee on Social & Health Services.

SJM 133 by Senators Bottiger, Moore, Granlund and Metcalf

Requesting that U.S. Congress establish satellite remote sensing receiving station in Hawaii and allocate funds for purchase of oceanographic color display.

Referred to Committee on Trade & Economic Development.

SJM 134 by Senators Bottiger, Moore, Granlund and Metcalf

Requesting that the National Oceanic and Atmosphere Administration restore weather satellite coverage to mid-Pacific.

Referred to Committee on Trade & Economic Development.

SJM 136 by Senators Conner, Peterson, Goltz, Hansen, Garrett and Rasmussen

Petitioning the Washington state congressional delegation to assist in obtaining a national veterans' cemetery within the state of Washington.

Referred to Committee on State Government.

ESJM 140 by Senators Warnke, Kreidler and Sellar

Requesting Congress to fund the sealing of open mines and shafts.

Referred to Committee on Commerce & Labor.

SJM 141 by Senators Kreidler and Moore

Requesting funding for research to study alternative means of long-term care for the elderly and disabled.

Referred to Committee on Social & Health Services.

SJM 143 by Senator Williams

Petitioning for a regional approach to regulation of the transportation of radioactive materials.

Referred to Committee on Energy & Utilities.

SJR 136 by Senators Talmadge and Metcalf

Revising the membership of the judicial qualifications commission.

Referred to Committee on Judiciary.

MOTIONS

On motion of Mr. J. King, the bills, memorials and resolutions listed on today's introduction sheet were considered first reading under the fourth order of business and referred to the committees designated.

The House advanced to the eighth order of business.

On motion of Mr. J. King, SUBSTITUTE HOUSE BILL NO. 41, HOUSE BILL NO. 289, HOUSE BILL NO. 1421, HOUSE BILL NO. 1506, HOUSE BILL NO. 1585, HOUSE BILL NO. 1611, HOUSE BILL NO. 1856, HOUSE BILL NO. 1857, HOUSE BILL NO. 1858, HOUSE BILL

NO. 1929, HOUSE BILL NO. 1942, HOUSE BILL NO. 2009, HOUSE BILL NO. 2100 were rereferred from the second reading calendar to Committee on Rules.

On motion of Mr. J. King, ENGROSSED SUBSTITUTE HOUSE BILL NO. 488 was rereferred from the third reading calendar to Committee on Rules.

On motion of Mr. J. King, SENATE BILL NO. 4529 was referred from Committee on Judiciary to Committee on Social & Health Services.

On motion of Mr. J. King, ENGROSSED SENATE BILL NO. 4609 was referred from Committee on Local Government to Committee on Transportation.

On motion of Mr. J. King, SUBSTITUTE SENATE BILL NO. 4719 was referred from Committee on Social & Health Services to Committee on Ways & Means.

SPEAKER'S PRIVILEGE

The Speaker recognized within the bar of the House, Senator David Nething, President of the National Conference of State Legislatures and Majority Leader of the North Dakota Senate.

The Speaker appointed Representatives S. Wilson, J. King, O'Brien, Hine and Ballard to escort him to the rostrum.

Senator Nething briefly addressed the House.

The Speaker requested the committee to escort Senator Nething from the House Chambers.

On motion of Mr. Wang, the rules were suspended to allow consideration of House Resolution No. 86-122.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 86-122, by Representatives Belcher, Jacobsen, Unsoeld, Leonard, Wineberry, Hankins, K. Wilson, Miller, Allen, Locke, Nealey, Brough, Doty, Holland, Ebersole, Fuhrman and Brooks

WHEREAS, There is increasing public concern about the thousands of missing and kidnapped children reported each year; and

WHEREAS, The mobility of modern day society enables missing and kidnapped children to be transported from one end of the state to another in a short period of time; and

WHEREAS, There is a need for a safe-house program to establish homes in local communities that would serve as a safe refuge for children who are frightened, injured, lost, in danger, crime victims or who are in any emergency situation; and

WHEREAS, There are several different symbols currently used to direct missing and kidnapped children to a safe location; and

WHEREAS, McGruff, the crime-fighting dog, is a national symbol well known to children;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the legislature encourages, supports and recommends that local communities establish a safe-house program for the protection of our children; and

BE IT FURTHER RESOLVED, That only one symbol should be used to enable any child to recognize readily a symbol regardless of what part of the state the child is from; and

BE IT FURTHER RESOLVED, That the Legislature encourages, supports and recommends that the crime-prevention dog, McGruff, be the symbol used to represent safe houses.

Ms. Belcher moved adoption of the resolution. Representatives Belcher, Leonard, Tanner and Allen spoke in favor of the resolution, and it was adopted.

HOUSE FLOOR RESOLUTION NO. 86-128, by Representative Tanner

WHEREAS, In 1886, the Washington Territorial Legislature established a school in Vancouver, Washington for blind, deaf and mentally deficient youths; and

WHEREAS, The Washington State School for the Blind became a separate institution in 1913 with specific programs of instruction for the blind and visually impaired; and

WHEREAS, The school, over the past one hundred years, made significant contributions to the state and nation through the success of its students in business, the professions and the arts; and

WHEREAS, The School for the Blind provides quality education services to visually impaired youth through direct instruction and outreach services to public school students; and

WHEREAS, The school is an integral part of the state educational delivery system providing expertise in technology and methodology of the visually impaired to local school districts and serves as a state resource center for the education of the blind and visually impaired; and

WHEREAS, The month of February marks the school's 100th anniversary;

NOW, THEREFORE, BE IT RESOLVED, That, on this 19th day of February, the House of Representatives of the State of Washington salute and congratulate all graduates, students and staff of the School for the Blind for the contributions they have made to the State of Washington; and

BE IT FURTHER RESOLVED, That a suitably inscribed copy of this Resolution be transmitted to the State School for the Blind, Vancouver, Washington.

Mr. Tanner moved adoption of the resolution. Representatives Tanner, Nutley and Nealey spoke in favor of the resolution and it was adopted.

MOTION

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Thursday, February 20, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

THIRTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, February 20, 1986

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives Holland and G. Nelson. Representative G. Nelson was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Kristen Swayze and David Ankorn. Prayer was offered by Major Richard Beaver of the Salvation Army of Olympia.

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

REPORTS OF STANDING COMMITTEES

February 19, 1986

2SSB 3188 Prime Sponsor, Committee on Ways and Means: Providing reimbursement of institutional care facilities employees for cost attributable to resident or patient assault. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Brooks, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke, Vekich and Walk.

Absent: Representatives Fuhrman and van Dyke.

Passed to Committee on Rules for second reading.

February 19, 1986

SSB 3590 Prime Sponsor, Committee on Governmental Operations: Prohibiting private benefit due to public employment. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Brooks, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke, Vekich and Walk.

Absent: Representatives Fuhrman and van Dyke.

Passed to Committee on Rules for second reading.

February 19, 1986

SSB 3842 Prime Sponsor, Committee on Governmental Operations: Removing A/B lines in Legislative Districts 19 and 39. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Day, Fisch, Madsen and Sommers.

MINORITY recommendation: Do not pass. Signed by Representatives Barnes, Barrett, Miller and Nealey.

Absent: Representative Walker.

Passed to Committee on Rules for second reading.

February 19, 1986

SB 4450 Prime Sponsor, Senator Thompson: Establishing procedures for filing of candidacy by mail and ordering the appearance of names on ballots. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 5 after "office" insert ", for the office of superintendent of public instruction."

Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Day, Fisch, Madsen, Miller, Nealey and Sommers.

Absent: Representative Walker.

Passed to Committee on Rules for second reading.

February 19, 1986

SB 4604 Prime Sponsor, Senator Granlund: Extending the time for certain community college tuition waivers. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Belcher, Hastings, Miller, D. Nelson, G. Nelson, Silver, Unsoeld, K. Wilson and Wineberry.

Absent: Representatives Basich, Prince and Vander Stoep.

Passed to Committee on Rules for second reading.

February 19, 1986

SB 4628 Prime Sponsor, Senator Gaspard: Specifying the number of members constituting a quorum for the college board. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Belcher, Hastings, Miller, D. Nelson, G. Nelson, Silver, Unsoeld, K. Wilson and Wineberry.

Absent: Representatives Basich, Prince and Vander Stoep.

Passed to Committee on Rules for second reading.

February 19, 1986

SSB 4684 Prime Sponsor, Committee on Human Services & Corrections: Providing for restitution by inmates. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Ballard, Bond, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Padden, Scott, Tanner and Winsley.

Absent: Representatives Armstrong, Dellwo, Lux, Tanner and West.

Passed to Committee on Rules for second reading.

The House advanced to the eighth order of business.

MOTION

On motion of Mr. Appelwick, the rules were suspended for the House to consider House Resolutions 86-123, 86-129 and 86-130.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 86-123, by Representatives Vander Stoep, Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Ehlers, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, D. Nelson, G. Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Merce Cunningham has exhibited the highest level of excellence in his career as a dancer and choreographer; and

WHEREAS, Merce Cunningham has dedicated his life to a career in the arts which has spanned almost fifty years and almost the entire continent; and

WHEREAS, Merce Cunningham was born in Centralia, Washington and, as a native Washingtonian, is an honored son; and

WHEREAS, Merce Cunningham received his first formal dance and theater training at the Cornish Institute of Allied Arts in Seattle, Washington; and

WHEREAS, Merce Cunningham has been a soloist in the prestigious company of Martha Graham; and

WHEREAS, Merce Cunningham has choreographed over one hundred marvelous works which have been presented on yearly tours throughout the United States, Europe, the Far East and recently in annual seasons in New York; and

WHEREAS, Merce Cunningham has choreographed two prestigious works for the New York City Ballet: "The Seasons" and a version of "Summerspace"; a brilliant work commissioned by the Paris Autumn Festival for the Paris Opera Ballet, "Un jour ou deux"; a splendid work presented by the American Ballet Theatre, "Duets"; and numerous other reputable works included in the repertoires of the Boston Ballet; the Cullberg Ballet, Stockholm; the Theatre du Silence, France; the Ballet Rambert, London; and the GRCOP, the experimental wing of the Paris Opera Ballet; and

WHEREAS, Merce Cunningham has collaborated with such prominent artists, composers, designers, painters, sculptors, advisors, filmmakers and authors as John Cage, William Anastasi, Dove Bradshaw, Robert Rauschenberg, Jasper Johns, Mark Lancaster, Richard Lippold, David Hare, Sonja Sekula, Remy Charlip, Frank Stella, Andy Warhol, Robert Morris, Bruce Nauman, Neil Jenny, Richard Nelson, Beverly Emmons, Morris Graves, Charles Atlas, Monika Fulleman and Frances Starr; and

WHEREAS, Merce Cunningham has collaborated on three original works for video: "Westbeth, Blue Studio: Five Segments," and "Fraction I and II"; on three original film/dances: "Locale, Channels/Inserts," and "Coast Zone"; and several of these works have been subsequently remade for stage presentation; and

WHEREAS, Merce Cunningham has collaborated on two fascinating books about his work: Changes: Notes on Choreography, and Le Sanseur et la Danse; and

WHEREAS, Merce Cunningham has received numerous awards and honors including two Guggenheim Fellowships for choreography, the Dance Magazine Award, the Medal of the Society for the Advancement of Dancing in Sweden, the Gold Medal for Choreographic Invention at the Fourth International Festival of Dance in Paris, an honorary Doctorate of Letters from the University of Illinois, the New York State Award, the Capezio Award, the Samuel H. Scripps/American Dance Festival Award for lifetime contribution to dance, the Commander of the Order of Arts and Letters by the French Minister of Culture, the Mayor of New York's Award of Honor for Arts and Culture, the American Academy and Institute of Arts and Letters, the MacArthur Foundation Fellowship, and recently the Kennedy Center Honor for outstanding achievement in the arts for which he was honored by the President and Mrs. Reagan at a White House reception; and

WHEREAS, Merce Cunningham has graciously shared, and continues to share graciously, his spectacular talents, his remarkable knowledge and his legendary experience with thousands of fascinated artists and would-be artists in classes, workshops, guest lessons and lectures throughout the United States and abroad; and

WHEREAS, Merce Cunningham's accomplishments have enriched the lives of the citizens of this state, our nation and the world and have delighted, enchanted and thrilled millions;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That Merce Cunningham be honored on behalf of the citizens of this state for his shining example of dedication and service to the arts; and

BE IT FURTHER RESOLVED, That the Legislature encourage the citizens of this state to give their wholehearted support to the arts on behalf of Merce Cunningham; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives be directed to send copies of this Resolution to Merce Cunningham, to Governor

Booth Gardner and to the President of the United States, the Honorable Ronald Reagan.

On motion of Mr. Vander Stoep, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 86-129, by Representatives J. Williams, S. Wilson, Jacobsen, May, Appelwick, Hine, Long, Niemi, Locke, Brough, Barnes, Sommers, G. Nelson, Armstrong, Addison, O'Brien and Holland

WHEREAS, Architect Minoru Yamasaki, FAIA, a Seattle native born in 1912, died at the age of seventy-three on February 6, 1986 in Detroit; and

WHEREAS, Yamasaki's extraordinary talent and artistic sensitivity contributed to a life's work that characterized him as one of the premier architects of our time; and

WHEREAS, Among Yamasaki's contributions to the world of architecture are the: World Trade Center in New York; Century Plaza Towers in Los Angeles; Pacific Science Center in Seattle; Rainier Bank Tower in Seattle; IBM Building in Seattle; United States' Consulate General's office in Kobe, Japan; Dharan International Airport in Saudi Arabia (pictured on Saudi currency); Woodrow Wilson School of Public and International Affairs at Princeton University; and McGregor Memorial Community Conference Center at Wayne State University in Detroit; and

WHEREAS, During his early years in Washington State, Yamasaki graduated from Garfield High School in Seattle, where he played football and earned a basketball letter. Yamasaki went on to study architecture at the University of Washington where he earned his Bachelor of Architecture degree, thereafter moving to New York City in the mid 1930s; and

WHEREAS, Between 1943 and 1945 Yamasaki taught at Columbia University before moving to Detroit. Yamasaki opened his own design firm, Minoru Yamasaki and Associates, in the late 1940s in Troy, Michigan; and

WHEREAS, In 1960 the University of Washington Alumni Association honored Yamasaki as Alumnus Summa Laude Dignatus. In 1983, he was named to this state's Centennial Hall of Honor by the Washington State Historical Society; and

WHEREAS, In 1948, Yamasaki joined the American Institute of Architects, Detroit Chapter, and was invested as a Fellow of the American Institute of Architects in 1960 and received the following design awards: In 1956, the American Institute of Architects Award of Merit for the Feld Clinic in Detroit, Michigan while Yamasaki was affiliated with Lein Weber and Associates; in 1959, the American Institute of Architects Award of Merit for Benjamin Franklin High School in Wayne, Michigan while Yamasaki was affiliated with Minoru Yamasaki and Associates; in 1959, the American Institute of Architects Honor Award for the McGregor Memorial Community Conference Center at Wayne State University; in 1961, the American Institute of Architects Honor Award for the Reynolds Metals Regional Sales Building in Detroit, Michigan; and in 1963, the American Institute of Architects Honor Award for Dharan International Air Terminal in Dharan, Saudi Arabia;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives take this opportunity to recognize the tremendous contributions of a native son to the State of Washington and the world through his architectural design and honors the memory of his life and accomplishments; and

BE IT FURTHER RESOLVED, That the Washington State House of Representatives appreciates the loss to the Yamasaki family of a devoted husband, father, brother and grandfather and joins in the world's sincerest sympathy for his passing; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the Washington State House of Representatives to the Yamasaki family.

Mr. J. Williams moved adoption of the resolution. Representatives J. Williams and Long spoke in favor of the resolution, and it was adopted.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) recognized within the bar of the House, Mrs. Henry M. Jackson and appointed Representatives R. King, Scott and S. Wilson to escort her to the rostrum.

HOUSE FLOOR RESOLUTION NO. 86-130, by Representatives J. King, S. Wilson, Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Ehlers, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, P. King, R. King, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, D. Nelson, G. Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Vølle, Vander Stoep, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, B. Williams, J. Williams, K. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, On September 1, 1983 our state lost one of our most distinguished and beloved public servants and one of the great senators in our nation's history with the death of Senator Henry M. "Scoop" Jackson; and

WHEREAS, In Senator Jackson's career of almost 43 years in Congress as Representative and Senator, he devoted his efforts to helping people, to the defense of freedom and to the pursuit of world peace; and

WHEREAS, He was a leader in supporting measures to promote the natural environment, to develop natural resources, to adopt a national energy policy and to further education; and

WHEREAS, He was a champion of international human rights, an advocate of a strong Western deterrence as a means to safeguard freedom and peace, a pioneer in efforts to secure mutual, balanced reduction of nuclear and conventional arms, and a leading practitioner of bi-partisanship in his approach to foreign policy issues; and

WHEREAS, He was an early advocate of strengthening trade relationships with the nations of the Pacific Rim, including China, and he viewed such trade as particularly important to Washington State; and

WHEREAS, Senator Jackson believed that improving the effectiveness of domestic policy and international policy depended on higher standards of excellence and education for elected, appointed and career governmental officials, and on a greater understanding of the history, languages and cultures of the Asian, Slavic and middle Eastern nations; and

WHEREAS, The Henry M. Jackson Foundation has been established, chaired by Mrs. Helen Hardin Jackson, to help carry on the Senator's unfinished work, with particular emphasis on supporting the Henry M. Jackson School of International Studies at the University of Washington;

NOW, THEREFORE, BE IT RESOLVED, That the members of the House of Representatives recognize and applaud the work of the Henry M. Jackson Foundation and particularly its efforts to support the Jackson School as a center for study of the history, politics, economics and languages of the world's major regions. This work is in keeping with Senator Jackson's concern for nurturing the roots of scholarship and education so essential to an intelligent United States foreign policy and a vibrant trade policy, matters of special interest to the State of Washington; and

BE IT FURTHER RESOLVED, That the members of the House of Representatives celebrate the memory of our great and beloved Senator Henry M. Jackson by declaring May 31, 1987, the 75th anniversary of his birth as Scoop Jackson Day in the State of Washington.

Ms. Hine moved adoption of the resolution. Representatives Hine, R. King and S. Wilson spoke in favor of the resolution, and it was adopted.

The Speaker (Mr. O'Brien presiding) presented House Resolution No. 86-130 to Mrs. Jackson.

Mrs. Jackson briefly addressed the House and the committee escorted her from the House Chambers.

MOTIONS

On motion of Mr. J. King, ENGROSSED SUBSTITUTE SENATE BILL NO. 4683 and Substitute Senate Bill No. 4685 were referred from Committee on Judiciary to Committee on Social & Health Services.

MOTION

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Friday, February 21, 1986.

DENNIS L. HECK, Chief Clerk

WAYNE EHLERS, Speaker

FORTIETH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, February 21, 1986

The House was called to order at 11:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Braddock and Niemi, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Marti Day and Steve Wilkinson. Prayer was offered by Pastor Michael E. Grimshaw of Bremerton.

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

REPORTS OF STANDING COMMITTEES

February 20, 1986

SSB 3532 Prime Sponsor, Committee on Commerce & Labor: Revising provisions relating to liquor licensed premises. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, Walker and J. Williams.

Absent: Representative C. Smith.

Passed to Committee on Rules for second reading.

February 19, 1986

ESSB 4128 Prime Sponsor, Committee on Human Services & Corrections: Revising the authority of the corrections standards board. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Ballard, Bond, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Padden, Scott, Tanner and Winsley.

Absent: Representatives Armstrong, Lux, Tanner and West.

Passed to Committee on Rules for second reading.

February 20, 1986

SB 4456 Prime Sponsor, Senator Rasmussen: Removing the age requirement for veterans' disability passes to state parks. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass. Signed by Representatives Rust, Chair; Unsold, Vice Chair; Barnes, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Absent: Representatives Allen and Brekke.

Passed to Committee on Rules for second reading.

February 20, 1986

SSB 4547 Prime Sponsor, Committee on Agriculture: Providing for crop liens. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 27 after "section" strike "5(3)" and insert "5(4)"

On page 7, line 29 after "the" strike "filing officer" and insert "department of licensing"

On page 8, line 1 after "the" strike "filing officer" and insert "department of licensing"

On page 8, line 5 after "The" strike "filing officer" and insert "department of licensing"

On page 8, beginning on line 25 after "chapter" strike all material through "properly" on line 26 and insert "60.13 RCW ((sections 1 through 7 of this 1985 act)) or a depositor's lien"

On page 8, line 33 after "liens" insert "created under sections 1 through 14 of this 1986 act"

Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Ballard, Bristow, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

Absent: Representatives Baugher, Vice Chair; and Brooks.

Passed to Committee on Rules for second reading.

February 20, 1986

ESB 4619 Prime Sponsor, Senator Bender: Authorizing exchange of land for institutional purposes and declaring an emergency. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass. Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Belcher, Cole, Fuhrman, Hankins, Hargrove, Haugen, Leonard, Lundquist, D. Nelson, Sayan, van Dyke, J. Williams and S. Wilson.

Absent: Representatives Basich, Dobbs, Sanders, Thomas and S. Wilson.

Passed to Committee on Rules for second reading.

February 20, 1986

SSB 4635 Prime Sponsor, Committee on Energy & Utilities: Establishing certain jurisdictional issues under the utilities and transportation commission to be questions of fact. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Gallagher, Jacobsen, Long, Madsen, Miller, Nealey, Sutherland, Unsoeld and Van Luven.

Voting nay: Representatives Bond and Isaacson.

Absent: Representative Van Luven.

Passed to Committee on Rules for second reading.

February 20, 1986

SB 4637 Prime Sponsor, Senator Williams: Modifying certain practices in proceedings of the utilities and transportation commission. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Bond, Gallagher, Isaacson, Jacobsen, Long, Madsen, Miller, Nealey, Sutherland, Unsoeld and Van Luven.

Absent: Representative Van Luven.

Passed to Committee on Rules for second reading.

February 20, 1986

SB 4713 Prime Sponsor, Senator Warnke: Modifying industrial insurance appeal procedures. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, Walker and J. Williams.

Absent: Representative C. Smith.

Passed to Committee on Rules for second reading.

February 20, 1986

SSB 4720 Prime Sponsor, Committee on Commerce & Labor: Establishing a certificate of coverage for industrial insurance. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, Walker and J. Williams.

Absent: Representative C. Smith.

Passed to Committee on Rules for second reading.

February 20, 1986

SB 4721 Prime Sponsor, Senator Warnke: Modifying provisions relating to appeals and penalties under the Washington industrial safety and health act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, Patrick, Sayan, Walker and J. Williams.

Absent: Representatives O'Brien and C. Smith.

Passed to Committee on Rules for second reading.

February 20, 1986

ESSB 4722 Prime Sponsor, Committee on Commerce & Labor: Modifying provisions on contractor infractions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 77, Laws of 1963 as last amended by section 17, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.020 are each amended to read as follows:

(1) Every contractor shall register with the department.

(2) It is a misdemeanor for any contractor having knowledge of the registration requirements of this chapter to:

(a) Offer to do work, submit a bid, or perform any work as a contractor without being registered as required by this chapter;

(b) Offer to do work, submit a bid, or perform any work as a contractor when the contractor's registration is suspended; or

(c) Transfer a valid registration to an unregistered contractor or allow an unregistered contractor to work under a registration issued to another contractor.

(3) All misdemeanor actions under this chapter shall be prosecuted in the county where the infraction occurs.

Sec. 2. Section 2, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.210 are each amended to read as follows:

((An authorized representative of the department may)) The director shall appoint compliance inspectors to investigate alleged or apparent violations of this chapter. If the name of the contractor allegedly or apparently in violation of this chapter is not known, or if the name of the contractor does not appear on the latest list of registered contractors compiled under RCW 18.27.120(1), upon presentation of credentials, ((an authorized representative)) a compliance inspector of the department may inspect sites at which a contractor had bid or presently is working to determine whether the contractor is registered in accordance with this chapter. Upon request of the ((authorized representative)) compliance inspector of the department, a contractor or an employee of the contractor shall provide information identifying the contractor. If the employee of an unregistered contractor is cited by a compliance inspector, that employee is cited as the agent of the employer-contractor, and issuance of the infraction to the employee is notice to the employer-contractor that the contractor is in violation of this chapter. An employee who is cited by a compliance inspector shall not be liable for any of the alleged violations contained in the citation unless the employee is also the contractor.

Sec. 3. Section 3, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.230 are each amended to read as follows:

The department may issue a notice of infraction if the department reasonably believes that the contractor required to be registered by this chapter has failed to do so. A notice of infraction issued under this section shall be personally served on the contractor named in the notice by ((an authorized representative of the department)) the department's compliance inspectors or service can be made by certified mail directed to the contractor named in the notice of infraction. If the contractor named in the notice of infraction is a firm or corporation, the notice may be personally served on any employee of the firm or corporation. If a notice of infraction is personally served upon an employee of a firm or corporation, the department shall within four days of service send a copy of the notice by certified mail to the contractor if the department is able to obtain the contractor's address.

Sec. 4. Section 5, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.240 are each amended to read as follows:

((+)) The form of the notice of infraction issued under this chapter ((shall be prescribed by the supreme court following consultation with the department. To the extent practicable, the notice of infraction issued under this chapter shall conform to the notice of traffic infraction prescribed by the supreme court pursuant to RCW 46.63.060.

~~(2) The notice of infraction~~) shall include the following:

~~((a)) (1)~~ A statement that the notice represents a determination that the infraction has been committed by the contractor named in the notice and that the determination shall be final unless contested as provided in this chapter:

~~((b)) (2)~~ A statement that the infraction is a noncriminal offense for which imprisonment shall not be imposed as a sanction;

~~((c)) (3)~~ A statement of the specific ~~(infraction for)~~ violation which ~~(the notice was issued)~~ necessitated issuance of the infraction;

~~((d)) (4)~~ A statement ~~(that a one hundred dollar monetary penalty has been established for each infraction)~~ of penalty involved if the infraction is established;

~~((e)) (5)~~ A statement of the options provided in this chapter for responding to the notice and the procedures necessary to exercise these options;

~~((f)) (6)~~ A statement that at any hearing to contest the ~~(determination)~~ notice of infraction the state has the burden of proving, by a preponderance of the evidence, that the infraction was committed; and that the contractor may subpoena witnesses, including the ~~(authorized representative)~~ compliance inspector of the department who issued and served the notice of infraction;

~~((g)) (7)~~ A statement, which the person who has been served with the notice of infraction shall sign, that the contractor promises to respond to the notice of infraction in one of the ways provided in this chapter;

~~((h)) (8)~~ A statement that refusal to sign the infraction as directed in subsection ~~((2)(g))~~ (7) of this section is a misdemeanor and may be punished by a fine or imprisonment in jail; and

~~((i)) (9)~~ A statement that a contractor's failure to respond to a notice of infraction as promised is a misdemeanor and may be punished by a fine or imprisonment in jail.

Sec. 5. Section 4, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.250 are each amended to read as follows:

A violation designated as an infraction under this chapter shall be heard and determined by ~~(a district court. A notice of infraction shall be filed in the district court district in which the infraction is alleged to have occurred. If a notice of infraction is filed in a court which is not the proper venue, the notice shall be dismissed without prejudice on motion of either party)~~ an administrative law judge of the office of administrative hearings. If a party desires to contest the notice of infraction, the party shall file a notice of appeal with the department, within twenty days of issuance of the infraction. The administrative law judge shall conduct hearings in these cases at locations in the county where the infraction occurred.

Sec. 6. Section 7, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.270 are each amended to read as follows:

(1) A contractor who ~~(receives a notice of infraction shall respond to the notice as provided in this section within fourteen days of the date the notice was served)~~ is issued a notice of infraction shall respond within twenty days of the date of issuance of the notice of infraction.

(2) If the contractor named in the notice of infraction does not ~~(want to contest the determination, the contractor shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response which does not contest the determination is received, an appropriate order shall be entered in the court's records, and a record of the response and order shall be furnished to the department)~~ elect to contest the notice of infraction, then the contractor shall pay to the department, by check or money order, the amount of the penalty prescribed for the infraction. When a response which does not contest the notice of infraction is received by the department with the appropriate penalty, the department shall make the appropriate entry in its records.

(3) If the contractor named in the notice of infraction ~~(wants to contest the determination, the contractor shall respond by completing the portion of the notice of infraction requesting a hearing and submitting it, either by mail or in person, to the court specified on the notice. The court shall notify the contractor in writing of the time, place, and date of the hearing. The date of the hearing shall not be sooner than fourteen days from the date of the notice of hearing, except by agreement of the parties)~~ elects to contest the notice of infraction, the contractor shall respond by filing an answer of protest with the department specifying the grounds of protest.

(4) If any contractor issued a notice of infraction(~~(~~

~~(a) Fails to respond to the notice of infraction as provided in subsection (2) of this section; or~~

~~(b) Fails to appear at a hearing requested pursuant to subsection (3) of this section;~~ the court shall enter an appropriate order assessing the monetary penalty prescribed for the infraction and shall notify the department of the failure of the contractor to respond to the notice of infraction or to appear at a requested hearing;

~~(5) An order entered by the court under subsection (4)(b) of this section may, for good cause shown and upon such terms as the court deems just, be set aside for the same grounds a default judgment may be set aside in civil actions in courts of limited jurisdiction)~~ fails to

respond within the prescribed response period, the contractor shall be guilty of a misdemeanor and prosecuted in the county where the infraction occurred.

(5) After final determination by an administrative law judge that an infraction has been committed, a contractor who fails to pay a monetary penalty within thirty days, that is not waived, reduced, or suspended pursuant to RCW 18.27.340(2), and who fails to file an appeal pursuant to RCW 18.27.310(4), shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

(6) A contractor who fails to pay a monetary penalty within thirty days after exhausting appellate remedies pursuant to RCW 18.27.310(4), shall be guilty of a misdemeanor and be prosecuted in the county where the infraction occurred.

Sec. 7. Section 8, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.300 are each amended to read as follows:

A contractor subject to proceedings under this chapter may appear or be represented by counsel. The department shall be represented by the attorney general in ~~((any proceeding))~~ administrative proceedings and any subsequent appeals under this chapter.

Sec. 8. Section 9, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.310 are each amended to read as follows:

~~(1) ((A hearing held to contest the determination that an infraction has been committed shall be without a jury.~~

~~(2) The court may consider the notice of infraction and any sworn statement submitted by the department's authorized representative who issued and served the notice in lieu of his or her personal appearance at the hearing. The contractor named in the notice may subpoena witnesses, including the authorized representative who issued and served the notice, and has the right to present evidence and examine witnesses present in court.~~

~~(3)) The administrative law judge shall conduct contractors' notice of infraction cases pursuant to chapter 34.04 RCW.~~

~~(2) The burden of proof is on the department to establish the commission of the infraction by a preponderance of the evidence. The notice of infraction shall be dismissed if the defendant establishes that, at the time the notice was issued, the defendant was registered by the department or was exempt from registration.~~

~~((4)) (3) After consideration of the evidence and argument, the ((court)) administrative law judge shall determine whether the infraction was committed. If it has not been established that the infraction was committed, an order dismissing the notice shall be entered ((in the court's records)) in the record of the proceedings. If it has been established that the infraction was committed, ((an appropriate order shall be entered in the court's records)) the administrative law judge shall issue findings of fact and conclusions of law in its decision and order determining whether the infraction was committed.~~

~~((5)) (4) An appeal from the ((court's)) administrative law judge's determination or order shall be to the superior court. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the Rules of Appellate Procedure.~~

Sec. 9. Section 13, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.320 are each amended to read as follows:

The ~~((court))~~ administrative law judge shall dismiss the notice of infraction at any time upon written notification from the department that the contractor named in the notice of infraction was registered at the time the notice of infraction was issued.

Sec. 10. Section 15, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.340 are each amended to read as follows:

(1) A contractor found to have committed an infraction under RCW 18.27.200 shall be assessed a monetary penalty of ~~((one hundred dollars))~~ not less than two hundred dollars and not more than three thousand dollars.

(2) The ~~((court))~~ administrative law judge may waive, reduce, or suspend the monetary penalty imposed for the infraction only upon a showing of good cause that the penalty would be unduly burdensome to the contractor.

(3) Monetary penalties collected under this chapter shall be ~~((remitted as provided in chapter 3.62 RCW))~~ deposited in the general fund.

NEW SECTION. Sec. 11. A new section is added to chapter 18.27 RCW to read as follows:

The consumers of this state have a right to be protected from unfair or deceptive acts or practices when they enter into contracts with contractors. The fact that a contractor is found to have committed a misdemeanor or infraction under this chapter shall be deemed to affect the public interest and shall constitute a violation of chapter 19.86 RCW. The surety bond shall not be liable for monetary penalties or violations of chapter 19.86 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 18.27 RCW to read as follows:

The director shall adopt rules in compliance with chapter 34.04 RCW to effect the purposes of this chapter.

NEW SECTION. Sec. 13. Section 14, chapter 2, Laws of 1983 1st ex. sess. and RCW 18.27.330 are each repealed.

Sec. 14. Section 4, chapter 126, Laws of 1967 and RCW 18.27.110 are each amended to read as follows:

No city, town or county shall issue a construction building permit for work which is to be done by any contractor required to be registered under chapter 77, Laws of 1963 and chapter 18.27 RCW without ~~((proof))~~ verification that such contractor is currently registered as required by law. When such verification is made, nothing contained in this section is intended to be, nor shall be construed to create, or form the basis for any liability under this chapter on the part of any city, town or county, or its officers, employees or agents.

Sec. 15. Section 4, chapter 392, Laws of 1955 as amended by section 4, chapter 280, Laws of 1985 and RCW 19.30.040 are each amended to read as follows:

(1) The director shall require the deposit of a surety bond by any person acting as a farm labor contractor under this chapter to insure compliance with the provisions of this chapter. Such bond shall be in an amount specified by the director in accordance with such criteria as the director adopts by rule but shall not be less than five thousand dollars. The bond shall be payable to the state of Washington and shall be conditioned ~~((that the contractor will comply with this chapter and will pay all sums legally owing to any person recruited, solicited, employed, supplied, or hired by the contractor, or the contractor's agent or subcontractor, and will pay all damages arising out of the violation of any provision of this chapter, or false statements or misrepresentations made in the procurement of the contractor's license))~~ on payment in full of all sums legally due on wage claims of employees under this chapter and RCW 49.52-.050 et seq. The aggregate liability of the surety upon such bond for all claims which may arise thereunder shall not exceed the face amount of the bond.

(2) The amount of the bond may be raised or additional security required by the director, upon his or her own motion or upon petition to the director by any person, when it is shown that the security or bond is insufficient to satisfy the contractor's potential liability for the licensed period.

(3) No surety insurer may provide any bond, undertaking, recognizance, or other obligation for the purpose of securing or guaranteeing any act, duty, or obligation, or the refraining from any act with respect to a contract using the services of a farm labor contractor unless the farm labor contractor has made application for or has a valid license issued under RCW 19.30.030 at the time of issuance of the bond, undertaking, recognizance, or other obligation.

(4) ~~((During the period for which a bond is executed, the bond may not be canceled or otherwise terminated, unless alternative security arrangements are approved by the director))~~ The bond is written for a one-year term and may be renewed or extended by continuation certification at the option of the surety.

(5) In lieu of the surety bond required by this section, the contractor may file with the director a deposit consisting of cash or other security acceptable to the director. The deposit shall not be less than five thousand dollars in value. The security deposited with the director in lieu of the surety bond shall be returned to the contractor at the expiration of three years after the farm labor contractor's license has expired or been revoked if no legal action has been instituted against the contractor or on the security deposit at the expiration of the three years.

(6) If a contractor has deposited a bond with the director and has failed to comply with the conditions of the bond as provided by this section, and has departed from this state, service may be made upon the surety as prescribed in RCW 4.28.090.

Sec. 16. Section 8, chapter 280, Laws of 1985 and RCW 19.30.081 are each amended to read as follows:

Farm labor contractors may hold either a one-year license or a two-year license, at the director's discretion.

The one-year license shall run to and include the 31st day of December next following the date thereof unless sooner revoked by the director. A license may be renewed each year upon the payment of the annual license fee, but the director shall require that a new application ~~((and a renewed bond))~~ be submitted and that the contractor have a bond in full force and effect.

The two-year license shall run to and include the 31st day of December of the year following the year of issuance unless sooner revoked by the director. This license may be renewed every two years under the same terms as the one-year license, except that a farm labor contractor possessing a two-year license shall ~~((renew his or her bond each year))~~ have a bond in full force and effect, and file an application on which he or she shall disclose all information required by RCW 19.30.030 (1)(b), (4), and (7).

Sec. 17. Section 15, chapter 280, Laws of 1985 and RCW 19.30.160 are each amended to read as follows:

(1) In addition to any criminal penalty imposed under RCW 19.30.150, the director may assess against any person who violates this chapter, or any rule adopted under this chapter, a civil penalty of not more than one thousand dollars for each violation.

(2) The person shall be afforded the opportunity for a hearing, upon request to the director made within thirty days after the date of issuance of the notice of assessment. The hearing shall be conducted in accordance with chapter 34.04 RCW.

(3) If any person fails to pay an assessment after it has become a final and unappealable order, or after the court has entered final judgment in favor of the agency, the director shall refer the matter to the state attorney general, who shall recover the amount assessed by action

in the appropriate superior court. In such action, the validity and appropriateness of the final order imposing the penalty shall not be subject to review.

~~((4) Without regard to any other remedy otherwise provided in this chapter, the director may bring suit upon the surety bond filed by the farm labor contractor on behalf of any worker whose rights under this chapter have been violated by the contractor. Such action may be commenced in any court of competent jurisdiction. In any such action, the notice and service requirements set forth in RCW 19.30.170(3) shall be complied with.))~~

Sec. 18. Section 16, chapter 280, Laws of 1985 and RCW 19.30.170 are each amended to read as follows:

(1) After filing a notice of a claim with the director, in addition to any other penalty provided by law, any person aggrieved by a violation of this chapter or any rule adopted under this chapter may bring suit in any court of competent jurisdiction of the county in which the claim arose, or in which either the plaintiff or respondent resides, without regard to the amount in controversy and without regard to exhaustion of any alternative administrative remedies provided in this chapter. No such action may be commenced later than three years after the date of the violation giving rise to the right of action. In any such action the court may award to the prevailing party, in addition to costs and disbursements, reasonable attorney fees at trial and appeal.

(2) In any action under subsection (1) of this section, if the court finds that the respondent has violated this chapter or any rule adopted under this chapter, it may award damages up to and including an amount equal to the amount of actual damages, or statutory damages of five hundred dollars per plaintiff per violation, whichever is greater, or other equitable relief.

~~((3) Without regard to any other remedy otherwise provided in this chapter, any person having a claim against the farm labor contractor for any violation of this chapter may bring suit upon the surety bond or security deposit filed by the contractor pursuant to RCW 19.30.040; in any court of competent jurisdiction of the county in which the claim arose, or in which either the claimant or contractor resides. An action upon the bond or security deposit shall be commenced by serving and filing the complaint within three years from the date of expiration or cancellation of the bond, or in the case of a security deposit, within three years of the date of the expiration or revocation of the license. A copy of the complaint in any such action shall be served upon the director at the time of commencement of the action and the director shall maintain a record, available for public inspection, of all suits so commenced. Such service shall constitute service on the farm labor contractor and the surety for suit upon the bond and the director shall transmit the complaint or a copy thereof to the contractor at the address listed in his or her application and to the surety within forty-eight hours after it has been received. The surety upon the bond may, upon notice to the director and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims thereunder or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated. A claimant against the bond or security deposit shall be entitled to damages under subsection (2) of this section. If the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, the claims shall be satisfied from the bond in the following order:~~

~~(a) Wages, including employee benefits;~~

~~(b) Damages imposed under subsection (2) of this section;~~

~~(c) Any costs and attorney's fees claimant may be entitled to recover.~~

~~If any final judgment impairs the liability of the surety upon the bond so furnished so that there is not in effect a bond undertaking in the full amount prescribed by the director, the director shall suspend the license of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims has been furnished. If such bond becomes fully impaired, a new bond must be furnished.~~

~~If the farm labor contractor has filed other security with the director in lieu of a surety bond, any person having an unsatisfied final judgment against the contractor for any violation of this chapter may execute upon the security deposit held by the director by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the director. Upon the receipt of service of such certified copy, the director shall pay or order paid from the deposit, through the registry of the court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the director shall be the order of receipt by the director, but the director shall have no liability for payment in excess of the amount of the deposit.))~~

NEW SECTION. Sec. 19. A new section is added to chapter 19.30 RCW to read as follows:

(1) Any person, having a claim for wages pursuant to this act or RCW 49.52.050 et seq. may bring suit upon the surety bond or security deposit filed by the contractor pursuant to RCW 19.30.040, in any court of competent jurisdiction of the county in which the claim arose, or in which either the claimant or contractor resides: PROVIDED, That the right of action shall not be included in any suit or action against the farm labor contractor but must be exercised independently after first procuring a judgment, decree or other form of adequate proof of liability established after notice and hearing under RCW 19.30.160. The filing of such an action against the farm labor contractor tolls the three-year statute of limitations referred to in RCW 19.30.170.

(2) The right of action is assignable in the name of the director or any other person, and must be included with an assignment of a wage claim, any other appropriate claim, or of a judgment thereon.

(3) An action upon the bond or security deposit shall be commenced by serving and filing the complaint within three years from the date of expiration or cancellation of the bond, or in the case of a security deposit, within three years of the date of expiration or revocation of the license.

(4) A copy of the complaint in any such action shall be served upon the director at the time of commencement of the action and the director shall maintain a record, available for public inspection, of all suits so commenced. Such service shall constitute service on the farm labor contractor and the surety for suit upon the bond and the director shall transmit the complaint or a copy thereof to the contractor at the address listed in his or her application and to the surety within forty-eight hours after it has been received.

(5) The surety upon the bond may, upon notice to the director and the parties, tender to the clerk of the court having jurisdiction of the action an amount equal to the claims or the amount of the bond less the amount of judgments, if any, previously satisfied therefrom and to the extent of such tender the surety upon the bond shall be exonerated.

(6) If the actions commenced and pending at any one time exceed the amount of the bond then unimpaired, the claims shall be satisfied from the bond in the order that judgment was rendered.

(7) If any final judgment impairs the liability of the surety upon the bond so furnished so that there is not in effect a bond undertaking in the full amount prescribed by the director, the director shall suspend the license of such contractor until the bond liability in the required amount unimpaired by unsatisfied judgment claims has been furnished. If such bond becomes fully impaired, a new bond must be furnished.

(8) If the farm labor contractor has filed other security with the director in lieu of a surety bond, any person having an unsatisfied final judgment against the contractor for any violation of this chapter may execute upon the security deposit held by the director by serving a certified copy of the unsatisfied final judgment by registered or certified mail upon the director. Upon the receipt of service of such certified copy, the director shall pay or order paid from the deposit, through the registry of the court which rendered judgment, towards the amount of the unsatisfied judgment. The priority of payment by the director shall be the order of receipt by the director, but the director shall have no liability for payment in excess of the amount of the deposit.

NEW SECTION. Sec. 20. There is appropriated from the general fund to the department of labor and industries for the biennium ending June 30, 1987, the sum of forty-five thousand dollars, or so much thereof as may be necessary, to carry out the purposes of sections 1 through 14 of this act.

NEW SECTION. Sec. 21. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "contractors;" strike the remainder of the title and insert "amending RCW 18.27.020, 18.27.210, 18.27.230, 18.27.240, 18.27.250, 18.27.270, 18.27.300, 18.27.310, 18.27.320, 18.27.340, 18.27.110, 19.30.040, 19.30.081, 19.30.160, and 19.30.170; adding new sections to chapter 18.27 RCW; adding a new section to chapter 19.30 RCW; repealing RCW 18.27.330; prescribing penalties; making an appropriation; and declaring an emergency."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, Patrick, Sayan, Walker and J. Williams.

Absent: Representatives O'Brien and C. Smith.

Passed to Committee on Rules for second reading.

February 20, 1986

SSB 4741 Prime Sponsor, Committee on Natural Resources: Granting commercial fishing licenses to owners of vessels seized by a foreign government. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 75.30 RCW to read as follows:

The director of the department of fisheries shall waive the landing and other permit requirements under RCW 75.30.120 if such requirements were not fulfilled by the license holder due to procedures initiated by a foreign government.

This section shall expire on December 31, 1986."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "adding a new section to chapter 75.30 RCW; and providing an expiration date."

Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Belcher, Cole, Fuhrman, Hankins, Hargrove, Haugen, Leonard, Lundquist, McMullen, D. Nelson, Sayan, van Dyke and J. Williams.

Absent: Representatives Basich, Dobbs, Sanders, Thomas and S. Wilson.

Passed to Committee on Rules for second reading.

February 20, 1986

SB 4770 Prime Sponsor, Senator Hansen: Authorizing an irrigation district to defend employees, officers or agents in suits filed against them. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Ballard, Bristow, Brooks, Chandler, Doty, Madsen, Nealey and Peery.

Absent: Representatives Baugher, Vice Chair; Brooks and Kremen.

Passed to Committee on Rules for second reading.

February 20, 1986

SSB 4797 Prime Sponsor, Committee on Parks & Ecology: Requiring a report on the underground storage tank problem in Washington state. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 14 after "the" insert "appropriate standing committees of the"

Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Barnes, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Absent: Representatives Allen and Brekke.

Passed to Committee on Rules for second reading.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. J. King, SECOND SUBSTITUTE SENATE BILL NO. 3188 was referred from Committee on Rules to Committee on Ways & Means.

On motion of Mr. J. King, SUBSTITUTE SENATE BILL NO. 3948 was referred from Committee on Judiciary to Committee on Trade & Economic Development.

On motion of Mr. J. King, ENGROSSED SUBSTITUTE SENATE BILL NO. 4659 was referred from Committee on Judiciary to Committee on Ways & Means.

On motion of Mr. J. King, the rules were suspended to allow consideration of House Resolution No. 86-133.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-133, by Representatives Madsen and Kremen

WHEREAS, The Future Farmers of America, a national organization of nearly 500,000 young men and women in secondary vocational agriculture programs, provides leadership training for students planning to prepare for careers in the field of agriculture; and

WHEREAS, Future Farmers of America extends classroom learning through chapter activities that develop personal leadership skills needed for life as well as for participation in the work force; and

WHEREAS, The motto of the Future Farmers of America, "Learning to do, doing to learn; earning to live, living to serve," gives direction and purpose to these future leaders of agriculture; and

WHEREAS, Future Farmers of America performs a valuable service by developing leadership, encouraging cooperation, promoting good citizenship, teaching modern information and inspiring patriotism among its members; and

WHEREAS, The Washington State FFA Association, with its 8,000 members, is recognized as an outstanding student leadership organization with students in programs of production agriculture, forestry, fisheries, horticulture and agribusiness;

NOW, THEREFORE, BE IT RESOLVED, By the members of the House of Representatives, That the Future Farmers of America be commended for their service and dedication to students and for their work in developing personal character and leadership opportunities; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the Washington State Future Farmers of America Association.

On motion of Mr. Madsen, the resolution was adopted.

The Speaker declared the House to be at ease.

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

SENATE AMENDMENT TO HOUSE JOINT MEMORIAL

February 19, 1986

Mr. Speaker:

The Senate has passed HOUSE JOINT MEMORIAL NO. 26 with the following amendment:

On page 2, line 9 after "treaty" strike all material through "well" on line 11. and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Belcher moved that the House do concur in the Senate amendment to House Joint Memorial No. 26.

Mr. Barrett spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE JOINT MEMORIAL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Joint Memorial No. 26 as amended by the Senate.

Representatives Barnes and Isaacson opposed passage of the memorial, and Representatives Allen and Wineberry spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Memorial No. 26 as amended by the Senate, and the memorial passed the House by the following vote: Yeas, 65; nays, 31; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Belcher, Brekke, Bristow, Brough, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, McMullen, Miller, Nelson D, Nelson G, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Smith C, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Ballard, Barnes, Barrett, Baugher, Betzoff, Bond, Brooks, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Isaacson, Lewis, Lundquist, May, Nealey, Padden, Patrick, Prince, Sanders, Schoon, Silver, Smith L, Thomas, van Dyke, Van Luven, West, Williams B, Williams J - 31.

Excused: Representatives Braddock, Niemi - 2.

House Joint Memorial No. 26 as amended by the Senate, having received the constitutional majority, was declared passed.

MOTION

On motion of Mr. Appelwick, the House adjourned until 11:00 a.m., Monday, February 24, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FORTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, February 24, 1986

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative L. Smith, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard. Pages Debra Bruce and Andrea Norquist. Prayer was offered by Reverend Kim Fields of the United Churches of Olympia.

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

MESSAGE FROM THE SENATE

February 21, 1986

Mr. Speaker:

The Senate has passed:

SUBSTITUTE SENATE BILL NO. 4905,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

SSB 4905 by Committee on Transportation (originally sponsored by Senators Peterson and Patterson; by request of Governor)

Adopting the supplemental transportation budget.

On motion of Mr. J. King, the bill was referred to Committee on Transportation.

REPORTS OF STANDING COMMITTEES

February 20, 1986

ReESSB 3160 Prime Sponsor, Committee on Education: Providing for school employee suggestion awards. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8 after "efficiency" and before "economy" strike "," and insert "or"

On page 1, line 8 after "economy" and before "in" strike ", or academic excellence"

On page 1, line 15 after "award." insert "The award shall not be a regular or supplemental compensation program for all employees and the suggestion must, in fact, result in actual savings greater than the award amount."

On page 1, line 18 before the period strike "43.32 RCW" and insert "41.40 RCW"

Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betrozoff, Chandler, Cole, Fuhrman, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Walker and Wang.

Absent: Representatives Valle, Vice Chair and Taylor.

Passed to Committee on Rules for second reading.

February 20, 1986

ESSB 3228 Prime Sponsor, Committee on Human Services & Corrections: Changing language in the natural death act. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 112, Laws of 1979 and RCW 70.122.010 are each amended to read as follows:

The legislature finds that adult persons have the fundamental right to control the decisions relating to the rendering of their own ~~((medical))~~ health care, including the decision to have life-sustaining ~~((procedures))~~ treatment withheld or withdrawn in instances of a terminal condition.

The legislature further finds that modern medical technology has made possible the artificial prolongation of human life beyond natural limits.

The legislature further finds that, in the interest of protecting individual autonomy, such ~~((prolongation of life))~~ postponement of the moment of death for persons with a terminal condition may cause loss of patient dignity, and unnecessary pain and suffering, while providing nothing medically necessary or beneficial to the patient.

The legislature further finds that there exists considerable uncertainty in the medical and legal professions as to the legality of terminating the use or application of life-sustaining ~~((procedures))~~ treatment where the patient has voluntarily and in sound mind evidenced a desire that such ~~((procedures))~~ treatment be withheld or withdrawn.

In recognition of the dignity and privacy which patients have a right to expect, the legislature hereby declares that the laws of the state of Washington shall recognize the right of an adult person to make a written directive instructing such person's physician to withhold or withdraw life-sustaining ~~((procedures))~~ treatment in the event of a terminal condition.

The legislature further recognizes that a person in a terminal condition may not have executed such a written directive and that therefore there is a need to establish a means of authorizing the withholding or withdrawing of life-sustaining treatment in the absence of a written directive.

The legislature further recognizes that in the absence of controversy, the court is normally not the proper forum in which to make decisions regarding life-sustaining treatment.

To avoid needless suffering and loss of dignity and to avoid treatment that is not desired by a person in a terminal condition, the legislature declares this chapter to be in the interest of the public health and welfare.

NEW SECTION, Sec. 2. A new section is added to chapter 70.122 RCW to read as follows:

This chapter shall not be construed as providing the exclusive means by which individuals, their legal representatives or next of kin as identified in section 5(2) of this act, may make decisions regarding their health treatment nor limiting the means provided by existing case law.

Sec. 3. Section 3, chapter 112, Laws of 1979 and RCW 70.122.020 are each amended to read as follows:

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

(1) 'Attending physician' means the physician selected by, or assigned to, the patient who has primary responsibility for the treatment and care of the patient.

(2) 'Directive' means a written document voluntarily executed by the declarer in accordance with the requirements of RCW 70.122.030.

(3) 'Health facility' means a hospital as defined in RCW ~~((70.36.020(7) or))~~ 70.41.020(2), a nursing home as defined in RCW ~~((70.36.020(8)))~~ 18.51.010, or a home health agency or hospice agency as defined in RCW 70.126.010.

(4) 'Life-sustaining ~~((procedure))~~ treatment' means any medical or surgical ~~((procedure or intervention which utilizes mechanical or other))~~ care that uses artificial means to sustain, restore, or ((supplant)) replace a vital function, which, when applied to a qualified patient, would serve only to ((artificially prolong)) postpone the moment of death ((and where, in the judgment of the attending physician, death is imminent whether or not such procedures are utilized)). 'Life-sustaining ~~((procedure))~~ treatment' shall not include the administration of medication or the performance of any medical ~~((procedure))~~ or surgical care or the provision of nutrition and hydration for comfort care deemed necessary to alleviate pain.

(5) 'Physician' means a person licensed under chapters 18.71 or 18.57 RCW.

(6) 'Qualified patient' means a patient diagnosed and certified in writing to be afflicted with a terminal condition by two physicians one of whom shall be the attending physician, who have personally examined the patient.

(7) 'Terminal condition' means ~~((an incurable))~~ a condition caused by injury, disease, or illness, ((which, regardless of the application of life-sustaining procedures, would)) that, within reasonable medical judgment, ((produce)) is incurable and will cause death, and where the application of life-sustaining ((procedures)) treatment serves only to postpone the moment of death ((of the patient)).

(8) 'Adult person' means a person ~~((attaining))~~ who has attained the age of majority as defined in RCW 26.28.010 and 26.28.015.

Sec. 4. Section 4, chapter 112, Laws of 1979 and RCW 70.122.030 are each amended to read as follows:

(1) Any adult person may execute a directive directing the withholding or withdrawal of life-sustaining ~~((procedures))~~ treatment in a terminal condition. The directive shall be signed by the declarer in the presence of two witnesses not related to the declarer by blood or marriage and who would not be entitled to any portion of the estate of the declarer upon

declarer's decease under any will of the declarer or codicil thereto then existing or, at the time of the directive, by operation of law then existing. In addition, a witness to a directive shall not be the attending physician, an employee of the attending physician or a health facility in which the declarer is a patient, or any person who has a claim against any portion of the estate of the declarer upon declarer's decease at the time of the execution of the directive. The directive, or a copy thereof, shall be made part of the patient's medical records retained by the attending physician, a copy of which shall be forwarded to the health facility upon ~~((the withdrawal of life-sustaining procedures))~~ admission. The directive shall be essentially in the following form, but in addition may include other specific directions:

DIRECTIVE TO PHYSICIANS

Directive made this _____ day of _____ (month, year).

I _____, being of sound mind, wilfully, and voluntarily make known my desire that my life shall not be artificially prolonged and that I be permitted to die naturally under the circumstances set forth below, and do hereby declare that:

(a) If at any time I should have an incurable injury, disease, or illness certified to be a terminal condition by two physicians, and where the application of life-sustaining ~~((procedures))~~ treatment would serve only to artificially ~~((prolong))~~ postpone the moment of my death ~~((and where my physician determines that my death is imminent whether or not life-sustaining procedures are utilized))~~, I direct that such ~~((procedures))~~ treatment, including but not limited to a respirator, antibiotics, cardiopulmonary resuscitation, and dialysis, be withheld or withdrawn ~~((and that I be permitted to die naturally))~~.

(b) In the absence of my ability to give directions regarding the use of such life-sustaining ~~((procedures))~~ treatment, it is my intention that this directive shall be honored by my family and physician(s) as the final expression of my legal right to refuse medical or surgical ~~((treatment))~~ care and I accept the consequences ~~((from))~~ of such refusal.

(c) If I have been diagnosed as pregnant and that diagnosis is known to my physician, this directive shall have no force or effect during the course of my pregnancy.

(d) I understand the full import of this directive and I am emotionally and mentally competent to make this directive.

(e) I understand that I can add or delete from or otherwise change the wording of this directive before I sign it, and that I may amend or revoke this directive at any time.

Signed _____

City, County, and State of Residence _____

The declarer has been personally known to me and I believe him or her to be of sound mind.

Witness _____

Witness _____

(2) Prior to effectuating a directive the diagnosis of a terminal condition, including a detailed description of the diagnostic criteria used, by two physicians shall be ~~((verified))~~ entered in writing, attached to the directive, and made a permanent part of the patient's medical records.

NEW SECTION, Sec. 5. A new section is added to chapter 70.122 RCW to read as follows:

(1) Life-sustaining treatment as defined in RCW 70.122.020 that would otherwise be applied to a qualified patient may be withheld or withdrawn according to subsections (2), (3), and (4) of this section if:

(a) The qualified patient is incapable of expressing his or her wishes as to the withholding or withdrawal of life-sustaining treatment;

(b) It is determined by the attending physician that the qualified patient has a terminal condition as defined in RCW 70.122.020(7); and

(c) There is certification in writing of such qualified patient's terminal condition by at least one additional physician with relevant qualifications, consulting specifically to assess the terminal condition after having personally examined the patient.

(2) If a qualified patient's condition has been determined to meet the conditions set forth in subsection (1) of this section and no directive has been executed according to RCW 70.122.030, life-sustaining treatment may be withheld or withdrawn upon the direction and under the supervision of the attending physician after the physician has obtained authorization from a member of one of the following classes of persons in the following order of priority:

(a) The appointed guardian of the qualified patient, if any;

(b) The individual, if any, to whom the qualified patient has given a durable power of attorney that encompasses the authority to make health care decisions pursuant to section 12 of this act;

(c) The qualified patient's spouse;

(d) Children of the qualified patient who are at least eighteen years of age;

(e) Parents of the qualified patient;

(f) Adult brother(s) and sister(s) of the qualified patient.

If the physician seeking authority to withhold or withdraw life-sustaining treatment from a qualified patient makes reasonable efforts to locate and secure authorization from a competent person in the first or succeeding class and finds no such person available, authorization may

be given by any person in the next class in the order of descending priority. However, no person under this section shall have the power to authorize the withholding or withdrawal of life-sustaining treatment from a qualified patient, (i) if a person of higher priority under this section has refused to give such authorization, or (ii) if there are two or more individuals in the same class and the decision is not unanimous among all available members of that class.

(3) Before any person described in subsection (2) of this section authorizes the physician to withhold or withdraw life-sustaining treatment from a qualified patient, he or she must first determine in good faith that the qualified patient, if competent, would choose to forego life-sustaining treatment. If such a determination cannot be made, the decision to authorize the physician to withhold or withdraw life-sustaining treatment may be made only after determining that foregoing life-sustaining treatment is in the qualified patient's best interests.

(4) If none of the persons described in subsection (2) of this section are available, then life-sustaining treatment may be withheld or withdrawn from a qualified patient upon the direction and under the supervision of the attending physician only after the attending physician determines in good faith that the conditions set forth in subsections (1) and (3) of this section have been met.

Sec. 6. Section 6, chapter 112, Laws of 1979 and RCW 70.122.050 are each amended to read as follows:

No physician or health facility ~~((which)) that~~, acting in good faith in accordance with the requirements of this chapter, ~~((causes the withholding or withdrawal of))~~ withholds or withdraws life-sustaining ((procedures)) treatment from a qualified patient, shall be subject to civil liability ((therefrom)) unless otherwise negligent. No ~~((licensed))~~ health personnel, acting under the direction of a physician, who participates in good faith in the withholding or withdrawal of life-sustaining ~~((procedures))~~ treatment in accordance with the provisions of this chapter shall be subject to any civil liability unless otherwise negligent. No physician, or health facility or its agents, or ((licensed)) health personnel acting under the direction of a physician, who participates in good faith in the withholding or withdrawal of life-sustaining ~~((procedures))~~ treatment in accordance with the provisions of this chapter shall be guilty of any criminal act or of unprofessional conduct.

Sec. 7. Section 7, chapter 112, Laws of 1979 and RCW 70.122.060 are each amended to read as follows:

(1) Prior to ~~((effectuating a))~~ the withholding or withdrawal of life-sustaining ((procedures)) treatment from a qualified patient pursuant to the directive, the attending physician shall make a reasonable effort to determine that the directive complies with RCW 70.122.030 and, if the patient is mentally competent, that the directive and all steps proposed by the attending physician to be undertaken are currently in accord with the desires of the qualified patient.

(2) The directive shall be conclusively presumed, unless revoked, to be the directions of the patient regarding the withholding or withdrawal of life-sustaining ~~((procedures))~~ treatment. No physician, and no ~~((licensed))~~ health personnel acting in good faith under the direction of a physician, shall be criminally or civilly liable for failing to effectuate the directive of the qualified patient pursuant to this subsection. ~~((If the physician refuses to effectuate the directive, such physician shall make a good faith effort to transfer the qualified patient to another physician who will effectuate the directive of the qualified patient.))~~ An attending physician, health care provider, or health facility that chooses not to comply with the directive shall as promptly as practicable take all reasonable steps to transfer care of the qualified patient to another physician, health care provider, or health care facility. Such physician or health care provider shall not be subject to discrimination, disciplinary action, or harassment of any kind from his or her employer for the exercise of that choice.

Sec. 8. Section 8, chapter 112, Laws of 1979 and RCW 70.122.070 are each amended to read as follows:

(1) The withholding or withdrawal of life-sustaining ~~((procedures))~~ treatment from a qualified patient pursuant to the patient's directive in accordance with the provisions of this chapter shall not, for any purpose, constitute a suicide.

(2) The making of a directive pursuant to RCW 70.122.030 shall not restrict, inhibit, or impair in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining ~~((procedures))~~ treatment from an insured qualified patient, notwithstanding any term of the policy to the contrary.

(3) No physician, health facility, or other health provider, and no health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital service plan, shall require any person to execute a directive as a condition for being insured for, or receiving, health care services.

Sec. 9. Section 10, chapter 112, Laws of 1979 and RCW 70.122.080 are each amended to read as follows:

The act of withholding or withdrawing life-sustaining ~~((procedures))~~ treatment from a qualified patient, when done pursuant to a directive described in RCW 70.122.030 ((and which causes the death of the decedent)) or the procedures authorized in this chapter, shall not be

construed to be an intervening force or to affect the chain of proximate cause between the conduct of ~~((any person))~~ anyone that placed the declarer in a terminal condition and the death of the declarer.

Sec. 10. Section 9, chapter 112, Laws of 1979 and RCW 70.122.090 are each amended to read as follows:

Any person who wilfully conceals, cancels, defaces, obliterates, or damages the directive of another without such declarer's consent shall be guilty of a gross misdemeanor. Any person who falsifies or forges the directive of another, or wilfully conceals or withholds personal knowledge of a revocation as provided in RCW 70.122.040 with the intent to cause a withholding or withdrawal of life-sustaining ~~((procedures))~~ treatment contrary to the wishes of the declarer, and thereby, because of any such act, directly causes life-sustaining ~~((procedures))~~ treatment to be withheld or withdrawn and death to thereby be hastened, shall be subject to prosecution for murder in the first degree as defined in RCW 9A.32.030.

NEW SECTION. Sec. 11. A new section is added to chapter 70.122 RCW to read as follows:

This chapter shall not be construed as requiring a physician, registered nurse, or licensed practical nurse to provide futile treatment. A physician licensed under chapter 18.71 RCW, an osteopathic physician licensed under chapter 18.57 RCW, or a registered nurse licensed under chapter 18.88 RCW may make the determination and pronouncement of death.

NEW SECTION. Sec. 12. A new section is added to chapter 11.94 RCW to read as follows:

(1) A principal may empower his or her attorney-in-fact to make health care decisions on the principal's behalf, without limiting the powers otherwise granted by this durable power of attorney, by inclusion of the following words, or of other language showing a similar intent: 'This durable power of attorney includes but is not limited to authorization: (a) To consent to medical and surgical care and nontreatment; (b) to consent to the withholding or withdrawal of life-sustaining treatment; (c) to consent to the admission to a medical, nursing, residential, or a similar facility; and (d) to enter into agreements for my care.' The principal's physicians, the employees of such physicians, or the owners, administrators, or employees of the health facility in which the principal resides, may not act as attorneys-in-fact for the principal unless related to the principal by marriage or family ties.

(2) The authorization in subsection (1) of this section to consent to the withholding or withdrawal of life-sustaining treatment may be exercised only following the unanimous concurrence of the principal's attending physician and at least one other physician, after having personally examined the principal, that the principal has a terminal condition as defined in RCW 70.122.020(7).

(3) The authorization given the attorney-in-fact under this section shall not include the following:

- (a) Therapy or other procedure given for the purpose of inducing convulsion;
- (b) Surgery solely for the purpose of psychosurgery;
- (c) Commitment to or placement in a mental health treatment facility, except pursuant to the provisions of chapter 71.05 RCW;
- (d) Sterilization.

NEW SECTION. Sec. 13. A new section is added to chapter 11.94 RCW to read as follows:

Nothing in this chapter shall be construed to condone, authorize, or approve mercy killing, or to permit any affirmative or deliberate act or omission to end life other than the withholding or withdrawal of life-sustaining treatment pursuant to a durable power of attorney for health care so as to permit the natural process of dying.

NEW SECTION. Sec. 14. A new section is added to chapter 11.94 RCW to read as follows:

The durable power of attorney provided for under this chapter shall continue in effect until revoked or terminated by the principal, by a court-appointed guardian, or by court order.

NEW SECTION. Sec. 15. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Braddock, Brooks, Dellwo, Leonard, Lewis, Lux, Scott and Winsley.

Voting nay: Representatives Ballard, Bond, Dobbs and Padden.

Absent: Representatives Tanner and West.

Passed to Committee on Rules for second reading.

February 20, 1986

SB 3336 Prime Sponsor, Senator Moore: Authorizing hotels to sell liquor by the bottle to registered guests. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19 strike "hotel" and insert "registered"

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

***NEW SECTION.** Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on May 1, 1986.*

On page 1, line 3 of the title after "RCW 66.24.400" strike the period and insert "declaring an emergency; and providing an effective date."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, Walker and J. Williams.

Absent: Representative C. Smith.

Passed to Committee on Rules for second reading.

February 21, 1986

SSB 4425 Prime Sponsor, Committee on Agriculture: Exempting livestock sold for personal consumption from sales and use tax. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Bristow, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

Absent: Representative Ballard.

Referred to Committee on Ways & Means.

February 20, 1986

SSB 4455 Prime Sponsor, Committee on Human Services & Corrections: Authorizing organ donation advisement procedures in state hospitals. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 14 after "an" insert "established eye bank, tissue bank, or organ procurement agency including those organ procurement agencies associated with a national organ procurement transportation network or other"

On page 1, beginning on line 20 after the period strike all language through the period on line 23.

Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Lux, Padden, Scott, Tanner and Winsley.

Absent: Representatives Bond and West.

Passed to Committee on Rules for second reading.

February 21, 1986

SB 4470 Prime Sponsor, Senator Thompson: Prohibiting use of public facilities to influence initiatives to the legislature. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 19, chapter 1, Laws of 1973 as last amended by section 1, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.190 are each amended to read as follows:

(1) Every legislator and every committee of the legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation or enactment of legislation or the performance of legislative duties of such legislator or committee during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter: PROVIDED, That the information required by this subsection may be supplied, insofar as it is available, by the chief clerk of the house of representatives or by the secretary of the senate on a form prepared by the commission.

(2) Unless authorized by subsection (3) of this section or otherwise expressly authorized by law, no public funds may be used directly or indirectly for lobbying: PROVIDED, This does not prevent officers or employees of an agency from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, That this subsection does not apply to the legislative branch.

(3) Any agency, not otherwise expressly authorized by law, may expend public funds for lobbying, but such lobbying activity shall be limited to (a) providing information or communicating on matters pertaining to official agency business to any elected official or officer or employee of any agency or (b) advocating the official position or interests of the agency to any elected official or officer or employee of any agency: PROVIDED, That public funds may not be expended as a direct or indirect gift or campaign contribution to any elected official or officer or employee of any agency. For the purposes of this subsection, the term 'gift' means a voluntary transfer of any thing of value without consideration of equal or greater value, but does not include informational material transferred for the sole purpose of informing the recipient about matters pertaining to official agency business: PROVIDED FURTHER, That this section does not permit the printing of a state publication which has been otherwise prohibited by law.

(4) No elective official or any employee of his or her office or any person appointed to or employed by any public office or agency may use or authorize the use of any of the facilities of a public office or agency, directly or indirectly, in any effort to support or oppose an initiative to the legislature. 'Facilities of a public office or agency' has the same meaning as in RCW 42.17.130. The provisions of this subsection shall not apply to the following activities:

(a) Action taken at an open public meeting by members of an elected legislative body to express a collective decision, or to actually vote upon a motion, proposal, resolution, order, or ordinance, or to support or oppose an initiative to the legislature so long as (i) any required notice of the meeting includes the title and number of the initiative to the legislature, and (ii) members of the legislative body or members of the public are afforded an approximately equal opportunity for the expression of an opposing view;

(b) A statement by an elected official in support of or in opposition to any initiative to the legislature at an open press conference or in response to a specific inquiry;

(c) Activities which are part of the normal and regular conduct of the office or agency.

(5) Each state agency, county, city, town, municipal corporation, quasi-municipal corporation, or special purpose district which expends public funds for lobbying shall file with the commission, except as exempted by ~~((subsection (4)))~~ (d) of this ~~((section))~~ subsection, quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each elected official, officer, or employee who lobbied, a general description of the nature of the lobbying, and the proportionate amount of time spent on the lobbying;

(c) A listing of expenditures incurred by the agency for lobbying including but not limited to travel, consultant or other special contractual services, and brochures and other publications, the principal purpose of which is to influence legislation;

(d) For purposes of this subsection ~~((4) of this section)~~ the term 'lobbying' does not include:

(i) Requests for appropriations by a state agency to the office of financial management pursuant to chapter 43.88 RCW nor requests by the office of financial management to the legislature for appropriations other than its own agency budget requests;

(ii) Recommendations or reports to the legislature in response to a legislative request expressly requesting or directing a specific study, recommendation, or report by an agency on a particular subject;

(iii) Official reports including recommendations submitted to the legislature on an annual or biennial basis by a state agency as required by law;

(iv) Requests, recommendations, or other communication between or within state agencies or between or within local agencies;

(v) Any other lobbying to the extent that it includes:

(A) Telephone conversations or preparation of written correspondence;

(B) In-person lobbying on behalf of an agency of no more than four days or parts thereof during any three-month period by officers or employees of that agency and in-person lobbying by any elected official of such agency on behalf of such agency or in connection with the powers, duties, or compensation of such official: PROVIDED, That the total expenditures of non-public funds made in connection with such lobbying for or on behalf of any one or more members of the legislature or state elected officials or public officers or employees of the state of Washington do not exceed fifteen dollars for any three-month period: PROVIDED FURTHER, That the exemption under this subsection is in addition to the exemption provided in (A) of this subsection;

(C) Preparation or adoption of policy positions.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within one month after the end of the quarter covered by the report.

~~((5))~~ (6) In lieu of reporting under subsection ~~((4))~~ (5) of this section any county, city, town, municipal corporation, quasi municipal corporation, or special purpose district may determine and so notify the public disclosure commission, that elected officials, officers, or employees who on behalf of any such local agency engage in lobbying reportable under subsection ~~((4))~~ (5) of this section shall register and report such reportable lobbying in the same manner as a lobbyist who is required to register and report under RCW 42.17.150 and

42.17.170. Each such local agency shall report as a lobbyist employer pursuant to RCW 42.17.180.

((4)) (7) The provisions of this section do not relieve any elected official or officer or employee of an agency from complying with other provisions of this chapter, if such elected official, officer, or employee is not otherwise exempted.

((7)) (8) The purpose of this section is to require each state agency and certain local agencies to report the identities of those persons who lobby on behalf of the agency for compensation, together with certain separately identifiable and measurable expenditures of an agency's funds for that purpose. This section shall be reasonably construed to accomplish that purpose and not to require any agency to report any of its general overhead cost or any other costs which relate only indirectly or incidentally to lobbying or which are equally attributable to or inseparable from nonlobbying activities of the agency.

The public disclosure commission may adopt ((regulations)) rules clarifying and implementing this legislative interpretation and policy.*

Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Day, Madsen, Miller, Nealey, Sommers and Walker.

Absent: Representatives Fisch and Nealey.

Passed to Committee on Rules for second reading.

February 19, 1986

SB 4512 Prime Sponsor, Senator Peterson: Allowing identicards to expire on the holder's birthdate. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Betzoff, Bond, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, K. Wilson and Zellinsky.

Absent: Representatives Brough, McMullen, Van Luven and J. Williams.

Passed to Committee on Rules for second reading.

February 20, 1986

SB 4538 Prime Sponsor, Senator Warnke: Establishing a wine grower's license for sale of wine. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment: On page 1, beginning on line 20 strike all material through the end of line 22.

Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, Walker and J. Williams.

Absent: Representative C. Smith.

Passed to Committee on Rules for second reading.

February 21, 1986

SB 4593 Prime Sponsor, Senator Moore: Establishing provisions relating to the deposit of public funds. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Addison, Barrett, Crane, Dellwo, Holland, Nutley, Prince and Winsley.

Absent: Representatives Grimm, P. King, Locke and West.

Passed to Committee on Rules for second reading.

February 20, 1986

ESB 4609 Prime Sponsor, Senator Halsan: Allowing county rail districts to be established by petition of the voters. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments: On page 2, after line 10, insert the following:

*NEW SECTION. Sec. 6. The legislature recognizes the usefulness of county railroad districts and further recognizes that such county railroad districts can provide valuable public service as public utility and transportation corridors pursuant to the provisions and limitations of RCW 64.04.190 and section 8 of this act.

Sec. 7. Section 23, chapter 143, Laws of 1984 and RCW 64.04.190 are each amended to read as follows:

(1) Public utility and transportation corridors are railroad properties (a) on which railroad operations have ceased; (b) that have been found suitable for public use by an order of the Interstate Commerce Commission of the United States; and (c) that have been acquired by purchase, lease, donation, exchange, or other agreement by the state, one of its political subdivisions, or a public utility.

(2) A public utility and transportation corridor retains its public use character as long as it is owned by a public agency or utility (~~(-- A public utility and transportation corridor)) and is acquired by the public agency or utility after June 6, 1984, and before the effective date of this act, and therefore is not subject to reversion, taking by adverse possession, or any similar property interests ripening on the cessation of railroad operations.~~

NEW SECTION. Sec. 8. The amendment of RCW 64.04.190 by section 7 of this act does not extinguish, alter, or otherwise affect any property interest in or right to use a public utility and transportation corridor (as that term was defined in section 23, chapter 143, Laws of 1984) that was vested in a public utility as of the effective date of this act, nor does the amendment of RCW 64.04.190 by section 7 of this act affect in any manner the common law relating to such corridors."

Re-number the sections following consecutively.

On line 1 of the title, after "districts;" insert "amending RCW 64.04.190;"

On line 2 of the title, after "RCW;" insert "creating new sections;"

Signed by Representatives Walk, Chair; Baugher, Betrozoff, Bond, Fisch, Fisher, Gallagher, Hankins, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Wineberry, Vice Chair; Bond, Brough, Haugen, McMullen and Tanner.

Passed to Committee on Rules for second reading.

February 19, 1986

SB 4617 Prime Sponsor, Senator Peterson: Permitting waiver of the drivers' examination for an instruction permit. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Betrozoff, Bond, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, Patrick, Prince, C. Smith, Sutherland, Thomas, Valle, K. Wilson and Zellinsky.

Voting nay: Representatives Schmidt and Tanner.

Absent: Representatives Brough, McMullen, Van Luven and J. Williams.

Passed to Committee on Rules for second reading.

February 20, 1986

SSB 4618 Prime Sponsor, Committee on Transportation: Revising the International Registration Plan. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Bond, Fisch, Fisher, Gallagher, Hankins, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Bond, Brough, Haugen and Tanner.

Passed to Committee on Rules for second reading.

February 20, 1986

SSB 4629 Prime Sponsor, Committee on Human Services & Corrections: Reauthorizing the examining board of psychology. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Armstrong, Ballard, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Padden, Scott, Tanner and Winsley.

Absent: Representatives Day, Vice Chair; Bond, Dobbs, Lux, Tanner and West.

Passed to Committee on Rules for second reading.

February 20, 1986

SSB 4665 Prime Sponsor, Committee on Financial Institutions & Insurance: Allowing treasurers to deposit public funds in institutions outside the state of Washington. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 8, chapter 193, Laws of 1969 ex. sess. as last amended by section 14, chapter 177, Laws of 1984 and RCW 39.58.080 are each amended to read as follows:

Except for funds deposited pursuant to a fiscal agency contract with the state fiscal agent or its correspondent bank, no public funds shall be deposited in demand or investment deposits except in a qualified public depository located in this state or as otherwise expressly permitted by statute; PROVIDED, That the commission, upon good cause shown, may authorize a treasurer to maintain a demand deposit account with a banking institution located outside the state of Washington solely for the purpose of transmitting money received to financial institutions in the state of Washington for deposit for such time and upon such terms and conditions as the commission deems appropriate.

NEW SECTION. Sec. 2. A new section is added to chapter 39.58 RCW to read as follows:

With the written approval of the commission, state and local governmental entities may establish demand accounts in out-of-state and alien banks in an aggregate amount not to exceed one million dollars. No single governmental entity shall be authorized to hold more than fifty thousand dollars in one demand account.

The governmental entities establishing such demand accounts shall be solely responsible for their proper and prudent management and shall bear total responsibility for any losses incurred by such accounts. Accounts established under the provisions of this section shall not be considered insured by the commission.

The state auditor shall annually monitor compliance with this section and the financial status of such demand accounts and report the findings to the appropriate committee of the legislature."

On page 1, line 1 of the title, after "funds;" strike the remainder of the title and insert "amending RCW 39.58.080; and adding a new section to chapter 39.58 RCW."

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Locke, Nutley and Winsley.

Absent: Representatives Grimm, P. King, West and Winsley.

Passed to Committee on Rules for second reading.

February 20, 1986

ESSB 4724 Prime Sponsor, Committee on Ways & Means: Adopting the Washington award for excellence in education program act. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 24 after "from" and before "the" on page 1, line 25 strike "each congressional district of"

On page 1, line 26 after "from" and before "the" on page 1, line 27 strike "each congressional district of"

On page 1, line 28 after "teachers" and before "three" strike the comma and insert "and"

On page 1, line 28 after "principals" and before "one" strike the comma and insert "from each congressional district and"

On page 2, line 1 after "superintendent" and before "and" strike the comma

On page 2, line 1 after "from" and before "the" on page 2, line 2 strike "each congressional district of"

On page 3, line 8 strike "superintendents and school boards" and insert "superintendent and school board"

On page 3, line 13 strike "superintendents" and insert "superintendent"

On page 3, line 16 strike "boards" and insert "board"

On page 4, line 17 strike "Superintendents and school boards" and insert "The superintendent and school board"

Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betrozoff, Cole, P. King, Long, Peery, Rayburn, Rust, L. Smith, Taylor, Todd, Walker and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Fuhrman, Holland and Schoon.

Absent: Representative Valle, Vice Chair.

Referred to Committee on Ways & Means.

February 20, 1986

SB 4747 Prime Sponsor, Senator Garrett: Updating the Model Traffic Ordinance. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Bond, Fisch, Fisher, Gallagher, Hankins, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Bond, Brough, Haugen and Tanner.

Passed to Committee on Rules for second reading.

February 20, 1986

SSB 4757 Prime Sponsor, Committee on Transportation: Granting vehicle licensing reciprocity to Indian tribes. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betzoff, Bond, Fisch, Fisher, Gallagher, Hankins, Kremen, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Thomas, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Voting nay: Representative Lundquist.

Absent: Representatives Bond, Brough, Haugen and Tanner.

Passed to Committee on Rules for second reading.

February 21, 1986

SSB 4769 Prime Sponsor, Committee on Agriculture: Revising the excise taxation of feed. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of feed consumed by livestock at a public livestock market.

NEW SECTION. Sec. 2. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of feed consumed by livestock at a public livestock market."

Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Bristow, Brooks, Chandler, Doty, Kremen, Madsen, and Peery.

Absent: Representative Ballard.

Referred to Committee on Ways & Means.

February 21, 1986

SSB 4990 Prime Sponsor, Committee on Parks & Ecology: Regulating river running. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of this chapter is to further the public interest, welfare, and safety by providing for the protection and promotion of safety in the operation of watercraft on the rivers of this state.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Watercraft' means every type of watercraft used as a means of transportation on a river, including but not limited to power boats, drift boats, open canoes, rafts, decked canoes, and kayaks.

(2) 'Carrying passengers for hire' means carrying passengers by watercraft for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator, or other person having an interest in the watercraft. This shall not affect trips where expenses

for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment shall be considered to be carrying passengers for hire. Individuals licensed under chapter 77.32 RCW and acting as a fishing guide are exempt from this chapter.

(3) 'Operate' means to navigate or otherwise use a watercraft.

(4) 'Operator' means any person operating the watercraft or performing the duties of a pilot or guide for one or more watercraft in a group.

(5) 'Passenger' means every person on board a watercraft who is not an operator.

(6) 'Rivers of the state' means those rivers and streams, or parts thereof, within the boundaries of this state.

NEW SECTION. Sec. 3. The owner and operator of a watercraft shall be jointly and severally liable for any injury or damage caused by the operation of a watercraft in violation of this chapter. There shall be a presumption that the watercraft is being operated with the knowledge and consent of the owner if, at the time of injury or damage, the watercraft is under the control of the owner, the owner's spouse, parent, sibling, offspring, or other member of the owner's immediate family.

NEW SECTION. Sec. 4. (1) No person may operate any watercraft in a manner that interferes with other watercraft or with the free and proper navigation of the rivers of this state.

(2) Every operator of a watercraft shall at all times operate the watercraft in a careful and prudent manner and at such a speed as to not endanger the life, limb, or property of any person.

(3) No watercraft may be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration the type and construction of the watercraft and other existing operating conditions. In the case of inflatable rafts, safe carrying capacity in whitewater shall be considered as less than the United States Coast Guard capacity rating for each watercraft. This subsection shall not apply in cases of an unexpected emergency on the river.

NEW SECTION. Sec. 5. (1) Watercraft proceeding downstream have the right of way over watercraft proceeding upstream.

(2) In all cases, watercraft not under power have the right of way over motorized craft underway.

NEW SECTION. Sec. 6. (1) No person may operate on the rivers of this state a watercraft carrying passengers for hire unless the person has been issued a valid Red Cross standard first aid card or at least its equivalent.

(2) This section does not apply to a person operating a watercraft on the navigable waters of the United States in this state and who is licensed by the United States Coast Guard for the type of watercraft being operated.

NEW SECTION. Sec. 7. While carrying passengers for hire on whitewater river sections in this state, the operator and owner shall:

(1) If using inflatable boats, use only boats with three or more separate air chambers;

(2) Ensure that all passengers and operators are wearing a securely fastened United States Coast Guard approved type III or type V life jacket in good condition;

(3) Ensure that each watercraft has on it a spare type III or type V life jacket in good repair;

(4) Ensure that each watercraft has on it a bagged throwable line with a floating line and bag;

(5) Ensure that each watercraft has on it an adequate first-aid kit;

(6) Ensure that each watercraft has a spare propelling device;

(7) Ensure that a repair kit and air pump are accessible to inflatable watercraft; and

(8) Ensure that equipment to prevent and treat hypothermia is accessible to all watercraft on a trip.

NEW SECTION. Sec. 8. (1) Boat operators and passengers on any trip carrying passengers for hire shall refrain from the use of alcohol during the course of a trip on a whitewater river section in this state.

(2) Any boat carrying passengers for hire on any whitewater river section in this state must be accompanied by at least one other watercraft under the supervision of the same operator or owner.

NEW SECTION. Sec. 9. Whitewater river sections include but are not limited to:

(1) Green river above Flaming Geyser state park;

(2) Klickitat river above the confluence with Summit creek;

(3) Methow river below the town of Carlton;

(4) Sauk river above the town of Darrington;

(5) Skagit river above Bacon creek;

(6) Suiattle river;

(7) Tieton river below Rimrock dam;

(8) Skykomish river below Sunset Falls and above the Highway 2 bridge one mile east of the town of Gold Bar;

(9) Wenatchee river above the Wenatchee county park at the town of Monitor;

(10) White Salmon river; and

(11) Any other section of river designated a 'whitewater river section' by the interagency committee for outdoor recreation. Such river sections shall be class two or greater difficulty under the international scale of whitewater difficulty.

NEW SECTION, Sec. 10. (1) When, as a result of an occurrence that involves a watercraft or its equipment, a person dies or disappears from a watercraft, the operator shall notify the nearest sheriff's department, state patrol office, coast guard station, or other law enforcement agency of:

- (a) The date, time, and exact location of the occurrence;
- (b) The name of each person who died or disappeared;
- (c) A description of the watercraft; and
- (d) The names and addresses of the owner and operator.

(2) When the operator of a boat cannot give the notice required by subsection (1) of this section, each person on board the boat shall either give the notice or determine that the notice has been given.

NEW SECTION, Sec. 11. (1) Every peace officer of this state and its political subdivisions has the authority to enforce this chapter. Wildlife agents of the department of game and fisheries patrol officers of the department of fisheries, through their directors, the state patrol, through its chief, county sheriffs, and other local law enforcement bodies, shall assist in the enforcement. In the exercise of this responsibility, all such officers may stop any watercraft and direct it to a suitable pier or anchorage for boarding.

(2) A person, while operating a watercraft on any waters of this state, shall not knowingly flee or attempt to elude a law enforcement officer after having received a signal from the law enforcement officer to bring the boat to a stop.

(3) This chapter shall be construed to supplement federal laws and regulations. To the extent this chapter is inconsistent with federal laws and regulations, the federal laws and regulations shall control.

NEW SECTION, Sec. 12. (1) Any person carrying passengers for hire on whitewater river sections in this state shall register with the department of licensing. Each registration application shall be submitted annually on a form provided by the department of licensing and shall include the following information:

(a) The name, residence address, and residence telephone number, and the business name, address, and telephone number of the registrant or the registrant's employees who carry passengers for hire;

(b) Proof that the registrant has liability insurance for a minimum of three hundred thousand dollars per claim for occurrences by the registrant and the registrant's employees that result in bodily injury or property damage; and

(c) Certification that the registrant will maintain the insurance for a period of not less than one year from the date of registration.

(2) The department of licensing shall charge a fee for each application, to be set in accordance with RCW 43.24.086.

(3) An operator working under the direction, supervision, or control of a registrant shall not be required to register under this section.

(4) The failure to register as required under this section shall constitute a gross misdemeanor, punishable under RCW 9A.20.021.

(5) The department of licensing shall submit annually a list of registered persons and companies to the department of trade and economic development, tourism promotion division.

(6) If an insurance company cancels or refuses to renew insurance for a registrant during the period of registration, the insurance company shall notify the department of licensing in writing of the termination of coverage and its effective date not less than thirty days before the effective date of termination.

(a) Upon receipt of an insurance company termination notice, the department of licensing shall send written notice to the registrant that on the effective date of termination the department of licensing will suspend the registration unless proof of insurance as required by this section is filed with the department of licensing before the effective date of the termination.

(b) If an insurance company fails to give notice of coverage termination, this failure shall not have the effect of continuing the coverage.

(c) The department of licensing may suspend or revoke registration under this section if the registrant fails to maintain in full force and effect the insurance required by section 12 of this act.

(7) The state of Washington shall be immune from any civil action arising from a registration under this section.

NEW SECTION, Sec. 13. A person violating this chapter shall be subject to a civil penalty of up to one hundred fifty dollars per violation.

NEW SECTION, Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 91 RCW.*

Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

MINORITY recommendation: Do not pass. Signed by Representative Brough.

Absent: Representative Unsoeld, Vice Chair.

Passed to Committee on Rules for second reading.

On motion of Mr. J. King, the House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-127, by Representatives Tilly and Ballard

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Harold Otto has exhibited the highest level of excellence as a cowboy poet; and

WHEREAS, Harold Otto is a native of Washington State and was raised in Pateros, Washington located in beautiful Methow Valley; and

WHEREAS, Harold Otto has been writing local verse for most of his eighty-four years and has produced a voluminous output of poetry; and

WHEREAS, Harold Otto's poems feature an array of occupations and specifically chronicle small-town life, cowboys and the Methow Valley; and

WHEREAS, Harold Otto writes a graduation poem for the senior class at Pateros High School each year and is frequently called upon to deliver tributes at memorial services; and

WHEREAS, Harold Otto has had a wonderful book of poems published entitled, Poems -- Fact and Fiction, has had one of his poems, "The Pecos Girl," put to music and has had newspapers from as far away as San Francisco publish articles about his verse; and

WHEREAS, Harold Otto has received a certificate of recognition from Poetry Americana for a poem entitled, "To the Columbia," and has been honored by the Institute for the American West as one of America's premier cowboy poets; and

WHEREAS, Harold Otto has been featured at the Seattle Folklife Festival, has been featured in an article in the magazine, "Washington Almanac--1986" and has recently been featured on the television news journal program, "American Almanac"; and

WHEREAS, Harold Otto has deservedly been called "The Poet of Pateros" and the "Bard of the Methow" for such poetic verse as:

"For many years, I herded cows
Upon the dusty trail.
I've thrown my rope around their horns,
And twisted on their tails...
...To a bunch of cows that seemed to know
Just how to make me mad.
And anything that bothered me
Just seemed to make them glad."

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That Harold Otto be honored as a native son for his contribution to poetry; and

BE IT FURTHER RESOLVED, That Harold Otto be, and hereby is, designated as the "Cowboy Poet of the State of Washington"; and

BE IT FINALLY RESOLVED, That the Chief Clerk of the House of Representatives send a copy of this Resolution to Harold Otto, to the Mayor of Pateros and to Governor Booth Gardner.

On motion of Mr. Tilly, the resolution was adopted.

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

SECOND READING

SUBSTITUTE SENATE BILL NO. 3590, by Committee on Governmental Operations (originally sponsored by Senators Thompson, Zimmerman, Newhouse, Benitz and Hayner; by Attorney General request)

Prohibiting private benefit due to public employment.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3590, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith L - 1.

Substitute Senate Bill No. 3590, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4450, by Senators Thompson, Rasmussen and Granlund

Establishing procedures for filing of candidacy by mail and ordering the appearance of names on ballots.

The bill was read the second time. Committee on Constitution, Elections & Ethics recommendation: Majority, do pass as amended. (For amendment, see Journal, 39th Day, February 20, 1986.)

On motion of Ms. Fisher, the committee amendment was adopted.

The bill was passed to Committee on Rules for third reading.

SENATE BILL NO. 4456, by Senators Rasmussen, Warnke and Conner

Removing the age requirement for veterans' disability passes to state parks.

The bill was read the second time and passed to Committee on Rules for third reading.

ENGROSSED SENATE BILL NO. 4619, by Senators Bender, Sellar, Bluechel and Rinehart

Authorizing exchange of land for institutional purposes and declaring an emergency.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4619, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen,

Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith L - 1.

Engrossed Senate Bill No. 4619, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4635, by Committee on Energy & Utilities (originally sponsored by Senators Williams and Saling; by request of Utilities and Transportation Commission)

Establishing certain jurisdictional issues under the utilities and transportation commission to be questions of fact.

The bill was read the second time and passed to Committee on Rules for third reading.

SENATE BILL NO. 4713, by Senators Warnke and Newhouse; by request of Board of Industrial Insurance Appeals

Modifying industrial insurance appeal procedures.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4713, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Dary, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith L - 1.

Senate Bill No. 4713, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4720, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Newhouse, Vogtild and Bauer)

Establishing a certificate of coverage for industrial insurance.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4720, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Dary, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince,

Rayburn, Rust, Sanders, Saryan, Schmidt, Schoon, Scott, Silver, Smith C, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Smith L - 1.

Substitute Senate Bill No. 4720, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Tuesday, February 25, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FORTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, February 25, 1986

The House was called to order at 11:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Basich, Locke, May, McMullen and Thomas. Representative Thomas was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Lesley Degheri and Jim Goodman. Prayer was offered by Reverend Annie Foerster of the Shoreline Unitarian Church of Seattle.

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

REPORTS OF STANDING COMMITTEES

February 24, 1986

SSB 4479 Prime Sponsor, Committee on Ways & Means: Permitting broadcast and communications facilities to qualify as public corporations for purposes of industrial development revenue bonds. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 300, Laws of 1981 as last amended by section 1, chapter 439, Laws of 1985 and RCW 39.84.020 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Board of directors' means the board of directors of a public corporation.

(2) 'Construction' or 'construct' means construction and acquisition, whether by devise, purchase, gift, lease, or otherwise.

(3) 'Facilities' means land, rights in land, buildings, structures, docks, wharves, machinery, transmission equipment, public broadcast equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.

(4) 'Financing document' means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.

(5) 'Improvement' means reconstruction, remodeling, rehabilitation, extension, and enlargement; and 'to improve' means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.

(6) 'Industrial development facilities' means manufacturing, processing, research, production, assembly, warehousing, transportation, public broadcasting, pollution control, solid waste disposal, energy facilities, sports facilities, and industrial parks. For the purposes of this section, the term 'sports facilities' shall not include facilities which are constructed for use by members of a private club or as integral or subordinate parts of a hotel or motel, or which are not available on a regular basis for general public use.

(7) 'Industrial park' means acquisition and development of land as the site for an industrial park. For the purposes of this chapter, 'development of land' includes the provision of water, sewage, drainage, or similar facilities, or of transportation, energy, or communication facilities, which are incidental to the use of the site as an industrial park, but does not include the provision of structures or buildings.

(8) 'Municipality' means a city, town, county, or port district of this state.

(9) 'Ordinance' means any appropriate method of taking official action or adopting a legislative decision by any municipality, whether known as a resolution, ordinance, or otherwise.

(10) 'Project costs' means costs of (a) acquisition, construction, and improvement of any facilities included in an industrial development facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of an industrial development facility, including costs of studies assessing the feasibility of an industrial development facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the

refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.

(11) 'Revenue bond' means a nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued for the purpose of financing an industrial development facility on an interim or permanent basis.

(12) 'User' means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise."

On page 1, line 1 of the title, after "bonds;" strike the remainder of the title and insert "and amending RCW 39.84.020."

Signed by Representatives McMullen, Chair; Kremen, Vice Chair, Day, Doty, May, Rayburn, Schmidt, Schoon, Scott, Silver, Smitherman, Tanner, Vekich, B. Williams and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Hargrove, Lundquist and van Dyke.

Absent: Representatives Braddock, Dobbs, J. King, Niemi, L. Smith, Thomas and Wineberry.

Passed to Committee on Rules for second reading.

February 21, 1986

ESB 4527 Prime Sponsor, Senator Moore: Establishing a commodities and securities licensing program. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Prince and Winsley.

Absent: Representatives Zellinsky, Vice Chair; Grimm, Locke, Nutley, West and Winsley.

Passed to Committee on Rules for second reading.

February 24, 1986

SB 4528 Prime Sponsor, Senator Talmadge: Consolidating public disclosure reporting exemptions for small political subdivisions. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Day, Fisch, Miller, Nealey, Sommers and Walker.

Absent: Representative Madsen.

Passed to Committee on Rules for second reading.

February 20, 1986

SSB 4536 Prime Sponsor, Committee on Transportation: Prescribing a penalty for initial nonregistration of a vehicle. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 15 after "fine of" insert "no less than"

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

"NEW SECTION, Sec. 4. A new section is added to chapter 46.12 RCW to read as follows:

The department shall issue a certificate of ownership valid for title purposes only to the owner of an off-road vehicle as defined in RCW 46.09.020. The owner shall pay the fees established by RCW 46.12.040. Issuance of such certificate does not qualify the vehicle for licensing under chapter 46.16 RCW.

NEW SECTION, Sec. 5. A new section is added to chapter 46.16 RCW to read as follows:

The director, the state of Washington, and its political subdivisions shall be immune from civil liability arising from the issuance of a vehicle license to a nonroadworthy vehicle."

In line 2 of the title, after "46.63.020;" insert "adding a new section to chapter 46.12 RCW; adding a new section to chapter 46.16 RCW;"

Signed by Representatives Walk, Chair; Baugher, Betzoff, Fisch, Fisher, Gallagher, Hankins, Kremen, McMullen, Patrick, Prince, Sutherland, Thomas, Valle and K. Wilson.

MINORITY recommendation: Do not pass. Signed by Representatives C. Smith and J. Williams.

Voting nay: Representatives Lundquist, C. Smith and J. Williams.

Absent: Representatives Wineberry, Vice Chair; Brough, Haugen, McMullen, Tanner and Van Luven.

Passed to Committee on Rules for second reading.

February 24, 1986

ESB 4582 Prime Sponsor, Senator Moore: Prohibiting fraud in the acquisition of benefits or payments in health care coverage and insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 7 after "any" strike "individual"

On page 2, line 14 after "made" strike "of" and insert "or"

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Nutley, Prince and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Locke

Absent: Representatives Dellwo, Grimm and West.

Passed to Committee on Rules for second reading.

February 21, 1986

SB 4587 Prime Sponsor, Senator Williams: Revising utility and transportation commission regulations. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Gallagher, Jacobsen, Madsen, Miller, Sutherland and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Bond, Isaacson and Nealey.

Voting nay: Representatives Barnes, Bond, Isaacson and Nealey.

Absent: Representatives Long and Van Luven.

Passed to Committee on Rules for second reading.

February 21, 1986

ESSB 4627 Prime Sponsor, Committee on Commerce & Labor: Changing regulation of the cigarette industry to eliminate predatory cigarette pricing. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. It is the policy of the legislature to encourage competition by reducing the government's role in price setting. It is the legislature's intent to leave price setting mainly to the forces of the marketplace. In the field of cigarette sales, the legislature finds that the goal of open competition should be balanced against the public policy disallowing use of cigarette sales as loss leaders. To balance these public policies, it is the intent of the legislature to repeal the unfair cigarette sales below cost act and to declare the use of cigarettes as loss leaders as an unfair practice under the consumer protection act.

Sec. 2. Section 3, chapter 2, Laws of 1983 as amended by section 1, chapter 173, Laws of 1984 and RCW 19.91.010 are each amended to read as follows:

When used in this chapter, the following words and phrases shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) 'Person' means and includes any individual, firm, association, company, partnership, corporation, joint stock company, club, agency, syndicate, municipal corporation, or other political subdivision of this state, trust, receiver, trustee, fiduciary and conservator.

(2) 'Wholesaler' includes any person who:

(a) Purchases cigarettes directly from the manufacturer, or

(b) Purchases cigarettes from any other person who purchases from or through the manufacturer, for the purpose of bona fide resale to retail dealers or to other persons for the purpose of resale only, or

(c) Services retail outlets by the maintenance of an established place of business for the purchase of cigarettes, including, but not limited to, the maintenance of warehousing facilities for the storage and distribution of cigarettes.

Nothing contained herein shall prevent a person from qualifying in different capacities as both a 'wholesaler' and 'retailer' under the applicable provisions of this chapter.

(3) 'Retailer' means and includes any person who operates a store, stand, booth, concession, or vending machine for the purpose of making sales of cigarettes at retail.

(4) 'Cigarettes' means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco.

(5) 'Sale' means any transfer for a consideration, exchange, barter, gift, offer for sale and distribution, in any manner, or by any means whatsoever.

(6) 'Sell at wholesale', 'sale at wholesale' and 'wholesale' sales mean and include any bona fide transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or in the usual conduct of the wholesaler's business, to a retailer for the purpose of resale.

(7) 'Sell at retail', 'sale at retail' and 'retail sales' mean and include any transfer of title to cigarettes for a valuable consideration, made in the ordinary course of trade or usual conduct of the seller's business, to the purchaser for consumption or use.

(8) 'Basic cost of cigarettes' means the invoice cost of cigarettes to the retailer or wholesaler, as the case may be, or the replacement cost of cigarettes to the retailer or wholesaler, as the case may be, in the quantity last purchased, whichever is lower, to which shall be added the full face value of any stamps which may be required by any cigarette tax act of this state and by ordinance of any municipality thereof, now in effect or hereafter enacted, if not already included by the manufacturer in his list price. ~~((The disposition of the manufacturers' cash discount is at the discretion of the wholesaler. Any retailer or wholesaler who actually receives and sells cigarettes with trade or cash discounts shall execute a sworn affidavit and obtain a sworn affidavit from the person granting the discount, whether a manufacturer or wholesaler, which shows: (a) Amount or rate of the discount, (b) date the discount was granted; (c) names of the persons granting and receiving the discount, and (d) whether the discount is for cash or trade purposes. Sworn affidavits under this section are maintained for five years and available for inspection by the department of revenue's request. The department of revenue may impose a civil penalty not to exceed two hundred fifty dollars for each failure to maintain affidavits under this section.~~

~~Nothing in this section may be construed to require any retailer to obtain affidavits from retail purchasers of cigarettes:))~~

(9) (a) The term 'cost to the wholesaler' means the 'basic cost of cigarettes' to the wholesaler plus the 'cost of doing business by the wholesaler' which said cost of doing business amount shall be expressed percentage-wise in the ratio that said wholesalers 'cost of doing business' bears to said wholesalers dollar volume for all products sold by the wholesaler per annum, and said 'cost of doing business by the wholesaler' shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor costs (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling cost, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the 'basic cost of cigarettes'. Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the wholesaler per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) For the purposes of this chapter the 'cost of doing business' may not be computed using a percentage less than the overall percentage shown in subsection (9)(a) of this section or in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the wholesaler making the sale, the 'cost of doing business by the wholesaler' shall be presumed to be ~~((four percent))~~ the percentage of the 'basic cost of cigarettes' to the wholesaler specified in (c) of this subsection, plus cartage to the retail outlet, if performed or paid for by the wholesaler, which cartage cost, in the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost, shall be deemed to be one-half of one percent of the 'basic cost of cigarettes' to the wholesaler.

(c) For the purposes of (b) of this subsection, the percentage of the basic cost of cigarettes to the wholesaler shall be:

- (i) Four percent until July 1, 1987;
- (ii) Three and one-half percent from July 1, 1987, until July 1, 1988;
- (iii) Three percent from July 1, 1988, until July 1, 1989;
- (iv) Two and one-half percent from July 1, 1989, until July 1, 1990; and
- (v) Two percent from July 1, 1990, until July 1, 1991.

(10) (a) The term 'cost to the retailer' means the 'basic cost of cigarettes' to the retailer plus the 'cost of doing business by the retailer' which said cost of doing business amount shall be

expressed percentage-wise in the ratio that said retailers 'cost of doing business' bears to said retailers dollar volume per annum, and said 'cost of doing business by the retailer' shall be evidenced and determined by the standards and methods of accounting regularly employed by him for the purpose of federal income tax reporting for the total operation of his establishment in his allocation of overhead costs and expenses, paid or incurred, and must include, without limitation, labor (including reasonable salaries for partners, executives, and officers), rent, depreciation, selling costs, maintenance of equipment, delivery costs, all types of licenses, taxes, insurance and advertising, expressed as a percentage and applied to the 'basic cost of cigarettes': PROVIDED, That any retailer who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, discounts ordinarily allowed upon purchases by a wholesaler shall, in determining 'cost to the retailer', pursuant to this subdivision, add the 'cost of doing business by the wholesaler,' as defined in subdivision (9) of this section, to the 'basic cost of cigarettes' to said retailer, as well as the 'cost of doing business by the retailer'. Any fractional part of a cent amounting to one-tenth of one cent or more in cost to the retailer per carton of ten packages of cigarettes shall be rounded off to the next higher cent.

(b) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business by the retailer making the sale, the 'cost of doing business by the retailer' shall be presumed to be ~~((twelve and five-tenths percent))~~ the percentage of the 'basic cost of cigarettes' to the retailer specified in (d) of this subsection.

(c) In the absence of the filing with the department of revenue of satisfactory proof of a lesser or higher cost of doing business, the 'cost of doing business by the retailer', who, in connection with the retailer's purchase, receives not only the discounts ordinarily allowed upon purchases by a retailer but also, in whole or in part, the discounts ordinarily allowed upon purchases by a wholesaler, shall be presumed to be ~~((twelve and five-tenths percent))~~ the percentage of the sum of the 'basic cost of cigarettes' and the 'cost of doing business by the wholesaler' specified in (d) of this subsection.

(d) For the purposes of (b) and (c) of this subsection, the percentage shall be:

(i) Eleven and one-half percent until July 1, 1987;

(ii) Ten and one-half percent from July 1, 1987, until July 1, 1988;

(iii) Nine and one-half percent from July 1, 1988, until July 1, 1989;

(iv) Eight and one-half percent from July 1, 1989, until July 1, 1990;

(v) Seven and one-half percent from July 1, 1990, until July 1, 1991.

(11) 'Business day' means any day other than a Sunday or a legal holiday.

(12) 'Master license system' means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

NEW SECTION. Sec. 3. Section 2, chapter 173, Laws of 1984 and RCW 19.91.911 are each repealed.

NEW SECTION. Sec. 4. No person may engage in or conduct the business of purchasing, selling, consigning, or distributing cigarettes in this state without a license under this chapter. A violation of this section is a misdemeanor.

NEW SECTION. Sec. 5. (1) The licenses issuable under this chapter are as follows:

(a) A wholesaler's license.

(b) A retailer's license.

(2) Application for the licenses shall be made through the master license system under chapter 19.02 RCW. The department of revenue shall adopt rules regarding the regulation of the licenses. The department of revenue may refrain from the issuance of any license under this chapter if the department has reasonable cause to believe that the applicant has willfully withheld information requested for the purpose of determining the eligibility of the applicant to receive a license, or if the department has reasonable cause to believe that information submitted in the application is false or misleading or is not made in good faith. Each such license shall expire on the master license expiration date, and each such license shall be continued annually if the licensee has paid the required fee and complied with all the provisions of this chapter and the rules of the department of revenue made pursuant thereto.

NEW SECTION. Sec. 6. A fee of six hundred fifty dollars shall accompany each wholesaler's license application or license renewal application. If a wholesaler sells or intends to sell cigarettes at two or more places of business, whether established or temporary, a separate license with a license fee of one hundred fifteen dollars shall be required for each additional place of business. Each license, or certificate thereof, and such other evidence of license as the department of revenue requires, shall be exhibited in the place of business for which it is issued and in such manner as is prescribed for the display of a master license. The department of revenue shall require each licensed wholesaler to file with the department a bond in an amount not less than one thousand dollars to guarantee the proper performance of the duties and the discharge of the liabilities under this chapter. The bond shall be executed by such licensed wholesaler as principal, and by a corporation approved by the department of revenue and

authorized to engage in business as a surety company in this state, as surety. The bond shall run concurrently with the wholesaler's license.

NEW SECTION. Sec. 7. A fee of ten dollars shall accompany each retailer's license application or license renewal application. A fee of one additional dollar for each vending machine shall accompany each application or renewal for a license issued to a retail dealer operating a cigarette vending machine.

NEW SECTION. Sec. 8. Any person licensed only as a wholesaler, or as a retail dealer, shall not operate in any other capacity unless the additional appropriate license or licenses are first secured. A violation of this section is a misdemeanor.

NEW SECTION. Sec. 9. (1) The department of revenue shall enforce the provisions of this chapter. The department of revenue may adopt, amend, and repeal rules necessary to enforce and administer the provisions of this chapter. The department of revenue has full power and authority to revoke or suspend the license or permit of any wholesale or retail cigarette dealer in the state upon sufficient cause appearing of the violation of this chapter or upon the failure of such licensee to comply with any of the provisions of this chapter.

(2) A license shall not be suspended or revoked except upon notice to the licensee and after a hearing as prescribed by the department of revenue. The department of revenue, upon a finding by same, that the licensee has failed to comply with any provision of this chapter or any rule promulgated thereunder, shall, in the case of the first offender, suspend the license or licenses of the licensee for a period of not less than thirty consecutive business days, and, in the case of a second or plural offender, shall suspend the license or licenses for a period of not less than ninety consecutive business days nor more than twelve months, and, in the event the department of revenue finds the offender has been guilty of wilful and persistent violations, it may revoke the license or licenses.

(3) Any person whose license or licenses have been so revoked may apply to the department of revenue at the expiration of one year for a reinstatement of the license or licenses. The license or licenses may be reinstated by the department of revenue if it appears to the satisfaction of the department of revenue that the licensee will comply with the provisions of this chapter and the rules promulgated thereunder.

(4) A person whose license has been suspended or revoked shall not sell cigarettes or permit cigarettes to be sold during the period of such suspension or revocation on the premises occupied by the person or upon other premises controlled by the person or others or in any other manner or form whatever.

(5) Any determination and order by the department of revenue, and any order of suspension or revocation by the department of revenue of the license or licenses, or refusal to reinstate a license or licenses after revocation shall be reviewable by an appeal to the superior court of Thurston county. The superior court shall review the order or ruling of the department of revenue and may hear the matter de novo, having due regard to the provisions of this chapter and the duties imposed upon the department of revenue.

NEW SECTION. Sec. 10. All fees and penalties received or collected by the department of revenue pursuant to this chapter shall be paid to the state treasurer, to be credited to the general fund.

NEW SECTION. Sec. 11. A cigarette wholesalers or retailers license issued by the department of licensing under RCW 19.91.130 in good standing on the effective date of this section constitutes a license under section 4 of this act.

NEW SECTION. Sec. 12. Sections 4 through 10 of this act are each added to chapter 82.24 RCW.

NEW SECTION. Sec. 13. A new section is added to chapter 19.91 RCW to read as follows:

No person licensed to sell cigarettes under chapter 82.24 RCW may sell cigarettes below the actual price paid. Violations of this section constitute unfair or deceptive acts or practices under the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 14. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 2, Laws of 1983, section 1, chapter 173, Laws of 1984, section 2 of this 1986 act and RCW 19.91.010;

(2) Section 2, chapter 286, Laws of 1957 and RCW 19.91.020;

(3) Section 3, chapter 286, Laws of 1957 and RCW 19.91.030;

(4) Section 4, chapter 286, Laws of 1957 and RCW 19.91.040;

(5) Section 5, chapter 286, Laws of 1957 and RCW 19.91.050;

(6) Section 6, chapter 286, Laws of 1957 and RCW 19.91.060;

(7) Section 7, chapter 286, Laws of 1957 and RCW 19.91.070;

(8) Section 8, chapter 286, Laws of 1957, section 13, chapter 278, Laws of 1975 1st ex. sess. and RCW 19.91.080;

(9) Section 9, chapter 286, Laws of 1957 and RCW 19.91.090;

(10) Section 10, chapter 286, Laws of 1957 and RCW 19.91.100;

(11) Section 11, chapter 286, Laws of 1957 and RCW 19.91.110;

(12) Section 12, chapter 286, Laws of 1957 and RCW 19.91.120;

(13) Section 13, chapter 286, Laws of 1957, section 14, chapter 278, Laws of 1975 1st ex. sess., section 35, chapter 182, Laws of 1982 and RCW 19.91.130;

- (14) Section 4, chapter 2, Laws of 1983 and RCW 19.91.140;
 (15) Section 5, chapter 2, Laws of 1983 and RCW 19.91.150;
 (16) Section 16, chapter 286, Laws of 1957 and RCW 19.91.160;
 (17) Section 17, chapter 286, Laws of 1957 and RCW 19.91.170;
 (18) Section 18, chapter 286, Laws of 1957, section 17, chapter 278, Laws of 1975 1st ex. sess., section 4, chapter 16, Laws of 1982 1st ex. sess., and RCW 19.91.180;
 (19) Section 19, chapter 286, Laws of 1957, section 1, chapter 172, Laws of 1959, section 2, chapter 107, Laws of 1979 and RCW 19.91.190;
 (20) Section 20, chapter 286, Laws of 1957 and RCW 19.91.900; and
 (21) Section 21, chapter 286, Laws of 1957, section 5, chapter 16, Laws of 1982 1st ex. sess. and RCW 19.91.910.

NEW SECTION. Sec. 15. Sections 1 and 4 through 14 of this act shall take effect on July 1, 1991.

On page 1, beginning on line 1 of the title, after "retailers;" strike the remainder of the title and insert "amending RCW 19.91.010; adding a new section to chapter 19.91 RCW; adding new sections to chapter 82.24 RCW; creating a new section; repealing RCW 19.91.911, 19.91.010, 19.91.020, 19.91.030, 19.91.040, 19.91.050, 19.91.060, 19.91.070, 19.91.080, 19.91.090, 19.91.100, 19.91.110, 19.91.120, 19.91.130, 19.91.140, 19.91.150, 19.91.160, 19.91.170, 19.91.180, 19.91.190, 19.91.900, and 19.91.910; prescribing penalties; and providing an effective date."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Sayan, C. Smith, Walker and J. Williams.

Voting nay: Representative Patrick.

Passed to Committee on Rules for second reading.

February 21, 1986

SB 4644 Prime Sponsor, Senator Vognild: Including tips as wages for unemployment compensation purposes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith and J. Williams.

MINORITY recommendation: Without recommendation. Signed by Representative Walker.

Voting nay: Representatives Betrozoff, Walker and J. Williams.

Passed to Committee on Rules for second reading.

February 21, 1986

ESB 4645 Prime Sponsor, Senator Warnke: Modifying provisions on unemployment coverage of corporate officers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Passed to Committee on Rules for second reading.

February 21, 1986

SB 4647 Prime Sponsor, Senator Warnke: Modifying employer experience rating definitions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

On page 3, after line 18, insert the following:

"Sec. 3. Section 1, chapter 270, Laws of 1985 and RCW 50.29.022 are each amended to read as follows:

(1) For the purpose of establishing an employer's rate of contribution for the tax year beginning January 1, 1985, the department shall calculate a percentage rate of savings for benefit charges for the fiscal year ending June 30, 1985 and apply the rate as though RCW 50.29.020(2)(g) had been in effect for fiscal years 1984, 1983, 1982, and 1981. For fiscal years ending June 30, 1986, and beyond, benefit charges will be calculated pursuant to RCW 50.29.020(2)(g).

(2) For the purpose of establishing an employer's rate of contribution for the tax year beginning January 1, 1986, the department shall calculate the percentage rate of savings for benefit charges for the fiscal year ending 1985, and apply the rate to fiscal years 1984, 1983, and 1982.

(3) For the purpose of establishing an employer's rate of contribution for the tax year beginning January 1, 1987, the department shall calculate the average percentage rate of savings for benefit charges for fiscal years 1986 and 1985, and apply the rate to fiscal years 1984 and 1983.

(4) For the purpose of establishing an employer's rate of contribution for the tax year beginning January 1, 1988, the department shall calculate the average percentage rate of savings for benefit charges for fiscal years 1987, 1986, and 1985, and apply the rate to fiscal year 1984.

(5) If any part of this section is found to be in conflict with federal requirements which are a prescribed condition to the allocation of federal funds to the state or the eligibility of employers in this state for federal unemployment tax credits, the conflicting part of this section is hereby declared to be inoperative solely to the extent of the conflict, and such finding or determination shall not affect the operation of the remainder of this section. The rules under this section shall meet federal requirements which are a necessary condition to the receipt of federal funds by the state or the granting of federal unemployment tax credits to employers in this state.

Remember the remaining section consecutively.

On page 1, line 2 of the title, after "50.29.010" insert "and 50.29.022"

Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Passed to Committee on Rules for second reading.

February 24, 1986

SB 4781 Prime Sponsor, Senator Moore: Eliminating certain reporting requirements for primary candidates appearing on the general election ballot and continuing political committees. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass. Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Day, Fisch, Miller, Nealey, Sommers and Walker.

Absent: Representative Madsen.

Passed to Committee on Rules for second reading.

February 21, 1986

ESB 4927 Prime Sponsor, Senator Moore: Requiring monitoring of health services furnished to industrial; injured workers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 51.36 RCW to read as follows:

The legislature finds and declares it to be in the public interest of the residents of the state of Washington that a proper regulatory and inspection program be instituted in connection with the provision of medical, dental, vocational, and other health services to industrially injured workers pursuant to Title 51 RCW. In order to effectively accomplish such purpose and to assure that the industrially injured worker receives such services as are paid for by the state of Washington, the acceptance by the industrially injured worker of such services, and the request by a provider of services for reimbursement for providing such services, shall authorize the director of the department of labor and industries or the director's authorized representative to inspect and audit all records in connection with the provision of such services.

NEW SECTION, Sec. 2. A new section is added to chapter 51.36 RCW to read as follows:

The director of the department of labor and industries or the director's authorized representative shall have the authority to:

(1) Conduct audits and investigations of providers of medical, dental, vocational, and other health services furnished to industrially injured workers pursuant to Title 51 RCW. In the conduct of such audits or investigations, the director or the director's authorized representatives may examine all records, or portions thereof, including patient records, for which services were rendered by a health services provider and reimbursed by the department, notwithstanding the provisions of any other statute which may make or purport to make such records privileged or confidential: PROVIDED, That no original patient records shall be removed from the premises of the health services provider, and that the disclosure of any records or information obtained under authority of this section by the department of labor and industries is prohibited and constitutes a violation of RCW 42.22.040, unless such disclosure is directly connected to the official duties of the department: AND PROVIDED FURTHER, That the disclosure of patient

information as required under this section shall not subject any physician or other health services provider to any liability for breach of any confidential relationships between the provider and the patient: AND PROVIDED FURTHER, That the director or the director's authorized representative shall destroy all copies of patient medical records in their possession upon completion of the audit, investigation, or proceedings;

(2) Approve or deny applications to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW; and

(3) Terminate or suspend eligibility to participate as a provider of services furnished to industrially injured workers pursuant to Title 51 RCW.

NEW SECTION, Sec. 3. A new section is added to chapter 51.48 RCW to read as follows:

Any person, firm, corporation, partnership, association, agency, institution, or other legal entity, but not including an industrially injured recipient of health services, that, without intent to violate this chapter, obtains payments under Title 51 RCW to which such person or entity is not entitled, shall be liable for: (1) Any excess payments received; and (2) interest on the amount of excess payments at the rate of one percent each month for the period from the date upon which payment was made to the date upon which repayment is made to the state.

NEW SECTION, Sec. 4. A new section is added to chapter 51.48 RCW to read as follows:

(1) No person, firm, corporation, partnership, association, agency, institution, or other legal entity, but not including an industrially injured recipient of health service, shall, on behalf of himself or others, obtain or attempt to obtain payments under this chapter in a greater amount than that to which entitled by means of:

(a) A wilful false statement;

(b) Wilful misrepresentation, or by concealment of any material facts; or

(c) Other fraudulent scheme or device, including, but not limited to:

(i) Billing for services, drugs, supplies, or equipment that were not furnished, of lower quality, or a substitution or misrepresentation of items billed; or

(ii) Repeated billing for purportedly covered items, which were not in fact so covered.

(2) Any person, firm, corporation, partnership, association, agency, institution, or other legal entity knowingly violating any of the provisions of subsection (1) of this section shall be liable for repayment of any excess payments received, plus interest on the amount of the excess benefits or payments at the rate of one percent each month for the period from the date upon which payment was made to the date upon which repayment is made to the state. Such person or other entity shall further, in addition to any other penalties provided by law, be subject to civil penalties. The director of the department of labor and industries may assess civil penalties in an amount not to exceed the greater of one thousand dollars or three times the amount of such excess benefits or payments: PROVIDED, That these civil penalties shall not apply to any acts or omissions occurring prior to the effective date of this act.

(3) A criminal action need not be brought against a person, firm, corporation, partnership, association, agency, institution, or other legal entity for that person or entity to be civilly liable under this section.

(4) Civil penalties shall be deposited in the general fund upon their receipt.

NEW SECTION, Sec. 5. A new section is added to chapter 51.48 RCW to read as follows:

Any person, firm, corporation, partnership, association, agency, institution, or other legal entity, that:

(1) Knowingly makes or causes to be made any false statement or representation of a material fact in any application for any payment under this title; or

(2) At any time knowingly makes or causes to be made any false statement or representation of a material fact for use in determining rights to such payment, or knowingly falsifies, conceals, or covers up by any trick, scheme, or device a material fact in connection with such application or payment; or

(3) Having knowledge of the occurrence of any event affecting (a) the initial or continued right to any payment, or (b) the initial or continued right to any such payment of any other individual in whose behalf he or she has applied for or is receiving such payment, conceals or fails to disclose such event with an intent fraudulently to secure such payment either in a greater amount or quantity than is due or when no such payment is authorized;

shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

NEW SECTION, Sec. 6. A new section is added to chapter 51.48 RCW to read as follows:

(1) Any person, firm, corporation, partnership, association, agency, institution, or other legal entity, that solicits or receives any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind:

(a) In return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under this chapter; or

(b) In return for purchasing, leasing, ordering, or arranging for or recommending purchasing, leasing, or ordering any goods, facility, service, or item for which payment may be made in whole or in part under this chapter;

shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

(2) Any person, firm, corporation, partnership, association, agency, institution, or other legal entity, that offers or pays any remuneration (including any kickback, bribe, or rebate) directly or indirectly, overtly or covertly, in cash or in kind to any person to induce such person:

(a) To refer an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made, in whole or in part, under this chapter; or

(b) To purchase, lease, order, or arrange for or recommend purchasing, leasing, or ordering any goods, facility, service, or item for which payment may be made in whole or in part under this chapter;

shall be guilty of a class C felony: PROVIDED, That the fine, if imposed, shall not be in an amount more than twenty-five thousand dollars, except as authorized by RCW 9A.20.030.

(3) Subsections (1) and (2) of this section shall not apply to:

(a) A discount or other reduction in price obtained by a provider of services or other entity under this chapter if the reduction in price is properly disclosed and appropriately reflected in the costs claimed or charges made by the provider or entity under this chapter; and

(b) Any amount paid by an employer to an employee (who has a bona fide employment relationship with such employer) for employment in the provision of covered items or services.

(4) Subsections (1) and (2) of this section, if applicable to the conduct involved, shall supersede the criminal provisions of chapter 19.68 RCW, but shall not preclude administrative proceedings authorized by chapter 19.68 RCW.

NEW SECTION. Sec. 7. A new section is added to chapter 51.48 RCW to read as follows:

The director of the department of labor and industries may by rule require that any application, statement, or form filled out by any health services provider under this title shall contain or be verified by a written statement that it is made under the penalties of perjury and such declaration shall be in lieu of any oath otherwise required, and each such paper shall in such event so state. The making or subscribing of any such papers or forms containing any false or misleading information may be prosecuted and punished under chapter 9A.72 RCW.

Sec. 8. Section 1, chapter 14, Laws of 1980 and RCW 51.04.030 are each amended to read as follows:

The director shall, through the division of industrial insurance, supervise the providing of prompt and efficient care and treatment, including care provided by physicians' assistants governed by the provisions of chapters 18.57A and 18.71A RCW, acting under a supervising physician to workers injured during the course of their employment at the least cost consistent with promptness and efficiency, without discrimination or favoritism, and with as great uniformity as the various and diverse surrounding circumstances and locations of industries will permit and to that end shall, from time to time, establish and promulgate and supervise the administration of printed forms, rules, regulations, and practices for the furnishing of such care and treatment: PROVIDED, That, the department may recommend to an injured worker particular health care services and providers where specialized treatment is indicated or where cost effective payment levels or rates are obtained by the department; and PROVIDED FURTHER, That the department may enter into volume based contracts for services including, but not limited to, durable medical equipment so long as statewide access to quality service is maintained for injured workers.

The director shall make and, from time to time, change as may be, and promulgate a fee bill of the maximum charges to be made by any physician, surgeon, hospital, druggist, physicians' assistants as defined in chapters 18.57A and 18.71A RCW, acting under a supervising physician or other agency or person rendering services to injured workers. No service covered under this title shall be charged or paid at a rate or rates exceeding those specified in such fee bill, and no contract providing for greater fees shall be valid as to the excess.

The director or self-insurer, as the case may be, shall make a record of the commencement of every disability and the termination thereof and, when bills are rendered for the care and treatment of injured workers, shall approve and pay those which conform to the promulgated rules, regulations, and practices of the director and may reject any bill or item thereof incurred in violation of the principles laid down in this section or the rules and regulations promulgated under it.

Sec. 9. Section 51.04.040, chapter 23, Laws of 1961 as amended by section 1, chapter 323, Laws of 1977 ex. sess. and RCW 51.04.040 are each amended to read as follows:

The director shall have power to issue subpoenas to enforce the attendance and testimony of witnesses and the production and examination of books, papers, photographs, tapes, and records before the department in connection with any claim made to the department, any billing submitted to the department, or the assessment or collection of premiums. The superior court shall have the power to enforce any such subpoena by proper proceedings.

Sec. 10. Section 51.52.050, chapter 23, Laws of 1961 as last amended by section 9, chapter 315, Laws of 1985 and RCW 51.52.050 are each amended to read as follows:

Whenever the department has made any order, decision, or award, it shall promptly serve the worker, beneficiary, employer, or other person affected thereby, with a copy thereof by mail, which shall be addressed to such person at his or her last known address as shown by the records of the department. The copy, in case the same is a final order, decision, or award, shall bear on the same side of the same page on which is found the amount of the award, a statement, set in black faced type of at least ten point body or size, that such final order, decision, or award shall become final within sixty days from the date the order is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia: PROVIDED, That a department order or decision making demand, whether with or without penalty, for repayment of sums paid to a provider of medical, dental, vocational, or other health services rendered to an industrially injured worker, shall state that such order or decision shall become final within twenty days from the date the order or decision is communicated to the parties unless a written request for reconsideration is filed with the department of labor and industries, Olympia, or an appeal is filed with the board of industrial insurance appeals, Olympia.

Whenever the department has taken any action or made any decision relating to any phase of the administration of this title the worker, beneficiary, employer, or other person aggrieved thereby may request reconsideration of the department, or may appeal to the board. In an appeal before the board, the appellant shall have the burden of proceeding with the evidence to establish a prima facie case for the relief sought in such appeal. Any such person aggrieved by the decision and order of the board may thereafter appeal to the superior court, as prescribed in this chapter.

Sec. 11. Section 51.52.060, chapter 23, Laws of 1961 as last amended by section 76, chapter 350, Laws of 1977 ex. sess. and RCW 51.52.060 are each amended to read as follows:

Any worker, beneficiary, employer, or other person aggrieved by an order, decision, or award of the department must, before he or she appeals to the courts, file with the board and the director, by mail or personally, within sixty days from the day on which such copy of such order, decision, or award was communicated to such person, a notice of appeal to the board: PROVIDED, That a health services provider or other person aggrieved by a department order or decision making demand, whether with or without penalty, for repayment of sums paid to a provider of medical, dental, vocational, or other health services rendered to an industrially injured worker must, before he or she appeals to the courts, file with the board and the director, by mail or personally, within twenty days from the day on which such copy of such order or decision was communicated to the health services provider upon whom the department order or decision was served, a notice of appeal to the board. Within ten days of the date on which an appeal has been granted by the board, the board shall notify the other interested parties thereto of the receipt thereof and shall forward a copy of said notice of appeal to such other interested parties. Within twenty days of the receipt of such notice of the board, the worker or the employer may file with the board a cross-appeal from the order of the department from which the original appeal was taken: PROVIDED, That nothing contained in this section shall be deemed to change, alter or modify the practice or procedure of the department for the payment of awards pending appeal: AND PROVIDED, That failure to file notice of appeal with both the board and the department shall not be ground for denying the appeal if the notice of appeal is filed with either the board or the department: AND PROVIDED, That, if within the time limited for filing a notice of appeal to the board from an order, decision, or award of the department, the department shall direct the submission of further evidence or the investigation of any further fact, the time for filing such notice of appeal shall not commence to run until such person shall have been advised in writing of the final decision of the department in the matter: PROVIDED, FURTHER, That in the event the department shall direct the submission of further evidence or the investigation of any further fact, as above provided, the department shall render a final order, decision, or award within ninety days from the date such further submission of evidence or investigation of further fact is ordered which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days: PROVIDED, FURTHER, That the department, either within the time limited for appeal, or within thirty days after receiving a notice of appeal, may modify, reverse or change any order, decision, or award, or may hold any such order, decision, or award in abeyance for a period of ninety days which time period may be extended by the department for good cause stated in writing to all interested parties for an additional ninety days pending further investigation in light of the allegations of the notice of appeal, and the board shall thereupon deny the appeal, without prejudice to the appellant's right to appeal from any subsequent determinative order issued by the department.

NEW SECTION, Sec. 12. A new section is added to chapter 51.08 RCW to read as follows:

'Health services provider' or 'provider' means any person, firm, corporation, partnership, association, agency, institution, or other legal entity providing any kind of services related to the treatment of an industrially injured worker.

NEW SECTION. Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "51.48 RCW;" insert "adding a new section to chapter 51.08 RCW;"

Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Passed to Committee on Rules for second reading.

SECOND READING

SENATE BILL NO. 4721, by Senators Warnke, Newhouse, Vognild and Bauer

Modifying provisions relating to appeals and penalties under the Washington industrial safety and health act.

The bill was read the second time and passed to Committee on Rules for third reading.

SENATE BILL NO. 4770, by Senators Hansen, Goltz, Barr, Gaspard, Benitz and Bailey

Authorizing an irrigation district to defend employees, officers or agents in suits filed against them.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4770, and the bill passed the House by the following vote: Yeas, 92; absent, 5; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 92.

Absent: Representatives Basich, Locke, May, McMullen, and Mr. Speaker - 5.

Excused: Representative Thomas - 1.

Senate Bill No. 4770, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Basich, Locke, May and McMullen appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 4797, by Committee on Parks & Ecology (originally sponsored by Senators Bender, Bluechel, Kreidler, Kiskaddon, Talmadge and Zimmerman)

Requiring a report on the underground storage tank problem in Washington state.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass with the following amendment:

On page 1, line 14 after "the" insert "appropriate standing committees of the"

On motion of Ms. Rust, the committee amendment was adopted.

The bill was passed to Committee on Rules for third reading.

SUBSTITUTE SENATE BILL NO. 3532, by Committee on Commerce & Labor (originally sponsored by Senator Moore; by Liquor Control Board request)

Revising provisions relating to liquor licensed premises.

The bill was read the second time.

Mr. Tilly moved adoption of the following amendment:

On page 1, after line 17 add a new section as follows:

"NEW SECTION. Sec. 2. A new section is added to chapter 66.28 RCW to read as follows:

(1) The liquor control board shall adopt rules pursuant to chapter 34.04 RCW which require: (a) The identification of the kegs of malt beverages sold directly to purchasers who are not licensees of the board; (b) the signing of a receipt therefor by the purchasers; and (c) the keg identification shall be prescribed by the board and shall be sufficient to identify the seller.

(2) Except for licensees of the board, no person may possess a keg that is not identified as prescribed by the board or remove the prescribed identification from the keg.

(3) As used in this section, 'keg' means any brewery-sealed, individual container of malt beverage having a liquid capacity of not less than seven and three-fourths gallons."

POINT OF ORDER

Ms. Cole: "I would you to rule on the scope and object of this amendment, Mr. Speaker."

SPEAKER'S RULING

The Speaker: "Representative Cole, the Speaker has examined the amendment and Substitute Senate Bill No. 3532. The bill deals with the stocking and handling of liquor by persons between eighteen and twenty-one years of age. The amendment deals with the registration of kegs. The Speaker has examined both, Representative Cole, and finds that the amendment broadens the scope and object of the bill. Therefore, it is out of order; your point is well taken."

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

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3532, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Thomas - 1.

Substitute Senate Bill No. 3532, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. J. King, ENGROSSED SENATE BILL NO. 4564 was referred from Committee on Financial Institutions & Insurance to Committee on Local Government.

On motion of Mr. J. King, SUBSTITUTE SENATE BILL NO. 4783 was referred from Committee on Judiciary to Committee on Ways & Means.

MOTION

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Wednesday, February 26, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FORTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, February 26, 1986

The House was called to order at 11:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Belcher, Lewis, Sayan and Sommers. Representatives Belcher, Lewis and Sayan were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Ronda Ruster and Christina Jones. Prayer was offered by Reverend Jamil A. Razzak of the Islamic Center of Seattle.

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

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE JOINT MEMORIAL NO. 26.

REPORTS OF STANDING COMMITTEES

February 25, 1986

ESB 3140 Prime Sponsor, Senator Patterson: Modifying charges for higher education students taking two or fewer credit hours or more than eighteen credit hours. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 28B.15.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 67, chapter 370, Laws of 1985 and by section 18, chapter 390, Laws of 1985 and RCW 28B.15.100 are each reenacted and amended to read as follows:

(1) The board of regents or board of trustees at each of the state's regional and state universities and at The Evergreen State College shall charge to and collect from each of the students registering at the particular institution for any quarter or semester such tuition fees and services and activities fees, and other fees as such board shall in its discretion determine, the total of all such fees, the tuition fee, and services and activities fee, to be rounded-out to the nearest whole dollar amount: PROVIDED, That such tuition fees for other than summer session quarters or semesters shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended: PROVIDED FURTHER, That the fees charged by boards of trustees of community college districts shall be in the amounts for the respective institutions as otherwise set forth in this chapter, as now or hereafter amended.

(2) Part time students shall be charged tuition and services and activities fees proportionate to full time student rates established for residents and nonresidents: PROVIDED, That except for students enrolled in performance classes in music or drama, students registered for fewer than two credit hours shall be charged tuition and services and activities fees at the rate established for two credit hours: PROVIDED FURTHER, That residents of Idaho or Oregon who are enrolled in community college district number twenty for six or fewer credits during any quarter or semester may be allowed to enroll at resident tuition and fee rates upon a declaration by the higher education coordinating board that it finds Washington residents from such community college district are afforded substantially equivalent treatment by such other states.

(3) Full-time students registered for more than eighteen credit hours shall be charged an additional operating fee for each credit hour in excess of eighteen hours at the established per credit hour tuition fee rate applicable to part-time students in the respective institutional tuition and fee rate categories set forth in this chapter: PROVIDED, That the boards of regents of the University of Washington and Washington State University may exempt students who are registered exclusively in first professional programs in medicine, dental medicine, veterinary medicine and law: PROVIDED FURTHER, That the state board for community college education may exempt students who are registered exclusively in required courses in vocational preparatory programs from the additional charge. For the purposes of this subsection, the credit hours taken by a student for one performance class in music or drama shall not be considered in determining whether the student is registered for more than eighteen credit hours.

On page 1, line 1 of the title, after "fees;" strike the remainder of the title and insert "and reenacting and amending RCW 28B.15.100."

Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Basich, Belcher, Hastings, Miller, D. Nelson, G. Nelson, Prince, Silver, Unsoeld, Vander Stoep and K. Wilson.

Absent: Representatives Allen and Wineberry.

Referred to Committee on Ways & Means.

February 25, 1986

ESB 3278 Prime Sponsor, Senator Gaspard: Waiving higher education fees for students of foreign nations. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature intends to permit the governing boards of the four-year institutions of higher education to waive tuition and fees for certain students of foreign nations. To the greatest extent possible, students chosen for these waivers and for the institutions' own approved study abroad programs shall reflect the range of socioeconomic and ethnic characteristics of the students', institutions and native countries.

NEW SECTION, Sec. 2. A new section is added to chapter 28B.15 RCW to read as follows:

The boards of regents of the state universities and the boards of trustees of the regional universities and The Evergreen State College may waive the tuition, operating, and services and activities fees for undergraduate or graduate students of foreign nations subject to the following limitations:

(1) No more than the equivalent of one hundred waivers may be awarded to undergraduate or graduate students of foreign nations at each of the two state universities;

(2) No more than the equivalent of twenty waivers may be awarded to undergraduate or graduate students of foreign nations at each of the regional universities and The Evergreen State College;

(3) Priority in the awarding of waivers shall be given to students on academic exchanges or academic special programs sponsored by recognized international educational organizations;

(4) An undergraduate or graduate student of a foreign nation receiving a waiver under this section is not eligible for any other.

The waiver programs under this section, to the greatest extent possible, shall promote reciprocal placements and waivers in foreign nations for Washington residents. The number of waivers awarded by each institution shall not exceed the number of that institution's own students enrolled in approved study programs abroad during the same period.

Sec. 3. Section 1, chapter 262, Laws of 1979 ex. sess. as last amended by section 33, chapter 390, Laws of 1985 and RCW 28B.15.740 are each amended to read as follows:

(1) The boards of trustees or regents of each of the state's regional universities, The Evergreen State College, or state universities, and the various community colleges, consistent with regulations and procedures established by the state board for community college education, may waive, in whole or in part, tuition and services and activities fees subject to the limitations set forth in subsection (2).

(2) The total dollar amount of tuition and fee waivers awarded by any state university, regional university, or state college, shall not exceed four percent, and for the community colleges considered as a whole, such amount shall not exceed three percent of an amount determined by estimating the total collections from tuition and services and activities fees had no such waivers been made and deducting the portion of that total amount which is attributable to the difference between resident and nonresident fees: PROVIDED, That at least three-fourths of the dollars waived shall be for needy students who are eligible for resident tuition and fee rates pursuant to RCW 28B.15.012 through 28B.15.015: PROVIDED FURTHER, That the remainder of the dollars waived, not to exceed one-fourth of the total, may be applied to other students at the discretion of the board of trustees or regents, except on the basis of participation in intercollegiate athletic programs: PROVIDED FURTHER, That the waivers for undergraduate and graduate students of foreign nations under section 2 of this 1986 act are not subject to the limitation under this section."

On page 1, line 2 of the title, after "28B.15.740;" strike "and" and after "28B.15 RCW" insert ";" and creating a new section"

Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Basich, Belcher, Hastings, Miller, D. Nelson, G. Nelson, Prince, Silver, Unsoeld, Vander Stoep, K. Wilson and Wineberry.

Referred to Committee on Ways & Means.

February 25, 1986

ESB 3334 Prime Sponsor, Senator McManus: Authorizing joint purchase agreements for private school bus maintenance. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Chandler, Cole, Fuhrman, Holland, P. King, Long, Rayburn, Taylor and Todd.

Voting nay: Representatives Betzoff, Peery, Rayburn, Rust, Schoon, Walker and Wang.

Absent: Representatives Holland and L. Smith.

Passed to Committee on Rules for second reading.

February 25, 1986

SB 3397 Prime Sponsor, Senator Stratton: Revising provisions relating to reimbursements for illegally killed wildlife. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7 after "illegal" strike "hunting or" and insert "~~((hunting or))~~"

On page 1, line 19 after "fine," strike all material through "court" on line 21 and insert "No court may establish bail for illegal possession of wildlife listed in subsection 1 in an amount less than the bail established for hunting during the closed season plus the reimbursement value of wildlife set forth in subsection 1"

On page 1, line 22 after "illegal" strike "hunting or" and insert "~~((hunting or))~~"

On page 2, beginning on line 9 strike all material through "fund." on line 12.

On page 2, line 16 after "30," strike "1985" and insert "1986"

Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Cole, Dobbs, Hankins, Hargrove, Haugen, Leonard, Lundquist, McMullen, D. Nelson, Sanders, Sayan, van Dyke and J. Williams.

Absent: Representatives Fuhrman, McMullen, Thomas and S. Wilson.

Passed to Committee on Rules for second reading.

February 24, 1986

SSB 4486 Prime Sponsor, Committee on Governmental Operations: Authorizing county legislative authorities to designate certain violations as civil. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

On page 3, after line 14, insert the following:

*Sec. 2. Section 35.22.280, chapter 7, Laws of 1965 as last amended by section 802, chapter 258, Laws of 1984 and RCW 35.22.280 are each amended to read as follows:

Any city of the first class shall have power:

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;

(3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public

grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city; and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads;

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof;

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

(18) To provide for establishing and maintaining reform schools for juvenile offenders;

(19) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

(20) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

(21) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(22) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(23) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(24) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(25) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(26) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercrafts and their cargoes within the jurisdiction of the corporation;

(27) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(28) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(29) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(30) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(31) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: PROVIDED, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(32) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: PROVIDED, That no license shall be granted to continue for longer than one year from the date thereof;

(33) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(34) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(35) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five thousand dollars or imprisonment in the city jail for one year, or both such fine and imprisonment. Such cities alternatively may provide that violations of ordinances constitute a civil violation subject to monetary penalties;

(36) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(37) To provide in their respective charters for a method to propose and adopt amendments thereto.

Sec. 3. Section 35.23.440, chapter 7, Laws of 1965 as last amended by section 5, chapter 189, Laws of 1984 and by section 803, chapter 258, Laws of 1984 and RCW 35.23.440 are each reenacted and amended to read as follows:

The city council of each second class city shall have power and authority:

(1) Ordinances: To make and pass all ordinances, orders, and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the

execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress, and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, or sheds; and to regulate as authorized by state law all tipping houses, dram shops, saloons, bars, and barrooms.

(5) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.

(6) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and property.

(7) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.

(8) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: PROVIDED, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.

(9) Riots: To prevent and restrain any riot or riotous assemblages, disturbance of the peace, or disorderly conduct in any place, house, or street in the city.

(10) Nuisances: To declare what shall be deemed nuisances; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.

(11) Stock pound: To establish, maintain, and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.

(12) Control of certain trades: To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.

(13) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein.

(14) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions, and shows.

(15) Markets: To establish and regulate markets and market places.

(16) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles, or other vehicles may run within the city limits, or any portion thereof.

(17) City commons: To provide for and regulate the commons of the city.

(18) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.

(19) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.

(20) Property: To have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control, or improve the same; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city.

(21) Fire department: To establish, continue, regulate, and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city.

(22) Water supply: To adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.

(23) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.

(24) House numbers: To provide for the numbering of houses.

(25) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.

(26) Harbors and wharves: To build, alter, improve, keep in repair, and control the waterfront; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing steamboats, sail vessels, rafts, barges, and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.

(27) License of steamers: To license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

(28) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.

(29) Penalty for violation of ordinances: To provide that violations of ordinances constitute a civil violation subject to monetary penalties or to determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five thousand dollars or imprisonment for one year, or both; and every violation of any lawful order, regulation, or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the state of Washington: PROVIDED, That violation of an order, regulation, or ordinance relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, regulation, or ordinance equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.

(30) Police department: To create and establish a city police; to prescribe their duties and their compensation; and to provide for the regulation and government of the same.

(31) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.

(32) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, property, or business of the city.

(33) Contracts: To make all appropriations, contracts, or agreements for the use or benefit of the city and in the city's name.

(34) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues, and other public ways, or any portion of any thereof; and for the construction, regulation, and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof.

(35) Waterways: To clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.

(36) Sewerage: To adopt, provide for, establish, and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.

(37) Buildings and parks: To provide for all public buildings, public parks, or squares, necessary or proper for the use of the city.

(38) Franchises: To permit the use of the streets for railroad or other public service purposes.

(39) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise, or rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever.

(40) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: PROVIDED, That such fees shall in all cases be paid by the parties requiring such service.

(41) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.

(42) Waterworks: To provide for the erection, purchase, or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.

(43) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric, or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: PROVIDED, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.

(44) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(45) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(46) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks, or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(47) To provide for the assessment of taxes: To provide for the assessment, levying, and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(48) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(49) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(50) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained.

(51) Safety and sanitary measures: To require the owners of public halls, theaters, hotels, and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(52) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state.

(53) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(54) To provide for the general welfare.

Sec. 4. Section 35.24.290, chapter 7, Laws of 1965 as last amended by section 804, chapter 258, Laws of 1984 and RCw 35.24.290 are each amended to read as follows:

The city council of each third class city shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;

(2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;

(3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave,

macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits:

(4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof:

(5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires:

(6) To impose and collect an annual license on every dog within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large:

(7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise:

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the water-front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof:

(9) To erect and maintain buildings for municipal purposes:

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein:

(11) In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: PROVIDED, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Hereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office:

(12) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five thousand dollars nor the term of such imprisonment exceed the term of one year; or to provide that violations of ordinances constitute a civil violation subject to monetary penalty:

(13) To establish fire limits, with proper regulations:

(14) To establish and maintain a free public library:

(15) To establish and regulate public markets and market places:

(16) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places:

(17) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of

such city all other local, police, sanitary and other regulations as do not conflict with general laws;

(18) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other watercraft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

Sec. 5. Section 35.27.370, chapter 7, Laws of 1965 as last amended by section 805, chapter 258, Laws of 1984 and RCW 35.27.370 are each amended to read as follows:

The council of said town shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state, or of the United States;

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery;

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

(4) To establish, build and repair bridges, to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

(5) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers are constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(7) To impose and collect an annual license on every dog within the limits of the town, to prohibit dogs running at large, and to provide for the killing of all dogs found at large and not duly licensed;

(8) To levy and collect annually a property tax, for the payment of current expenses and for the payment of indebtedness (if any indebtedness exists) within the limits authorized by law;

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for strays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

(10) To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

(11) To erect and maintain buildings for municipal purposes;

(12) To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways;

(13) To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed five thousand dollars, nor the term of imprisonment exceed one year; or to provide that violations of ordinances constitute a civil violation subject to a monetary penalty;

(15) To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service;

(16) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Sec. 6. Section 35A.11.020, chapter 119, Laws of 1967 ex. sess. as last amended by section 807, chapter 258, Laws of 1984 and RCW 35A.11.020 are each amended to read as follows:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people: PROVIDED, That nothing in this section or in this title shall permit any city, whether a code city or otherwise, to enact any provisions establishing or respecting a merit system or system of civil service for firemen and policemen which does not substantially accomplish the same purpose as provided by general law in chapter 41.08 RCW for firemen and chapter 41.12 RCW for policemen now or as hereafter amended, or enact any provision establishing or respecting a pension or retirement system for firemen or policemen which provides different pensions or retirement benefits than are provided by general law for such classes. Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five thousand dollars or imprisonment for any term not exceeding one year, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. Such a body alternatively may provide that violation of such ordinances constitutes a civil violation subject to monetary penalty. The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns. In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, ((RCW)) 82.36.440, ((RCW)) 48.14.020, and ((RCW)) 48.14.080."

On page 1, line 1 of the title, after "36.32.120" insert ", 35.22.280, 35.24.290, 35.27.370, and 35A.11.020; reenacting and amending RCW 35.23.440"

Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Rayburn, Smitherman, and Winsley

Absent: Representatives Hine and Patrick.

Passed to Committee on Rules for second reading.

February 25, 1986

ESB 4500 Prime Sponsor, Senator Granlund: Revising the basic education formula. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after the enacting clause insert the following new section:

NEW SECTION, Sec. 1. The legislature recognizes that a child's early educational experiences have a significant impact on basic skill development and attitudes toward learning. It is the intent of the legislature that these early years in the public school system be given special

consideration as may be directed by formulas used to employ staff in kindergarten through third grade to reduce class size."

Renumber the remaining sections consecutively.

On page 2, line 18 after "students" strike everything beginning with ":" through and including "students" on page 2, line 28.

Signed by Representatives Ebersole, Chair; Valle, Chair; Appelwick, Betrozoff, Chandler, Cole, Fuhrman, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, Taylor, Todd, Walker and Wang.

Absent: Representative L. Smith.

Referred to Committee on Ways & Means.

February 24, 1986

SB 4521 Prime Sponsor, Senator Thompson: Establishing a fellowship program in forensic pathology. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Rayburn, Smitherman, Winsley and Zellinsky

Absent: Representative Patrick.

Passed to Committee on Rules for second reading.

February 20, 1986

SB 4537 Prime Sponsor, Senator Bauer: Eliminating mandatory court appearance on a charge of driving with an expired license. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Betrozoff, Bond, Fisch, Fisher, Gallagher, Hankins, Kremen, McMullen, Prince, C. Smith, Sutherland, Thomas, Valle, K. Wilson and Zellinsky.

Voting nay: Representatives Lundquist and Schmidt.

Absent: Representatives Wineberry, Vice Chair; Brough, Haugen, McMullen, Tanner and Van Luven.

Passed to Committee on Rules for second reading.

February 25, 1986

SSB 4553 Prime Sponsor, Committee on Agriculture: Authorizing beef commission to levy assessments for promotion and research. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Ballard, Bristow, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

Passed to Committee on Rules for second reading.

February 25, 1986

SB 4569 Prime Sponsor, Senator Owen: Requiring a study of consolidating food fish and game fish recreational licenses. Reported by Committee on Natural Resources

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7 after "public" insert "particularly as increasing public participation in recreational fishing increases pressure on the state's fishery resources"

On page 1, line 18 after "game fund," insert "reasonable contribution by recreational users toward the cost of fishery management."

Signed by Representatives Sutherland, Chair; K. Wilson, Vice Chair; Basich, Belcher, Cole, Hankins, Haugen, Leonard, Lundquist, McMullen, D. Nelson, Sayan, van Dyke and J. Williams.

Absent: Representatives Dobbs, Fuhrman, Hargrove, McMullen, Thomas and S. Wilson.

Passed to Committee on Rules for second reading.

February 25, 1986

SSB 4572

Prime Sponsor, Committee on Parks & Ecology: Modifying shoreline management provisions. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 286, Laws of 1971 ex. sess. as last amended by section 2, chapter 13, Laws of 1982 1st ex. sess. and RCW 90.58.030 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) 'Department' means the department of ecology;

(b) 'Director' means the director of the department of ecology;

(c) 'Local government' means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter;

(d) 'Person' means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) 'Hearing board' means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) 'Extreme low tide' means the lowest line on the land reached by a receding tide;

(b) 'Ordinary high water mark' on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change thereafter in accordance with permits issued by a local government or the department: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining salt water shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) 'Shorelines of the state' are the total of all 'shorelines' and 'shorelines of state-wide significance' within the state;

(d) 'Shorelines' means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) 'Shorelines of state-wide significance' means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

(B) Birch Bay—from Point Whitehorn to Birch Point,

(C) Hood Canal—from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

(E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial, or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2)(e);

(f) 'Wetlands' or 'wetland areas' means those lands extending landward from two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; floodways and contiguous floodplain areas landward two hundred feet from such floodways; and all marshes, bogs, swamps, and river deltas associated with the streams, lakes, and tidal waters which are subject to the provisions of this chapter; the same to be designated as to location by the department of ecology: PROVIDED, That any county or city may determine that

portion of a one-hundred-year-flood plain to be included in its master program as long as such portion includes, as a minimum, the floodway and the adjacent land extending landward two hundred feet therefrom:

(g) 'Floodway' means those portions of the area of a river valley lying streamward from the outer limits of a watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually, said floodway being identified, under normal condition, by changes in surface soil conditions or changes in types or quality of vegetative ground cover condition. The floodway shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(3) Procedural terms:

(a) 'Guidelines' means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs:

(b) 'Master program' shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals, and standards developed in accordance with the policies enunciated in RCW 90.58.020:

(c) 'State master program' is the cumulative total of all master programs approved or adopted by the department of ecology:

(d) 'Development' means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level:

(e) 'Substantial development' shall mean any development of which the total cost or fair market value exceeds ((one) two thousand five hundred dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire, or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities on wetlands, and the construction and maintenance of irrigation structures including but not limited to head gates, pumping facilities, and irrigation channels: PROVIDED, That a feedlot of any size, all processing plants, other activities of a commercial nature, alteration of the contour of the wetlands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations:

(v) Construction or modification of navigational aids such as channel markers and anchor buoys:

(vi) Construction on wetlands by an owner, lessee, or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter:

(vii) Construction of a dock, designed for pleasure craft only, for the private noncommercial use of the owner, lessee, or contract purchaser of a single family residence, the cost of which does not exceed two thousand five hundred dollars:

(viii) Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters, including return flow and artificially stored ground water for the irrigation of lands:

(ix) The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water:

(x) Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on September 8, 1975, which were created, developed, or utilized primarily as a part of an agricultural drainage or diking system:

(xi) Any action commenced prior to December 31, 1982, pertaining to (A) the restoration of interim transportation services as may be necessary as a consequence of the destruction of the Hood Canal bridge, including, but not limited to, improvements to highways, development of

park and ride facilities, and development of ferry terminal facilities until a new or reconstructed Hood Canal bridge is open to traffic; and (B) the reconstruction of a permanent bridge at the site of the original Hood Canal bridge.

Sec. 2, Section 18, chapter 286, Laws of 1971 ex. sess. as last amended by section 2, chapter 51, Laws of 1975-76 2nd ex. sess. and RCW 90.58.180 are each amended to read as follows:

(1) Any person aggrieved by the granting, denying, or rescinding of a permit on shorelines of the state pursuant to RCW 90.58.140 as now or hereafter amended may seek review from the shorelines hearings board by filing a request for the same within thirty days of the date of filing as defined in RCW 90.58.140(6) as now or hereafter amended.

Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his request with the department and the attorney general. If it appears to the department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor: PROVIDED, That the failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within fifteen days from the date of the receipt by the department or the attorney general of a copy of the request for review filed pursuant to this section. The shorelines hearings board shall initially schedule review proceedings on such requests for review without regard as to whether such requests have or have not been certified or as to whether the period for the department or the attorney general to intervene has or has not expired, unless such review is to begin within thirty days of such scheduling. If at the end of the thirty day period for certification neither the department nor the attorney general has certified a request for review, the hearings board shall remove the request from its review schedule.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines hearings board and the appropriate local government within thirty days from the date the final order was filed as provided in RCW 90.58.140(6) as now or hereafter amended.

(3) The review proceedings authorized in subsections (1) and (2) of this section are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases. Judicial review of such proceedings of the shorelines hearings board may be had as provided in chapter 34.04 RCW.

(4) Local government may appeal to the shorelines hearings board any rules, regulations, or guidelines (~~designations, or master programs for shorelines of the state~~) adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

~~((a) In an appeal relating to a master program for shorelines, the board, after full consideration of the positions of the local government and the department, shall determine the validity of the master program.))~~ If the board determines that said ~~((program))~~ rule, regulation, or guideline:

~~((i))~~ (a) Is clearly erroneous in light of the policy of this chapter; or

~~((ii))~~ (b) Constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

~~((iii))~~ (c) Is arbitrary and capricious; or

~~((iv))~~ (d) Was developed without fully considering and evaluating all ~~((proposed master programs))~~ material submitted to the department by the local government; or

~~((v))~~ (e) Was not adopted in accordance with required procedures;

the board shall enter a final decision declaring the ~~((program))~~ rule, regulation, or guideline invalid, remanding the ~~((master program))~~ rule, regulation, or guideline to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new ~~((master program))~~ rule, regulation, or guideline. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the ~~((master program))~~ rule, regulation, or guideline to be valid and enter a final decision to that effect.

~~((b) In an appeal relating to a master program for shorelines of state-wide significance the board shall approve the master program adopted by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the master program approved by the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines.~~

~~((c) In an appeal relating to rules, regulations, guidelines, master programs of state-wide significance, and designations, the standard of review provided in RCW 34.04.070 shall apply.))~~

(5) Rules, regulations, ~~((designations, master programs.))~~ and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.04.070: PROVIDED, That no review

shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section is filed within three months after the date of final decision by the shorelines hearings board.

Sec. 3. Section 19, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.190 are each amended to read as follows:

(1) The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. ((Each local government shall submit any proposed adjustments, to the department as soon as they are completed. No such adjustment shall become effective until it has been approved by the department.)) Any adjustments proposed by a local government to its master program shall be forwarded to the department for review. The department shall approve, reject, or propose modification to the adjustment. If the department either rejects or proposes modification to the master program adjustment, it shall provide substantive written comments as to why the proposal is being rejected or modified.

(2) Any local government aggrieved by the department's decision to approve, reject, or modify a proposed master program or master program adjustment may appeal the department's decision to the shorelines hearings board. In an appeal relating to shorelines, the shorelines hearings board shall review the proposed master program or master program adjustment and, after full consideration of the presentations of the local government and the department, shall determine the validity of the local government's adjustment in light of the policy of RCW 90.58.020 and the applicable guidelines. In an appeal relating to shorelines of state-wide significance, the board shall uphold the decision by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the decision of the department is inconsistent with the policy of RCW 90.58.020 and the applicable guidelines. Review by the hearings board shall be considered a contested case under chapter 34.04 RCW. The aggrieved local government shall have the burden of proof in all such reviews. Whenever possible, the review by the hearings board shall be heard within the county where the land subject to the proposed master program or master program adjustment is primarily located. The department and any local government aggrieved by a final decision of the hearings board may appeal the decision to the superior court of Thurston county.

(3) A master program amendment shall become effective after the approval of the department or after the decision of the shorelines hearings board to uphold the master program or master program adjustment, provided that the board may remand the master program or master program adjustment to the local government or the department for modification prior to the final adoption of the master program or master program adjustment.

Sec. 4. Section 21, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.210 are each amended to read as follows:

(1) The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter.

(2) Any person who shall fail to conform to the terms of a permit issued under this chapter or who shall undertake development on the shorelines of the state without first obtaining any permit required under this chapter shall also be subject to a civil penalty not to exceed one thousand dollars for each violation. Each permit violation or each day of continued development without a required permit shall constitute a separate violation.

(3) The penalty provided for in this section shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the department or local government, describing the violation with reasonable particularity and ordering the act or acts constituting the violation or violations to cease and desist or, in appropriate cases, requiring necessary corrective action to be taken within a specific and reasonable time.

(4) Within thirty days after the notice is received, the person incurring the penalty may apply in writing to the department for remission or mitigation of such penalty. Upon receipt of the application, the department or local government may remit or mitigate the penalty upon whatever terms the department or local government in its discretion deems proper. Any penalty imposed pursuant to this section by the department shall be subject to review by the shorelines hearings board. Any penalty imposed pursuant to this section by local government shall be subject to review by the local government legislative authority. Any penalty jointly imposed by the department and local government shall be appealed to the shorelines hearings board.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Passed to Committee on Rules for second reading.

February 24, 1986

SSB 4590

Prime Sponsor, Committee on Governmental Operations: Revising provisions relating to local government investments. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The purpose of this chapter is to enable political subdivisions to participate with the state in providing maximum opportunities for the investment of surplus public funds consistent with the safety and protection of such funds. The legislature finds and declares that the public interest is found in providing maximum prudent investment of surplus funds, thereby reducing the need for additional taxation. The legislature also recognizes that not all political subdivisions are able to maximize the return on their temporary surplus funds. The legislature therefore provides in this chapter a mechanism whereby political subdivisions may, at their option, utilize the resources of the state treasurer's office to maximize the potential of surplus funds while ensuring the safety of public funds.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) 'Public funds investment account' or 'investment pool' means the aggregate of all funds from political subdivisions that are placed in the custody of the state treasurer for investment and reinvestment.

(2) 'Political subdivision' means any county, city, town, municipal corporation, political subdivision, or special purpose taxing district in the state.

(3) 'Local government official' means any officer or employee of a political subdivision who has been designated by statute or by local charter, ordinance, or resolution as the officer having the authority to invest the funds of the political subdivision. However, the county treasurer shall be deemed the only local government official for all political subdivisions for which the county treasurer has exclusive statutory authority to invest the funds thereof.

(4) 'Funds' means public funds under the control of or in the custody of any local government official by virtue of the official's authority that are not immediately required to meet current demands.

NEW SECTION. Sec. 3. There is created a trust fund in the state treasury to be known as the public funds investment account. All moneys remitted by local government officials under this chapter shall be deposited in this account. The earnings on any balances in the public funds investment account shall be credited to the public funds investment account, notwithstanding RCW 43.84.090.

NEW SECTION. Sec. 4. If authorized by local ordinance or resolution, a local government official may place funds into the public funds investment account for investment and reinvestment by the state treasurer in those securities and investments set forth in RCW 43.84.080 and chapter 39.58 RCW. The state treasurer shall invest the funds in such manner as to effectively maximize the yield to the investment pool. In investing and reinvesting moneys in the public funds investment account and in acquiring, retaining, managing, and disposing of investments of the investment pool, there shall be exercised the judgment and care under the circumstances then prevailing which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of the funds considering the probable income as well as the probable safety of the capital.

NEW SECTION. Sec. 5. The state treasurer's office is authorized to employ such personnel as are necessary to administer the public funds investment account. The bond of the state treasurer as required by law shall be made to include the faithful performance of all functions relating to the investment pool.

NEW SECTION. Sec. 6. The state treasurer shall by rule prescribe the time periods for investments in the investment pool and the procedure for withdrawal of funds from the investment pool. The state treasurer shall promulgate such other rules as are deemed necessary for the efficient operation of the investment pool. The rules shall also provide for the administrative expenses of the investment pool, including repayment of the initial administrative costs financed out of the appropriation included in this act, to be paid from the pool's earnings and for the interest earnings in excess of the expenses to be credited or paid to the political subdivisions participating in the pool. The state treasurer may deduct the amounts necessary to reimburse the treasurer's office for the actual expenses the office incurs and to repay any funds appropriated and expended for the initial administrative costs of the pool. Any credits or payments to political subdivisions shall be calculated and made in a manner which equitably reflects the differing amounts of the political subdivisions' respective deposits in the investment pool and the differing periods of time for which the amounts were placed in the investment pool.

NEW SECTION. Sec. 7. The state treasurer shall keep a separate account for each political subdivision having funds in the investment pool. Each separate account shall record the individual amounts deposited in the investment pool, the date of withdrawals, and the earnings

credited or paid to the political subdivision. The state treasurer shall report monthly the status of the respective account to each local government official having funds in the pool during the previous month.

NEW SECTION. Sec. 8. At the end of each fiscal year, the state treasurer shall submit to the governor, the state auditor, and the legislative budget committee a summary of the activity of the investment pool. The summary shall indicate the quantity of funds deposited; the earnings of the pool; the investments purchased, sold, or exchanged; the administrative expenses of the investment pool; and such other information as the state treasurer deems relevant.

NEW SECTION. Sec. 9. Local governments may not invest in repurchase agreements, nor have their money invested in repurchase agreements, unless the local government or its agent takes possession of the securities to be repurchased, or a third party holds the securities in trust for the local government.

NEW SECTION. Sec. 10. A new section is added to chapter 36.29 RCW to read as follows:

Upon the request of one or several units of local government that invest their money with the county under the provisions of RCW 36.29.020, the treasurer of that county may combine those units' moneys for the purposes of investment.

Sec. 11. Section 15, chapter 103, Laws of 1959 as last amended by section 21, chapter 66, Laws of 1983 and RCW 56.16.160 are each amended to read as follows:

Whenever there shall have accumulated in any general or special fund of a sewer district moneys, the disbursement of which is not yet due, the board of commissioners may, by resolution, authorize the county treasurer to deposit or invest such moneys in qualified public depositaries, or to invest such moneys in ~~((direct obligations of the United States government))~~ any investment permitted at any time by RCW 36.29.020; PROVIDED, That the county treasurer may refuse to invest any district moneys the disbursement of which will be required during the period of investment to meet outstanding obligations of the district.

Sec. 12. Section 16, chapter 108, Laws of 1959 as last amended by section 22, chapter 66, Laws of 1983 and RCW 57.20.160 are each amended to read as follows:

Whenever there shall have accumulated in any general or special fund of a water district moneys, the disbursement of which is not yet due, the board of water commissioners may, by resolution, authorize the county treasurer to deposit or invest such moneys in qualified public depositaries, or to invest such moneys in ~~((direct obligations of the United States government))~~ any investment permitted at any time by RCW 36.29.020; PROVIDED, That the county treasurer may refuse to invest any district moneys the disbursement of which will be required during the period of investment to meet outstanding obligations of the district.

NEW SECTION. Sec. 13. There is hereby appropriated for the biennium ending June 30, 1987, to the state treasurer from the state treasurer's service fund the sum of one hundred thousand dollars, or so much thereof as may be necessary, to defray the initial administrative costs of the public funds investment account. On or before June 30, 1991, the state treasurer's service fund shall be reimbursed for the amount of such money expended by the state treasurer to defray these initial administrative costs by transferring such money from the public funds investment account to the state treasurer's service fund.

NEW SECTION. Sec. 14. Sections 1 through 9 of this act shall constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "government;" insert "amending RCW 56.16.160 and 57.20.160."

Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky

Referred to Committee on Ways & Means.

February 25, 1986

SB 4680 Prime Sponsor, Senator Rasmussen: Revising provisions relating to institutional industries. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Braddock, Brooks, Dellwo, Leonard, Lewis, Lux, Padden, Tanner and Winsley.

Absent: Representatives Ballard, Bond, Dobbs, Lux, Padden, Scott, Tanner and West.

Referred to Committee on Ways & Means.

February 25, 1986

SB 4681 Prime Sponsor, Senator Kreidler: Revising provisions relating to inmates assigned to work/training release facilities. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 24 after "his" insert "or her"

Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Braddock, Brooks, Dellwo, Leonard, Lewis, Lux, Padden, Tanner and Winsley.

Absent: Representatives Ballard, Bond, Dobbs, Lux, Scott, Tanner and West.

Referred to Committee on Ways & Means.

February 25, 1986

SSB 4682 Prime Sponsor, Committee on Human Services & Corrections: Revising provisions relating to offenders performing community services. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Lux, Padden, Scott, Tanner and Winsley.

Absent: Representatives Ballard, Bond, Dobbs, Lux and West.

Passed to Committee on Rules for second reading.

February 25, 1986

ESSB 4683 Prime Sponsor, Committee on Human Services & Corrections: Revising provisions relating to the death penalty. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 12 after "dead," strike the remaining language in subsection (1) and insert "In any case, death shall be pronounced by a licensed physician."

Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dobbs, Padden, Scott and Tanner.

MINORITY recommendation: Do not pass. Signed by Representatives Dellwo, Leonard, Lux and Winsley.

Absent: Representative West.

Passed to Committee on Rules for second reading.

February 24, 1986

SB 4712 Prime Sponsor, Senator Thompson: Creating state archivist oral history program. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:
On page 3, line 24 after "to the" strike "state archivist" and insert "secretary of state"

Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Fuhrman, O'Brien, Todd and Walk.

Absent: Representatives Taylor and van Dyke.

Referred to Committee on Ways & Means.

February 24, 1986

ESSB 4717 Prime Sponsor, Committee on Parks & Ecology: Adopting the water quality joint development act. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:
Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The long-range health and economic and environmental goals for the state of Washington require the protection of the state's surface and underground waters for the health, safety, use, and enjoyment of its people. It is the purpose of this chapter to provide public bodies an additional means by which to provide for financing, development, and operation of water pollution control facilities needed for achievement of state and federal water pollution control requirements for the protection of the state's waters.

It is the intent of the legislature that public bodies be authorized to provide service from water pollution control facilities by means of service agreements with public or private parties as provided in this chapter.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Water pollution control facilities' or 'facilities' means any facilities, systems, or subsystems owned or operated by a public body, or owned or operated by any person or entity for the purpose of providing service to a public body, for the control, collection, storage, treatment, disposal, or recycling of wastewater, including but not limited to sanitary sewage, storm water, residential wastes, commercial wastes, industrial wastes, and agricultural wastes, that are causing or threatening the degradation of subterranean or surface bodies of water due to concentrations of conventional, nonconventional, or toxic pollutants. Water pollution control facilities do not include dams or water supply systems.

(2) 'Public body' means the state of Washington or any agency, county, city or town, political subdivision, municipal corporation, or quasi-municipal corporation.

(3) 'Water pollution' means such contamination, or other alteration of the physical, chemical, or biological properties of any surface or subterranean waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish, or other aquatic life.

(4) 'Agreement' means any agreement to which a public body and a service provider are parties by which the service provider agrees to deliver service to such public body in connection with its design, financing, construction, ownership, operation, or maintenance of water pollution control facilities in accordance with this chapter.

(5) 'Service provider' means any privately owned or publicly owned profit or nonprofit corporation, partnership, joint venture, association, or other person or entity that is legally capable of contracting for and providing service with respect to the design, financing, ownership, construction, operation, or maintenance of water pollution control facilities in accordance with this chapter.

NEW SECTION. Sec. 3. (1) Public bodies may enter into agreements with service providers for the furnishing of service in connection with water pollution control facilities pursuant to the process set forth in section 4 of this act. The agreements may provide that a public body pay a minimum periodic fee in consideration of the service actually available without regard to the amount of service actually used during all or any part of the contractual period. Agreements may be for a term not to exceed forty years or the life of the facility, whichever is longer, and may be renewable.

(2) The source of funds to meet periodic payment obligations assumed by a public body pursuant to an agreement permitted under this section may be paid from taxes, or solely from user fees, charges, or other revenues pledged to the payment of the periodic obligations, or any of these sources.

NEW SECTION. Sec. 4. The legislative authority of a public body may secure services by means of an agreement with a service provider. Such an agreement may obligate a service provider to design, finance, construct, own, operate, or maintain water pollution control facilities by which services are provided to the public body. Service agreements and related agreements under this chapter shall be entered into in accordance with the following procedure:

(1) The legislative authority of the public body shall publish notice that it is seeking to secure certain specified services by means of entering into an agreement with a service provider. The notice shall be published in the official newspaper of the public body, or if there is no official newspaper then in a newspaper in general circulation within the boundaries of the public body, at least once each week for two consecutive weeks. The final notice shall appear not less than sixty days before the date for submission of proposals. The notice shall state (a) the nature of the services needed, (b) the location in the public body's offices where the requirements and standards for construction, operation, or maintenance of projects needed as part of the services are available for inspection, and (c) the final date for the submission of proposals. The legislative authority may undertake a prequalification process by the same procedure set forth in this subsection.

(2) The request for proposals shall (a) indicate the time and place responses are due, (b) include evaluation criteria to be considered in selecting a service provider, (c) specify minimum requirements or other limitations applying to selection, (d) insofar as practicable, set forth terms and provisions to be included in the service agreement, and (e) require the service provider to demonstrate in its proposal that a public body's annual costs will be lower under its proposal than they would be if the public body financed, constructed, owned, operated, and maintained facilities required for service.

(3) The criteria set forth in the request for proposals shall be those determined to be relevant by the legislative authority of the public body, which may include but shall not be limited to: The respondent's prior experience, including design, construction, or operation of other similar facilities; respondent's management capability, schedule availability, and financial resources; cost of the service; nature of facility design proposed by respondents; system reliability; performance standards required for the facilities; compatibility with existing service facilities operated by the public body or other providers of service to the public body; project

performance warranties; penalty and other enforcement provisions; environmental protection measures to be used; and allocation of project risks. The legislative authority shall designate persons or entities (a) to assist it in issuing the request for proposals to ensure that proposals will be responsive to its needs, and (b) to assist it in evaluating the proposals received. The designee shall not be a member of the legislative authority.

(4) After proposals under subsections (1) through (3) of this section have been received, the legislative authority's designee shall determine, on the basis of its review of the proposals, whether one or more proposals have been received from respondents which are (a) determined to be qualified to provide the requested services, and (b) responsive to the notice and evaluation criteria, which shall include, but not be limited to, cost of services. These chosen respondents shall be referred to as the selected respondents in this section. The designee shall conduct a bidder's conference to include all these selected respondents to assure a full understanding of the proposals. The bidder's conference shall also allow the designee to make these selected respondents aware of any changes in the request for proposal. Any information related to revisions in the request for proposal shall be made available to all these selected respondents. Any selected respondent shall be accorded a reasonable opportunity for revision of its proposal prior to commencement of the negotiation provided in subsection (5) of this section, for the purpose of obtaining best and final proposals.

(5) After such conference is held, the designee may negotiate with the selected respondent whose proposal it determines to be the most advantageous to the public body, considering the criteria set forth in the request for proposals. If the negotiation is unsuccessful, the legislative authority may authorize the designee to commence negotiations with any other selected respondent. On completion of this process, the designee shall report to the legislative authority on his or her recommendations and the reasons for them.

(6) Any person aggrieved by the legislative authority's approval of a contract may appeal the determination to an appeals board selected by the public body, which shall consist of not less than three persons determined by the legislative authority to be qualified for such purposes. Such board shall promptly hear and determine whether the public body entered into the agreement in accordance with this chapter and other applicable law. The hearing shall be conducted in the same manner as contested a case under chapter 34.04 RCW. The board shall have the power only to affirm or void the agreement.

(7) Notwithstanding the foregoing, where contracting for design services by the public body is done separately from contracting for other services permitted under this chapter, the contracting for design of water pollution control facilities shall be done in accordance with chapter 39.80 RCW.

(8) A service agreement shall include provision for an option by which a public body may acquire at fair market value facilities dedicated to such service.

(9) Before any service agreement is entered into by the public body, it shall be reviewed and approved by the department of ecology to ensure that the purposes of chapter 90.48 RCW are implemented.

(10) Prior to entering into any service agreement under this chapter, the public body must have made written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the service agreement and that the service agreement is financially sound and advantageous compared to other methods.

(11) Each service agreement shall include project performance bonds or other security by the service provider which in the judgment of the public body is sufficient to secure adequate performance by the service provider.

NEW SECTION. Sec. 5. A public body may sell, lease, or assign public property for fair market value to any service provider as part of a service agreement entered into under the authority of this chapter. The property sold or leased shall be used by the provider, directly or indirectly, in providing services to the public body. Such use may include demolition, modification, or other use of the property as may be necessary to execute the purposes of the service agreement.

NEW SECTION. Sec. 6. A public body that enters into a service agreement pursuant to this chapter, under which a facility is owned wholly or partly by a service provider, shall be eligible for grants or loans to the extent permitted by law or regulation as if the entire portion of the facility dedicated to service to such public body were publicly owned. The grants or loans shall be made to and shall inure to the benefit of the public body and not the service provider. Such grants or loans shall be used by the public body for all or part of its ownership interest in the facility, and/or to defray a part of the payments it makes to the service provider under a service agreement if such uses are permitted under the grant or loan program.

NEW SECTION. Sec. 7. Sections 3 through 6 of this act shall be deemed to provide an additional method for the provision of services from and in connection with facilities and shall be regarded as supplemental and additional to powers conferred by other state laws and by federal laws.

NEW SECTION. Sec. 8. (1) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a service agreement entered into under this act to the same extent as if the facilities dedicated to such service were owned by a public body.

(2) Subsection (1) of this section shall not be construed to apply to agreements or actions by persons or entities which are not undertaken pursuant to this act.

(3) Except for section 13 of this act, this act shall not be construed as a limitation or restriction on the application of Title 39 RCW to public bodies.

(4) Prevailing wages shall be established as the prevailing wage in the largest city of the county in which facilities are built.

NEW SECTION. Sec. 9. This chapter may be cited as the water quality joint development act.

NEW SECTION. Sec. 10. A new section is added to chapter 35.23 RCW to read as follows: RCW 35.23.352 does not apply to agreements entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 11. A new section is added to chapter 35.94 RCW to read as follows: This chapter does not apply to dispositions of utility property in connection with an agreement entered into pursuant to chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 12. A new section is added to chapter 36.34 RCW to read as follows: RCW 36.34.150 through 36.34.190 shall not apply to agreements entered into pursuant to chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 13. A new section is added to chapter 39.04 RCW to read as follows: This chapter does not apply to agreements entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 14. A new section is added to chapter 54.04 RCW to read as follows: RCW 54.04.070 through 54.04.090 shall not apply to agreements entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 15. A new section is added to chapter 56.08 RCW to read as follows: RCW 56.08.070, 56.08.080 through 56.08.090, and 56.08.120 through 56.08.160 shall not apply to an agreement entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 16. A new section is added to chapter 57.08 RCW to read as follows: RCW 57.08.015, 57.08.016, 57.08.050, 57.08.120, and 57.08.130 shall not apply to agreements entered into under authority of chapter 70.-- RCW (sections 1 through 9 of this act) provided there is compliance with the procurement procedure under section 4 of this act.

NEW SECTION. Sec. 17. Sections 1 through 9 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 19. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky

Absent: Representatives Ebersole and Patrick.

Passed to Committee on Rules for second reading.

February 24, 1986

ESB 4725 Prime Sponsor, Senator Warnke: Revising provisions of the accountancy act. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 3, chapter 234, Laws of 1983 and RCW 18.04.025 are each amended to read as follows:

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

(1) 'Board' means the board of accountancy created by RCW 18.04.035.

(2) 'Certified public accountant' or 'CPA' means a person holding a certified public accountant certificate issued under this chapter or the accountancy act of any state.

(3) 'State' includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

(4) 'Opinions on financial statements' are any reports prepared by certified public accountants, based on examinations in accordance with generally accepted auditing standards as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting.

(5) The 'practice of public accounting' means performing services as one skilled in the knowledge and practice of public accounting and preparing reports designated as 'audit reports,' 'review reports,' and 'compilation reports.'

(6) 'Firm' means a sole proprietorship, a corporation, or a partnership.

(7) 'CPE' means continuing professional education.

(8) 'Certificate' means a certificate as a certified public accountant issued under this chapter, or a corresponding certificate issued by another state.

(9) 'Licensee' means the holder of a certificate who also holds a valid license issued under this chapter.

(10) 'License' means a biennial license issued to an individual or firm under this chapter.

(11) 'Quality assurance review' means a study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

(12) 'Rule' means any rule adopted by the board under authority of this chapter.

Sec. 2. Section 4, chapter 234, Laws of 1983 and RCW 18.04.035 are each amended to read as follows:

(1) There is created a board of accountancy for the state of Washington to be known as the Washington board of accountancy. The board shall consist of five members appointed by the governor. Members of the board shall include four persons who hold certified public accountant certificates and have been in public practice as certified public accountants in this state continuously for the previous ten years. The fifth member shall be the public member and shall be a person who is qualified to judge whether the qualifications, activities, and professional practice of those regulated under this chapter conform with standards to protect the public interest.

~~(2) The members of the board of accountancy ((existing immediately prior to July 1, 1983; shall serve out their existing terms as members of the board created under this act. Thereafter, each member of the board)) shall be appointed by the governor to a term of three years. ((Their successors shall be appointed for terms of three years.)) Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of a member's term of office, the member shall continue to serve until a successor has been appointed and has assumed office. The governor shall remove from the board any member whose certificate or ((permit)) license to practice has been revoked or suspended and may, after hearing, remove any member of the board for neglect of duty or other just cause. No person who has served two successive complete terms is eligible for reappointment. Appointment to fill an unexpired term is not considered a complete term.~~

Sec. 3. Section 5, chapter 234, Laws of 1983 and RCW 18.04.045 are each amended to read as follows:

(1) The board shall annually elect a chairman, a vice chairman, and a secretary from its members.

(2) The board may adopt and amend rules under chapter 34.04 RCW for the orderly conduct of its affairs and for the administration of this chapter.

(3) A majority of the board constitutes a quorum for the transaction of business.

(4) The board shall have a seal which shall be judicially noticed.

(5) The board shall keep records of its proceedings, and of any proceeding in court arising from or founded upon this chapter. Copies of these records certified as correct under the seal of the board are admissible in evidence as tending to prove the content of the records.

(6) The board may employ personnel and arrange for assistance as it requires to perform its duties. Individuals or committees assisting the board under this subsection (6) constitute volunteers for purposes of chapter 4.92 RCW.

~~((2))~~ (7) Each member of the board shall receive compensation as provided under RCW 18.04.080.

~~((3))~~ (8) The board shall file an annual report of its activities with the governor. The report shall include, but not be limited to, a statement of all receipts and disbursements ~~((and a listing of all certified public accountants who are registered, or who have offices registered, or permits to practice issued under this chapter))~~. Upon request, the board shall mail a copy of each annual report ~~((to any person, office, partnership, or corporation listed, or))~~ to any member of the public.

Sec. 4. Section 6, chapter 234, Laws of 1983 and RCW 18.04.055 are each amended to read as follows:

The board shall prescribe rules consistent with this chapter as necessary to implement this chapter. Included may be:

- (1) Rules of procedure to govern the conduct of matters before the board;
- (2) Rules of professional conduct to establish and maintain high standards of competence and integrity in the profession;

(3) Educational requirements to set for an examination or for the issuance of the certificate or license of certified public accountant;

(4) Rules designed to ensure that certified public accountants' opinions on financial statements meet the definitional requirements for that term as specified in RCW 18.04.025;

(5) Requirements for continuing professional education to maintain or improve the professional competence of ((~~permit~~) certificate and license holders ((~~to practice under RCW 18.04.215~~)) as a condition to ~~maintaining their ((continuing in the practice of public accounting))~~ certificate or license to practice under RCW 18.04.215;

(6) Regulations governing sole proprietors, partnerships, and corporations practicing public accounting including, but not limited to, rules concerning their style, name, title, and affiliation with any other organization, and establishing reasonable practice standards to protect the public interest;((and))

(7) The board may by rule implement a quality assurance review program as a means to monitor licensees' quality of practice and compliance with professional standards. The board may exempt from such program, licensees who undergo periodic peer reviews in programs of the American Institute of Certified Public Accountants, National Association of State Boards of Accountancy, or other programs recognized and approved by the board by rule.

(8) The board may by rule require firms to obtain professional liability insurance if in the board's discretion such insurance provides additional and necessary protection for the public; and

(9) Any other rule which the board finds necessary or appropriate to implement this chapter.

Sec. 5. Section 24, chapter 234, Laws of 1983 and RCW 18.04.065 are each amended to read as follows:

The board shall set its fees at a level adequate to pay the costs of administering this chapter. All fees shall be deposited into an account in the state treasury known as the certified public accountants' account.

Sec. 6. Section 7, chapter 234, Laws of 1983 as amended by section 3, chapter 57, Laws of 1985 and RCW 18.04.105 are each amended to read as follows:

(1) The certificate of 'certified public accountant' shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal;

(b) Who has ((a baccalaureate degree conferred by a college or university recognized by the board, and whose educational program included an accounting concentration or its equivalent, and related subjects)) met such educational standards established by rule as the board determines to be appropriate; and

(c) Who has passed a written examination in accounting, auditing, and related subjects the board determines to be appropriate.

(2) ((The board may, in its discretion, waive the educational requirement for any person if it is satisfied, by appropriate means of evaluation, that the person's educational qualifications are an acceptable substitute for the requirements of subsection (1)(b) of this section;

(3)) The examination described in subsection (1)(c) of this section shall be held by the board and shall take place as often as the board determines to be desirable, but at least once a year. The board may use all or any part of the examination ((and)) or grading service of the American Institute of Certified Public Accountants or National Association of State Boards of Accountancy to assist it in performing its duties under this chapter.

((4) A person who has met the educational requirements of subsection (1)(b) of this section, or who expects to meet it within one hundred twenty days following the examination, or with respect to whom it has been waived under subsection (2) of this section, is eligible to take the examination if the person also meets the requirements of subsection (1)(a) of this section. If a person is admitted to the examination on the expectation that he or she will complete the educational requirement within one hundred twenty days, no certificate may be issued, nor credit for the examination or any part of it be given, unless this requirement is in fact completed within that time or within such time as the board in its discretion may determine upon application;

(5)) (3) The board may, by rule, provide for granting credit to a person for satisfactory completion of a written examination in any one or more of the subjects specified in subsection (1)(c) of this section given by the licensing authority in any other state. These rules shall include

requirements the board determines to be appropriate in order that any examination approved as a basis for any credit shall, in the judgment of the board, be at least as thorough as the most recent examination given by the board at the time credit is granted.

(4) The board may, by rule, prescribe the terms and conditions under which a person who passes the examination in one or more of the subjects indicated in subsection (1)(c) of this section may be reexamined in only the remaining subjects, giving credit for the subjects previously passed. It may also provide by rule for a reasonable waiting period for a person's reexamination in a subject he or she has failed. A person is entitled to any number of reexaminations, subject to this subsection and any other rules adopted by the board.

(5) A person passing the examination in any one or more subjects specified in subsection (1)(c) of this section shall meet the educational requirements of subsection (1)(b) of this section in effect on the date the person successfully completes the requirements of subsection (1)(c) of this section. The board may provide, by rule, for exceptions to prevent what it determines to be undue hardship to applicants.

(6) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection ~~((5))~~ (4) of this section for each subject in which the applicant is reexamined ~~((or for evaluation of a person's educational qualifications under subsection (2) of this section))~~. The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' ~~((examination))~~ account. All fees received from candidates to take any or all sections of the certified public accountant examination ~~((shall be deposited by the board into this account, and funds appropriated from the account))~~ shall be used only for costs ~~((directly))~~ related to the examination. All earnings of investments of balances in the certified public accountants' ~~((examination))~~ account shall be credited to the general fund.

(7) Persons who on ~~((July 1, 1983))~~ June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

(8) ~~((a))~~ Persons who on July 1, 1983, hold registrations as licensed public accountants and annual permits to practice previously issued under the laws of this state shall be entitled to practice public accounting and be known as certified public accountants and to use the designation "CPA" provided that these persons continue to hold permits to practice under this chapter.

~~((b))~~ Persons who held qualifications as licensed public accountants but who do not hold annual permits to practice on July 1, 1983, are not entitled to engage in the practice of public accounting under this chapter ~~((unless they meet the requirements imposed by this chapter for certified public accountants))~~. ~~((These))~~ No person(s) shall ~~((not))~~ use the term "licensed public accountant(s)" or the designation "LPA."

(9) A certificate of a 'certified public accountant' under this chapter is issued on a biennial basis with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.

(10) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant holding a certificate on the effective date of this act shall verify to the board that he or she has completed at least ten days or an accumulation of eighty hours of continuing professional education during the last two-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; and

(d) Establish proceedings for revocation, suspension, and reinstatement of certificates for failure to meet the continuing professional education requirement.

(11) Failure to furnish verification of the completion of the continuing professional education requirement constitutes grounds for revocation, suspension, or failure to renew the certificate, unless the board determines that the failure was due to reasonable cause or excusable neglect.

Sec. 7. Section 8, chapter 234, Laws of 1983 and RCW 18.04.185 are each amended to read as follows:

(1) Application for certification as certified public accountants by persons who are not residents of this state constitutes appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicants arising from any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.

(2) Application for a biennial ((permit)) license to practice public accounting in this state by a certified public accountant or CPA firm who holds a license or permit to practice issued by another state constitutes the appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicant arising from any transaction or operation connected with or incidental to the practice of public accounting in this state by the holder of the biennial ((permit)) license to practice.

Sec. 8. Section 9, chapter 234, Laws of 1983 and RCW 18.04.195 are each amended to read as follows:

(1) A sole proprietorship engaged in this state in the practice of public accounting shall license biennially with the board as a firm.

(a) The principal purpose and business of the firm shall be to furnish services to the public which are consistent with this chapter and the rules of the board.

(b) The person shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(c) Each resident licensee in charge of an office of the sole proprietorship engaged in this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(2) A partnership engaged in this state in the practice of public accounting shall ((register)) license biennially with the board as a partnership of certified public accountants, and shall meet the following requirements:

(a) The principal purpose and business of the partnership shall be to furnish services to the public which are consistent with this chapter and the rules of the board;

(b) At least one general partner of the partnership shall be a certified public accountant holding a ((permit)) license to practice under RCW 18.04.215;

(c) Each resident ((manager)) licensee in charge of an office of the partnership in this state and each resident partner personally engaged within this state in the practice of public accounting ((as a member in the office)) shall be a certified public accountant holding a ((permit)) license to practice under RCW 18.04.215.

~~((2))~~ (3) A corporation organized for the practice of public accounting and engaged in this state in the practice of public accounting shall ((register)) license biennially with the board as a corporation of certified public accountants and shall meet the following requirements:

(a) The principal purpose and business of the corporation shall be to furnish services to the public which are consistent with this chapter and the rules of the board; and

(b) Each shareholder of the corporation shall be a certified public accountant of some state holding a ((permit)) license to practice and shall be principally employed by the corporation or actively engaged in its business. No other person may have any interest in the stock of the corporation. The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation shall be a certified public accountant of some state holding a ((permit)) license to practice;

(c) At least one shareholder of the corporation shall be a certified public accountant holding a ((permit)) license to practice under RCW 18.04.215;

(d) Each resident ((manager)) licensee in charge of an office of the corporation in this state and each shareholder or director personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a ((permit)) license to practice under RCW 18.04.215;

(e) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding; and

(f) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe.

~~((3))~~ (4) Application for ((registration-of)) a license as a ((partnership or corporation)) firm shall be made upon the affidavit of ((a general)) the proprietor or person designated as managing partner or shareholder ((who is)) for Washington. This person shall be a certified public accountant holding a ((permit)) license to practice under RCW 18.04.215. The board shall determine in each case whether the applicant is eligible for ((registration)) a license. A partnership or corporation which is ((so registered and which holds a permit)) licensed to practice under RCW 18.04.215 may use the designation 'certified public accountants' or 'CPAs' in connection with its partnership or corporate name. The board shall be given notification within ((thirty)) ninety days after the admission or withdrawal of a partner or shareholder engaged in this state in the practice of public accounting from any partnership or corporation so ((registered)) licensed.

~~((4))~~ (5) Fees for the ((registration of partnerships or corporations)) license as a firm and for notification of the board of the admission or withdrawal of a partner or shareholder shall be

determined by the board. Fees shall be paid by the ~~((applicant))~~ firm at the time the ~~((registration))~~ license application form or notice of admission or withdrawal of a partner or shareholder is filed with the board.

Sec. 9. Section 10, chapter 234, Laws of 1983 and RCW 18.04.205 are each amended to read as follows:

(1) Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or a partnership or corporation of certified public accountants, shall register with the board under this chapter biennially.

(2) Each office shall be under the direct supervision of a resident ~~((manager))~~ licensee holding a ~~((permit))~~ license to practice under RCW 18.04.215 who may be ~~((either))~~ a sole proprietor, partner, principal shareholder, or a staff employee.

~~((2))~~ (3) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the practice of public accounting.

~~((3))~~ (4) Fees for the registration of offices shall be determined by the board. Fees shall be paid by the applicant at the time the registration form is filed with the board.

Sec. 10. Section 11, chapter 234, Laws of 1983 and RCW 18.04.215 are each amended to read as follows:

(1) Biennial ~~((permits))~~ licenses to engage in the practice of public accounting in this state shall be issued by the board:

(a) To holders of certificates as certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent:

(b) To ~~((partnerships and corporations registered))~~ firms under RCW 18.04.195, if all offices of the ~~((partnerships and corporations))~~ firm in this state are maintained and registered as required under RCW 18.04.205.

(2) All ~~((permits))~~ licenses to practice ~~((for))~~ issued to persons born in an even-numbered year expire on the last day of June ((1984 shall be for one year and may be renewed for a period of two years)) of each even-numbered year. All ((permits)) licenses to practice ((for)) issued to persons born in an odd-numbered year expire on the last day of June ((1985 shall be for two years and may be renewed for a period of two years)) of each odd-numbered year. Renewals of ((permits)) licenses to practice issued to individuals under subsection (1) (a) ((or b)) of this section shall be issued in accordance with subsection ((3)) (4) of this section. Applicants for issuance or renewal of ((permits)) licenses shall, at the time of filing their applications, list with the board all states in which they hold or have applied for permits or licenses to practice.

~~((2))~~ (3) A certified public accountant who holds a permit or license issued by another state, and applies for a ~~((permit))~~ license in this state, may practice ~~((accounting))~~ in this state from the date of filing a completed application with the board, until the board has acted upon the application.

~~((3))~~ (4) As a prerequisite to renewal of a ~~((permit))~~ license, a person practicing public accounting shall submit to the ~~((Washington state))~~ board ~~((of accountancy))~~ satisfactory proof of having completed ten days or an accumulation of eighty hours of continuing education recognized and approved by the board during the preceding two years. Failure to furnish this evidence as required constitutes grounds for revocation, suspension, or refusal to renew the ~~((permit))~~ license in a proceeding under RCW 18.04.295, unless the board determines the failure to have been due to reasonable cause or excusable neglect.

The board~~(:)~~ in its discretion~~(:)~~ may renew a biennial ~~((permit))~~ license to practice despite failure to furnish evidence of compliance with requirements of continuing professional education upon condition that the applicant follow a particular program of continuing professional education. In issuing rules and individual orders with respect to continuing professional education requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and ~~((shall))~~ may take into account the accessibility of continuing education to applicants and instances of individual hardship.

~~((4))~~ (5) Fees for biennial ~~((permits))~~ licenses to engage in the practice of public accounting in this state shall be determined by the board under chapter 18.04 RCW. Fees shall be paid by the applicant at the time the ~~((registration))~~ application form is filed with the board. The board, by rule, may provide for proration of fees for licenses issued between normal renewal dates.

Sec. 11. Section 12, chapter 234, Laws of 1983 and RCW 18.04.295 are each amended to read as follows:

((After notice and hearing as provided in RCW 18.04.320, the board may revoke or suspend any certificate issued under RCW 18.04.195, or may revoke, suspend, or refuse to renew any permit to practice, or may censure the holder of a permit for one or a combination)) The board of accountancy shall have the power to revoke, suspend, or refuse to renew the license of any certified public accountant for any of the following causes:

(1) ~~Fraud or deceit in obtaining a certificate as a certified public accountant, ((or in obtaining registration under this act;))~~ or in obtaining a ~~((permit))~~ license to practice public accounting under RCW 18.04.215;

(2) Dishonesty, fraud, or ~~((gross))~~ negligence in the practice of public accounting;

(3) A violation of any provision of this ~~((act))~~ chapter;

(4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this ~~((act))~~ chapter;

(5) Conviction of a crime or an act constituting a crime under:

(a) The laws of this state;

(b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or

(c) Federal law;

(6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state;

(7) Suspension or revocation of the right to practice before any state or federal agency~~((or))~~;

Sec. 12. Section 13, chapter 234, Laws of 1983 and RCW 18.04.305 are each amended to read as follows:

~~((After notice and hearing under RCW 18.04.320, the board shall revoke the registration issued to a partnership or corporation under RCW 18.04.195 and permit to practice issued to a partnership or corporation under RCW 18.04.215 if at any time the partnership or corporation does not have all the qualifications prescribed under this chapter for registration. After notice and hearing as provided in RCW 18.04.320, the board may revoke or suspend the registration of a partnership or corporation, may revoke, suspend, or refuse to renew its permit to practice))~~ The board of accountancy may revoke, suspend, or refuse to renew the license issued to a firm if at any time the firm does not meet the requirements of this chapter for licensing, or for any of the causes enumerated in RCW 18.04.295, or for any of the following additional causes:

(1) The revocation or suspension of the certificate as a certified public accountant or the revocation or suspension or refusal to renew the ~~((permit))~~ license of any partner or shareholder; or

(2) The ~~((cancellation;))~~ revocation, suspension, or refusal to renew the ~~((authority))~~ license or permit of the ~~((partnership or corporation))~~ firm, or any partner or shareholder thereof, to practice public accounting in any other state for any cause other than failure to pay a fee or to meet the requirements of continuing professional education in the other state.

Sec. 13. Section 31, chapter 226, Laws of 1949 as amended by section 14, chapter 234, Laws of 1983 and RCW 18.04.320 are each amended to read as follows:

~~((+))~~ ~~Proceedings for~~ In the case of the refusal, revocation, or suspension of ((the certificate, permit, or registration of any person, partnership, or corporation may be initiated)) a certificate or a license by the board ((on its own motion, on the complaint of any person, or on receiving notification from another state board of accountancy of its decision to:

(a) Revoke or suspend practice privileges granted in that state to a holder of a certified public accountant certificate or a public accountant registrant of that state; or

(b) Revoke, suspend, refuse to renew, or censure the holder of a permit to practice in that state who holds a permit to practice under RCW 18.04.215;

(2) Unless the charge or charges are dismissed by the board as unfounded or trivial, the board shall set a date for hearing not later than ninety days after formal charges are filed. A copy of the charge or charges, together with a notice of the time and place of hearing before the board shall be served not less than thirty days prior to the date set for hearing on the accused either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the board;

(3) If after having been so served with a notice of hearing, the accused fails to appear at the hearing, the board may proceed to hear evidence against him and may enter such order as may be justified by the evidence, which shall be final unless the accused petitions for a review thereof. Within thirty days from the date of any such order upon a showing of good cause for failing to appear, the board may reopen the proceedings and may permit the accused to submit evidence in his or her behalf;

(4) At any hearing the accused may appear in person and by counsel, may produce evidence and witnesses on his or her own behalf, and may cross-examine such witnesses as may appear against him. A partnership may be represented before the board by counsel or by a partner. A corporation may be represented before the board by counsel or by a shareholder. The accused shall be entitled on application to the board to the issuance of subpoenas to compel the attendance of witnesses and the production of evidence on his or her behalf;

(5) The board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with or upon hearing under this chapter. To compel obedience to a subpoena the board may invoke the aid of any court of this state in

requiring the attendance and testimony of witnesses and the production of documentary evidence:

(6) The board shall not be bound by technical rules of evidence;

(9) The decision of the board shall be by majority vote;

(10) Any person adversely affected by any action of the board may obtain a review thereof by filing a written petition for review in the superior court of the county in which he resides within thirty days after the entry of such order. A copy of the petition shall be served upon any member of the board and thereupon the board shall certify and file in the court a transcript of the record upon which the order complained of was entered. The court will hear the matter de novo, and may sustain, modify, or set aside the board's order in whole or in part, or may remand the matter to the board for further action, and may, in its discretion, stay the effect of the board's order pending its determination of the case. The court's decision has the force and effect of a decree in equity; and

(11) On rendering a decision to: (a) Revoke or suspend a certificate issued under RCW 18.04.105; (b) revoke or suspend a registration issued under RCW 18.04.195; or (c) revoke, suspend, refuse to renew, or censure the holder of a permit to practice under RCW 18.04.215, the board shall examine its records to determine whether the accused holds a certificate, a registration, or a permit or annual limited permit to practice in any other state. If the board determines that the accused holds a certificate, or a registration in any other state, the board shall notify the board of accountancy of the other state of its decision by mail within thirty days of rendering the decision) under the provisions of this chapter, such proceedings and any appeal therefrom shall be taken in accordance with the administrative procedure act, chapter 34.04 RCW.

Sec. 14. Section 15, chapter 234, Laws of 1983 and RCW 18.04.335 are each amended to read as follows:

Upon application in writing and after hearing pursuant to notice, the board may:

(1) Reissue a certificate to a certified public accountant whose certificate has been revoked or suspended; or

(2) Modify the suspension of or reissue any ((permit)) license to practice which has been revoked, suspended, or which the board has refused to renew.

Sec. 15. Section 16, chapter 234, Laws of 1983 and RCW 18.04.345 are each amended to read as follows:

(1) No person may hold himself or herself out to the public, or assume or use the designation 'certified public accountant' or 'CPA' or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or CPA unless the person has received a certificate as a certified public accountant, holds a valid ((permit)) license to practice under RCW 18.04.215, and all of the person's offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(2) No ((partnership or corporation)) firm may hold itself out to the public, or assume or use the designation 'certified public accountant' or 'CPA' or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the ((partnership or corporation)) firm is composed of certified public accountants or CPAs, unless the ((partnership or corporation)) firm is ((registered as a partnership or corporation of certified public accountants)) licensed under RCW 18.04.195, holds a valid ((permit)) license to practice under RCW 18.04.215, and all offices of the ((partnership or corporation)) firm in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(3) No person, partnership, or corporation may hold himself, herself, or itself out to the public, or assume or use along, or in connection with his, hers, or its name, or any other name the title or designation 'certified accountant,' 'chartered accountant,' ((enrolled accountant)) 'licensed accountant,' ((registered accountant), 'accredited accountant,' 'public accountant,' or any other title or designation likely to be confused with 'certified public accountant' or any of the abbreviations 'CA,' ((EA), 'RA'), 'LA,' ((AA)) or 'PA,' or similar abbreviations likely to be confused with 'CPA.' However, nothing in this chapter prohibits use of the title 'accountant' by any person regardless of whether the person has been granted a certificate or holds a ((permit)) license under this chapter.

(4) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an 'audit,' 'review,' or 'compilation,' unless the person holds a biennial ((permit)) license to practice under RCW 18.04.215 and all of the person's offices in this state for the practice of public accounting are maintained and ((registered)) licensed under RCW 18.04.205.

(5) No person may sign, affix, or associate a ((partnership or corporation)) firm name to any report designated as an 'audit,' 'review,' or 'compilation,' unless the ((partnership or corporation)) firm is ((registered)) licensed under RCW 18.04.195 ((holds a permit to practice under RCW)) and 18.04.215, and all of its offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(6) No person, partnership, or corporation not holding a ((permit)) license to practice under RCW 18.04.215 may hold himself, herself, or itself out to the public as an 'auditor' with or

without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

(7) Nothing contained in this chapter prohibits any person who is the holder of a valid certified public accountant certificate from assuming or using the designation 'certified public accountant' or 'CPA' or any other title, designation, words, letters, sign, card, or device tending to indicate that the person is a certified public accountant.

(8) No person may assume or use the designation 'certified public accountant' or 'CPA' in conjunction with names indicating or implying that there is a partnership or corporation, ~~((or in conjunction with the designation "and Company" or "and Co." or a similar designation.))~~ if there is in fact no bona fide partnership or corporation registered under RCW 18.04.195.

(9) No person, partnership, or corporation holding a ~~((permit))~~ license under RCW 18.04.215 may hold himself, herself, or itself out to the public in conjunction with the designation 'and Associates' or 'and Assoc.' unless he or she has in fact a partner or employee who holds a ~~((permit))~~ license under RCW 18.04.215.

(10) No person, partnership, or corporation may hold himself, herself, or itself out to the public for the practice of public accounting unless the person, partnership, or corporation holds a ~~((permit))~~ license to practice under RCW 18.04.215 and all of his or its offices in this state are maintained and registered under RCW 18.04.205.

Sec. 16. Section 34, chapter 226, Laws of 1949 as last amended by section 17, chapter 234, Laws of 1983 and RCW 18.04.350 are each amended to read as follows:

(1) Nothing in this chapter prohibits any person not a certified public accountant from serving as an employee of, or as assistant to, a certified public accountant or partnership composed of certified public accountants or corporation of certified public accountants holding a valid ~~((permit))~~ license under RCW 18.04.215. However, the employee or assistant shall not issue any accounting or financial statement over his or her name.

(2) Nothing in this chapter prohibits a certified public accountant registered in another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein from temporarily practicing in this state on professional business incident to his regular practice.

(3) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to other certified public accountants, peer review teams, partnerships, or corporations of public accountants engaged in conducting peer reviews, or any one of their employees in connection with peer reviews of that accountant's accounting and auditing practice conducted under the auspices of recognized professional associations.

(4) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to any employee, representative, officer, or committee member of a recognized professional association, or to the board of accountancy, or any of its employees or committees in connection with a professional ~~((ethics))~~ investigation held under the auspices of recognized professional associations or the board of accountancy.

(5) Nothing in this chapter prohibits any officer, employee, partner, or principal of any organization:

(a) From affixing his or her signature to any statement or report in reference to the affairs of the organization with any wording designating the position, title, or office which he or she holds in the organization; or

(b) From describing himself or herself by the position, title, or office he or she holds in such organization.

(6) Nothing in this chapter prohibits any person, or partnership or corporation composed of persons not holding a ~~((permit))~~ license under RCW 18.04.215 from offering or rendering to the public bookkeeping, accounting, and tax services, including devising and installing systems, financial information or data, or preparing financial statements, written statements describing how such financial statements were prepared, or similar services, provided that persons, partnerships, or corporations not holding a ~~((permit))~~ license under RCW 18.04.215 who offer or render these services do not designate any written statement as an 'audit report,' 'review report,' or 'compilation report,' do not issue any written statement which purports to express or disclaim an opinion on financial statements which have been audited, and do not issue any written statement which expresses assurance on financial statements which have been reviewed.

(7) Nothing in this chapter prohibits any act of or the use of any words by a public official or a public employee in the performance of his or her duties.

Sec. 17. Section 37, chapter 226, Laws of 1949 as amended by section 20, chapter 234, Laws of 1983 and RCW 18.04.380 are each amended to read as follows:

The display or presentation by a person of a card, sign, advertisement, or other printed, engraved or written instrument or device, bearing a person's name in conjunction with the words 'certified public accountant' or any abbreviation thereof, or 'licensed public accountant' or any abbreviation thereof, or 'public accountant' or any abbreviation thereof, shall be prima

facie evidence in any action brought under this chapter that the person whose name is so displayed, caused or procured the display or presentation of the card, sign, advertisement, or other printed, engraved, or written instrument or device, and that the person is holding himself or herself out to be a certified public accountant or a public accountant holding a ((permit)) license to practice under this chapter. In any such action, evidence of the commission of a single act prohibited by this chapter is sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

Sec. 18. Section 38, chapter 226, Laws of 1949 as amended by section 21, chapter 234, Laws of 1983 and RCW 18.04.390 are each amended to read as follows:

(1) In the absence of an express agreement between the certified public accountant and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a certified public accountant incident to or in the course of professional service to clients, except reports submitted by a certified public accountant to a client, are the property of the certified public accountant.

(2) No statement, record, schedule, working paper, or memorandum may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the accountant or corporation, or any combined or merged partnership or corporation, or successor in interest ~~((to the partnership or corporation))~~.

(3) A licensee shall furnish to his or her client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers, to the extent that such working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account; the licensee may make and retain copies of such documents of the client when they form the basis for work done by him or her.

Sec. 19. Section 23, chapter 234, Laws of 1983 and RCW 18.04.405 are each amended to read as follows:

(1) A certified public accountant, a partnership or corporation of certified public accountants, or any of their employees shall not disclose any confidential information obtained in the course of a professional transaction except with the consent of the client or former client or as disclosure may be required by law, legal process, the standards of the profession, or as disclosure of confidential information is permitted by RCW 18.04.350 ~~((2))~~ (3) and ~~((3))~~ (4) in connection with peer reviews and ~~((ethics))~~ investigations.

(2) This section shall not be construed as limiting the authority of this state or of the United States or an agency of this state or of the United States to subpoena and use such information in connection with any investigation, public hearing, or other proceeding, nor shall this section be construed as prohibiting a certified public accountant whose professional competence has been challenged in a court of law or before an administrative agency from disclosing confidential information as a part of a defense to the court action or administrative proceeding.

Sec. 20. Section 34, chapter 234, Laws of 1983 and RCW 18.04.901 are each amended to read as follows:

If any provision of this ~~((act))~~ chapter or its application to any person or circumstance is held invalid, the remainder of the ~~((act))~~ chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 30, chapter 234, Laws of 1983 and RCW 43.131.311; and

(2) Section 31, chapter 234, Laws of 1983 and RCW 43.131.312.

Sec. 22. Section 1, chapter 234, Laws of 1983 and RCW 18.04.920 are each amended to read as follows:

This chapter may be cited as the public accountancy act ~~((of 1983))~~.

NEW SECTION. Sec. 23. RCW 18.04.930, 18.04.931, 18.04.932, 18.04.933, and 18.04.934 are each decodified.

NEW SECTION. Sec. 24. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1986, except as provided in this section. Section 5 of this act shall not become effective if sections 90(1) and 4 of Engrossed Substitute House Bill No. 1758 become law."

On page 1, line 1 of the title, after "accountancy;" strike the remainder of the title and insert "amending RCW 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.065, 18.04.105, 18.04.185, 18.04.195, 18.04.205, 18.04.215, 18.04.295, 18.04.305, 18.04.320, 18.04.335, 18.04.345, 18.04.350, 18.04.380, 18.04.390, 18.04.405, 18.04.901, and 18.04.920; decodifying RCW 18.04.930, 18.04.931, 18.04.932, 18.04.933, and 18.04.934; repealing RCW 43.131.311 and 43.131.312; declaring an emergency; and providing an effective date."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Passed to Committee on Rules for second reading.

February 25, 1986

SB 4746 Prime Sponsor, Senator Gaspard: Removing the requirement that the regional universities and TESC's extension departments be assigned territories. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Basich, Belcher, Hastings, Miller, D. Nelson, G. Nelson, Prince, Silver, Unsoeld, Vander Stoep, K. Wilson and Wineberry.

Passed to Committee on Rules for second reading.

February 24, 1986

SSB 4779 Prime Sponsor, Committee on Commerce & Labor: Providing increased consumer protection by regulating auctioneers and auction companies. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

'NEW SECTION. Sec. 1. This chapter may be known and cited as the 'auctioneer registration act.'

Sec. 2. Section 5, chapter 205, Laws of 1982 and RCW 18.11.050 are each amended to read as follows:

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

(1) 'Auctioneer' means ~~((a person who sells goods or real estate at public auction for another on commission or for recompense, or one who conducts an auction for another on commission or for recompense))~~ an individual who calls bids at an auction.

(2) 'Auction' ~~((or sale at auction))~~ means ~~((the verbal))~~ a transaction conducted by means of exchanges between an auctioneer and the members of his or her audience, constituting a series of invitations for offers for the ((sale)) purchase of goods or real property made by the auctioneer, offers by members of the audience, and the acceptance of the highest or most favorable offer ((by the auctioneer)).

(3) 'Auction mart' means any fixed or established place designed, intended, or used for the conduct of auctions ~~((sales)).~~

(4) 'Auction company' means a sole proprietorship, partnership, corporation, or other legal or commercial entity that sells or offers to sell goods or real estate at auction or arranges, sponsors, or manages auctions. The term 'auction company' shall exclude any sole proprietorship owned by an auctioneer licensed under this chapter whose gross annual sales do not exceed twenty-five thousand dollars.

(5) 'Department' means the department of licensing.

~~((5))~~ (6) 'Director' means the director of licensing.

~~((6))~~ (7) 'Person' means an individual, ~~((or a partner or member of a firm.))~~ partnership, ~~((or))~~ association, ~~((or an officer, director, or employee of a))~~ corporation, or any other form of business enterprise.

~~((7))~~ (8) 'Goods' mean wares, chattels, merchandise, or personal property owned or consigned, which may be lawfully kept or offered for sale ~~((including domestic animals and farm products)).~~

~~((8))~~ 'Qualified public depository' means a depository defined by RCW 39.58.010, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, or a federal credit union or a federal savings and loan association organized, operated, and governed by any act of Congress.)

(9) 'License' means state authority to operate as an auctioneer or auction company, which authority is conferred by issuance of a certificate of registration subject to annual renewal.

(10) 'Licensee' means an auctioneer or auction company registered under this chapter.

Sec. 3. Section 2, chapter 205, Laws of 1982 and RCW 18.11.060 are each amended to read as follows:

This chapter shall be administered under chapter 43.24 RCW. The director shall set registration and renewal fees in accordance with RCW 43.24.086. If an auctioneer or auction company does not renew a license before it expires, the renewal shall be subject to payment of a penalty fee.

Sec. 4. Section 6, chapter 205, Laws of 1982 and RCW 18.11.070 are each amended to read as follows:

~~(1) ((On and after June 10, 1982;)) It is unlawful for any person to act as an auctioneer((:)) or for an auction company to engage in ((the)) any business ((of an auctioneer)) in this state without a license. ((A person conducting an auction or sale at auction of equipment, livestock, household goods, personal property, or real estate individually owned by that person is not required to obtain a license:))~~

~~(2) This ((section)) chapter does not apply to ((an auction or a sale at auction)):~~

~~(a) An auction of goods conducted by an individual who personally owns those goods and who did not acquire those goods for resale;~~

~~(b) An auction conducted by or under the direction of a public authority;~~

~~((b)) (c) An auction held under judicial order in the settlement of a decedent's estate;~~

~~((c)) (d) An auction which is required by law to be at auction;~~

~~((d)) (e) An auction conducted by or on behalf of a political organization or a charitable corporation or association if the person conducting the sale receives no compensation;~~

~~((e) Conducted by or under the auspices of national, state, or county livestock breeder or producer associations:)) or~~

~~(f) An auction of livestock or agricultural products which is conducted ((by a person licensed by the federal government; or~~

~~(g) Conducted by or under the auspices of the Future Farmers of America, the 4-H Club, or a county or district fair)) under chapter 16.65 or 20.01 RCW. Auctions not regulated under chapter 16.65 or 20.01 RCW shall be fully subject to the provisions of this chapter.~~

NEW SECTION. Sec. 5. Every individual, before acting as an auctioneer, shall obtain an auctioneer certificate of registration. To be licensed as an auctioneer, an individual shall meet all of the following requirements:

(1) Be at least eighteen years of age or sponsored by a licensed auctioneer.

(2) File with the department a completed application on a form prescribed by the director.

(3) Show that the proper tax registration certificate required by RCW 82.32.030 has been obtained from the department of revenue.

(4) Pay the auctioneer registration fee required under the agency rules adopted pursuant to this chapter.

(5) File with the department an auctioneer surety bond in the amount and form required by section 8 of this act and the agency rules adopted pursuant to this chapter.

(6) Have no disqualifications under RCW 18.11.160.

NEW SECTION. Sec. 6. Every person, before operating an auction company as defined in RCW 18.11.050, shall obtain an auction company certificate of registration. To be licensed as an auction company, a person shall meet all of the following requirements:

(1) File with the department a completed application on a form prescribed by the director.

(2) Sign a notarized statement included on the application form that all auctioneers hired by the auction company to do business in the state shall be properly registered under this chapter.

(3) Show that the proper tax registration certificate required by RCW 82.32.030 has been obtained from the department of revenue.

(4) Pay the auction company registration fee required under the agency rules adopted pursuant to this chapter.

(5) File with the department an auction company surety bond in the amount and form required by section 8 of this act and the agency rules adopted pursuant to this chapter.

(6) Have no disqualifications under RCW 18.11.160.

Sec. 7. RCW 18.11.100, chapter 205, Laws of 1982 as amended by section 9, chapter 7, Laws of 1985 and RCW 18.11.100 are each amended to read as follows:

~~(1) ((A nonresident of this state may be licensed as an auctioneer upon complying with the rules of the department and this chapter)) Nonresident auctioneers and auction companies are required to comply with the provisions of this chapter and the rules of the department as a condition of conducting business in the state.~~

~~(2) ((The department may accept in lieu of the recommendations and statements otherwise required to accompany the application for a license, an auctioneer's license issued to the applicant by the state of his or her domicile upon the payment by the applicant of the proper license fee and filing with the department of a certified copy of the license issued by the other state. This section shall only apply to licensed auctioneers of those states under the laws of which similar recognition and courtesies are extended to licensed auctioneers of this state.~~

~~(3) The application of ((a person for)) a nonresident ((auctioneer's license)) under this chapter shall constitute the appointment of the secretary of state as the applicant's agent upon whom process may be served in any action or proceeding against the applicant arising out of a transaction or operation connected with or incidental to the business of an auctioneer or an auction company.~~

~~((4) Nonresidents must pay the issuance fee, annual renewal fees, and such other fees as prescribed by the director under RCW 43.24.006, and file the bond or proof of the establishment of a trust account as required by this chapter.))~~

NEW SECTION. Sec. 8. (1) Each auctioneer and each auction company shall as a condition to the granting and retention of a license have on file with the department an approved surety

bond or other security in lieu of a bond. The bond or other security of an auctioneer shall be in the amount of five thousand dollars.

(2) The bond or other security of an auction company shall be in an amount not less than five thousand dollars and not more than twenty-five thousand dollars. The amount shall be based on the value of the goods and real estate sold at auctions conducted, supervised, arranged, sponsored, or managed by the auction company during the previous calendar year or, for a new auction company, the estimated value of the goods and real estate to be sold at auction during the current calendar year. The director shall establish by rule the procedures to be used for determining the amount of auction company bonds or other security.

(3) In lieu of a surety bond, an auctioneer or auction company may deposit with the department any of the following:

- (a) Savings accounts assigned to the director;
- (b) Certificates of deposit payable to the director;
- (c) Investment certificates or share accounts assigned to the director; or
- (d) Any other security acceptable to the director.

All obligations and remedies relating to surety bonds authorized by this section shall apply to deposits filed with the director.

(4) Each bond shall comply with all of the following:

(a) Be executed by the person seeking the license as principal and by a corporate surety licensed to do business in the state;

(b) Be payable to the state;

(c) Be conditioned on compliance with all provisions of this chapter and the agency rules adopted pursuant to this chapter, including payment of any administrative fines assessed against the licensee; and

(d) Remain in effect for one year after expiration, revocation, or suspension of the license.

(5) If any licensee fails or is alleged to have failed to comply with the provisions of this chapter or the agency rules adopted pursuant to this chapter, the director may hold a hearing in accordance with chapter 34.04 RCW, determine those persons who are proven claimants under the bond, and, if appropriate, distribute the bond proceeds to the proven claimants. The state or an injured person may also bring an action against the bond in superior court. The liability of the surety shall be only for actual damages and shall not exceed the amount of the bond.

(6) Damages that exceed the amount of the bond may be remedied by actions against the auctioneer or the auction company under section 25 of this act or other available remedies at law.

Sec. 9. Section 11, chapter 205, Laws of 1982 and RCW 18.11.130 are each amended to read as follows:

No ~~((person may act as auctioneer in the sale at public auction of any))~~ goods or real estate shall be sold at auction until ~~((he or she))~~ the auctioneer or auction company has entered into a written contract or agreement with the owner or consignor in duplicate which contains the terms and conditions upon which the licensee receives or accepts the property for sale at auction. ~~((Auction marts shall not be subject to this section.))~~

A person who violates this section shall be ~~((guilty of a misdemeanor and, upon conviction, shall be fined))~~ subject to an administrative fine in a sum not exceeding five hundred dollars for each violation.

Sec. 10. Section 12, chapter 205, Laws of 1982 and RCW 18.11.140 are each amended to read as follows:

Every person engaged in the business of selling goods or real estate at auction shall keep ~~((permanent))~~ written records for a period of three years available for inspection which indicate clearly the name and address of the owner ~~((employer,))~~ or consignor of the goods or real estate, the terms of acceptance and sale, and a copy of the signed written contract ~~((of the auctioneer))~~ required by RCW 18.11.130. A person who violates this section shall be subject to an administrative fine in a sum not exceeding five hundred dollars for each violation.

Sec. 11. Section 13, chapter 205, Laws of 1982 and RCW 18.11.150 are each amended to read as follows:

All ~~((persons, partnerships, associations, and corporations licensed as auctioneers under this chapter))~~ auctioneers and auction companies shall ~~((be required to))~~ have their certificates of registration prominently displayed in their offices and the current renewal card or a facsimile available on demand at all ~~((sales at))~~ auctions conducted or supervised by the licensee.

~~((The violation of this section by any licensee shall be, in the discretion of the department sufficient cause for license suspension or revocation))~~ A person who violates this section shall be subject to an administrative fine in a sum not exceeding one hundred dollars for each violation.

Sec. 12. Section 14, chapter 205, Laws of 1982 and RCW 18.11.160 are each amended to read as follows:

(1) ~~((If an auctioneer's license is revoked by the department after June 10, 1982, no new license may be issued to the person unless he or she complies with this chapter.~~

~~(2) After the revocation of any license, no new license may be issued to the same licensee within a period of at least one year from the date of the revocation nor at any time thereafter except in the sole discretion of the department.~~

~~(3)) No license (may) shall be issued by the department to any person who has been convicted of forgery, embezzlement, obtaining money under false pretenses, extortion, criminal conspiracy, fraud, theft, receiving stolen goods, unlawful issuance of checks or drafts, or other similar offense, or to any partnership of which the person is a member, or to any association or corporation of which the person is an officer ((or employee)) or in which as a stockholder the person has or exercises a controlling interest either directly or indirectly.~~

(2) The following shall be grounds for denial, suspension, or revocation of a license, or imposition of an administrative fine by the department:

(a) Misrepresentation or concealment of material facts in obtaining a license;

(b) Underreporting to the department of sales figures so that the auctioneer or auction company surety bond is in a lower amount than required by law;

(c) Revocation of a license by another state;

(d) Misleading or false advertising;

(e) A pattern of substantial misrepresentations related to auctioneering or auction company business;

(f) Failure to cooperate with the department in any investigation or disciplinary action;

(g) Nonpayment of an administrative fine prior to renewal of a license;

(h) Aiding an unlicensed person to practice as an auctioneer or as an auction company;
and

(i) Any other violations of this chapter.

Sec. 13. Section 15, chapter 205, Laws of 1982 and RCW 18.11.170 are each amended to read as follows:

Any (person, partnership, association, or corporation who after June 10, 1982, engages in the profession, or acts in the capacity of an) auctioneer and any auction company that conducts business within this state without a license or after the suspension or revocation of his or her license ((is guilty of a misdemeanor. Upon conviction, the person shall be fined for the first offense not less than one hundred dollars, nor more than five hundred dollars. For a second offense, the person shall be fined not less than five hundred dollars nor more than one thousand dollars, or be imprisoned for a period of not more than one year, or both)) shall be fined by the department five hundred dollars for the first offense and one thousand dollars for the second or subsequent offense.

Sec. 14. Section 16, chapter 205, Laws of 1982 and RCW 18.11.180 are each amended to read as follows:

It shall be unlawful for a licensed auctioneer or licensed auction company to pay compensation in money or otherwise to anyone not licensed under this chapter to render any service or to do any act forbidden under this chapter to be rendered or performed except by licensees. The department shall fine any person who violates this section five hundred dollars for the first offense and one thousand dollars for the second or subsequent offense. Furthermore, the violation of this section by any licensee shall be, in the discretion of the department, sufficient cause for license suspension or revocation.

Sec. 15. Section 17, chapter 205, Laws of 1982 and RCW 18.11.190 are each amended to read as follows:

No action or suit may be instituted in any court of this state by any person, partnership, association, or corporation not licensed as an auctioneer and as an auction company to recover compensation for an act done or service rendered which is prohibited under this chapter.

Sec. 16. Section 18, chapter 205, Laws of 1982 and RCW 18.11.200 are each amended to read as follows:

The director ((may prescribe)) shall adopt rules for the purpose of carrying out and developing this chapter, including rules governing the conduct of investigations and inspections and the imposition of administrative penalties. ((Upon finding that any provision of this chapter has been violated, the director may deny issuance or renewal of any license authorized under this chapter or suspend or revoke any such license.))

NEW SECTION, Sec. 17. The director shall impose and collect the administrative fines authorized by this chapter. Any administrative fine imposed under this chapter or the agency rules adopted pursuant to this chapter may be appealed under chapter 34.04 RCW, the administrative procedure act. Assessment of an administrative fine shall not preclude the initiation of any disciplinary, civil, or criminal action for the same or similar violations.

NEW SECTION, Sec. 18. (1) There is created within the department a disciplinary review committee composed of two licensees and three public members to be appointed by the director. Members shall be residents of the state, and no member shall be an employee of the department. Each member shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(2) The director shall appoint members for terms of two years, except that two of the initial members shall be appointed for one-year terms. No member shall serve more than two consecutive terms. Vacancies shall be filled by the director for the remainder of the unexpired term. The committee shall elect a chairperson from among its members for a term of one year or until a successor has been elected.

(3) The committee shall meet four times a year or as often as necessary with the department staff responsible for administration of the auctioneer registration program. The committee may (a) advise the department on all matters pertaining to the auctioneer registration program, and (b) review administrative fines and other disciplinary actions under this chapter and make appropriate recommendations to the director.

Sec. 19. Section 1, chapter 189, Laws of 1984 and RCW 18.11.210 are each amended to read as follows:

All newspaper advertising regarding auctions that is purchased by an auctioneer or an auction company licensed under this chapter shall include the auctioneer's or auction company's name and license number. Any person who violates this section is subject to an administrative fine of one hundred dollars per violation.

NEW SECTION. Sec. 20. The client of an auctioneer or auction company has a right to (1) an accounting for any money that the auctioneer or auction company receives from the sale of the client's goods, and (2) payment of all money due to the client within twenty-one calendar days unless the parties have mutually agreed in writing to another time of payment.

NEW SECTION. Sec. 21. Auction proceeds due to the client that are received by the auctioneer or auction company and not paid to the client within twenty-four hours of the sale shall be deposited by the auctioneer or auction company in a trust account for the client in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in the state. The auctioneer or auction company shall draw on the trust account only to pay proceeds to the client, or such other persons who are legally entitled to such proceeds, and to obtain the sums due to the auctioneer or auction company for services as set out in the written contract required under RCW 18.11.130. Funds in the trust account shall not be subject to the debt of the auctioneer or auction company and shall not be used for personal reasons or other business reasons.

NEW SECTION. Sec. 22. The following requirements shall apply to bidding at auctions:

- (1) In a sale by auction if goods are put up in lots each lot is the subject of a separate sale.
- (2) A sale by auction is complete when the auctioneer so announces by the fall of the hammer or in other customary manner. Where a bid is made while the hammer is falling in acceptance of a prior bid the auctioneer may in his discretion reopen the bidding or declare the goods sold under the bid on which the hammer was falling.
- (3) Such a sale is with reserve unless the goods are in explicit terms put up without reserve. In an auction with reserve the auctioneer may withdraw the goods at any time until he announces completion of the sale. In an auction without reserve, after the auctioneer calls for bids on an article or lot, that article or lot cannot be withdrawn unless no bid is made within a reasonable time. In either case a bidder may retract his bid until the auctioneer's announcement of completion of the sale, but a bidder's retraction does not revive any previous bid.
- (4) If the auctioneer knowingly receives a bid on the seller's behalf or the seller makes or procures such a bid, and notice has not been given that liberty for such bidding is reserved, the buyer may at his option avoid the sale or take the goods at the price of the last good faith bid prior to the completion of the sale. This subsection shall not apply to any bid at a forced sale.

NEW SECTION. Sec. 23. Auctioneers and auction companies may call for bids on real estate but only persons licensed under chapter 18.85 RCW may perform activities regulated under that chapter.

NEW SECTION. Sec. 24. No city and no county shall license auctioneers or auction companies or require auctioneers or auction companies to obtain surety bonding.

NEW SECTION. Sec. 25. A violation of this chapter is hereby declared to affect the public interest and to offend public policy. Any violation, act, or practice by an auctioneer or auction company which is unfair or deceptive, shall constitute an unfair or deceptive act or practice in violation of RCW 19.86.020. The remedies and sanctions provided in this section shall not preclude application of other available remedies and sanctions.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 205, Laws of 1982, section 8, chapter 7, Laws of 1985 and RCW 18.11.080;
- (2) Section 7, chapter 205, Laws of 1982 and RCW 18.11.090;
- (3) Section 9, chapter 205, Laws of 1982, section 10, chapter 7, Laws of 1985 and RCW 18.11.110;
- (4) Section 10, chapter 205, Laws of 1982, section 3, chapter 189, Laws of 1984 and RCW 18.11.120;
- (5) Section 1, chapter 205, Laws of 1982 and RCW 18.11.900;
- (6) Section 19, chapter 205, Laws of 1982 and RCW 18.11.910;
- (7) Section 1, chapter 239, Laws of 1953 and RCW 18.12.010;

- (8) Section 2, chapter 239, Laws of 1953 and RCW 18.12.020;
- (9) Section 3, chapter 239, Laws of 1953 and RCW 18.12.030;
- (10) Section 7, chapter 239, Laws of 1953 and RCW 18.12.040;
- (11) Section 4, chapter 239, Laws of 1953 and RCW 18.12.050;
- (12) Section 5, chapter 239, Laws of 1953 and RCW 18.12.060;
- (13) Section 6, chapter 239, Laws of 1953 and RCW 18.12.070;
- (14) Section 8, chapter 239, Laws of 1953 and RCW 18.12.080;
- (15) Section 19, chapter 239, Laws of 1953 and RCW 18.12.090;
- (16) Section 14, chapter 239, Laws of 1953 and RCW 18.12.100;
- (17) Section 16, chapter 239, Laws of 1953 and RCW 18.12.110;
- (18) Section 17, chapter 239, Laws of 1953 and RCW 18.12.120;
- (19) Section 9, chapter 239, Laws of 1953 and RCW 18.12.130;
- (20) Section 10, chapter 239, Laws of 1953 and RCW 18.12.140;
- (21) Section 11, chapter 239, Laws of 1953 and RCW 18.12.150;
- (22) Section 12, chapter 239, Laws of 1953 and RCW 18.12.160;
- (23) Section 13, chapter 239, Laws of 1953 and RCW 18.12.170;
- (24) Section 15, chapter 239, Laws of 1953 and RCW 18.12.180;
- (25) Section 18, chapter 239, Laws of 1953 and RCW 18.12.190;
- (26) Section 20, chapter 239, Laws of 1953 and RCW 18.12.200; and
- (27) Section 21, chapter 239, Laws of 1953 and RCW 18.12.900.

NEW SECTION. Sec. 27. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. Sections 5, 6, 8, 17, 18, 20 through 25, and 27 of this act are each added to chapter 18.11 RCW.

NEW SECTION. Sec. 29. This act shall take effect on July 1, 1986.*

On page 1, line 1 of the title, after "auctions;" insert "amending RCW 18.11.050, 18.11.060, 18.11.070, 18.11.100, 18.11.130, 18.11.140, 18.11.150, 18.11.160, 18.11.170, 18.11.180, 18.11.190, 18.11.200, and 18.11.210; adding new sections to chapter 18.11 RCW; creating a new section; repealing RCW 18.11.080, 18.11.090, 18.11.110, 18.11.120, 18.11.900, 18.11.910, 18.12.010, 18.12.020, 18.12.030, 18.12.040, 18.12.050, 18.12.060, 18.12.070, 18.12.080, 18.12.090, 18.12.100, 18.12.110, 18.12.120, 18.12.130, 18.12.140, 18.12.150, 18.12.160, 18.12.170, 18.12.180, 18.12.190, 18.12.200, and 18.12.900; prescribing penalties; and providing an effective date."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, Walker and J. Williams.

MINORITY recommendation: Without recommendation. Signed by Representatives Chandler and C. Smith.

Passed to Committee on Rules for second reading.

February 25, 1986

SSB 4814 Prime Sponsor, Committee on Ways & Means: Providing education for children on abuse and neglect and creating a pilot project on educating and training young mothers. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 1 after "": strike "amending RCW 28A.05.010;"

On page 1, after line 9 strike all of section 2 through "creatures." on page 1, line 25. Renumber the remaining sections consecutively.

Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betrozoff, Chandler, Cole, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, Taylor, Todd, Walker and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Fuhrman.

Absent: Representatives Appelwick, P. King and L. Smith.

Referred to Committee on Ways & Means.

February 25, 1986

E2SSB 4941 Prime Sponsor, Committee on Ways & Means: Providing for school districts to operate child care programs. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment: Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. In order to help meet the rapidly growing need for child care and in order to utilize all available resources, it is the policy of the state of Washington to permit the use of public school facilities for the provision of child care. Child care programs provided under this chapter at the discretion of school districts are optional programs which do not fall within the state's educational duties established by Article IX of the state Constitution.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definition in this section applies throughout this chapter.

'Child care program' means the nonresidential care and supervision of minors before, during, and after school hours, and during nonschool days and may include planned educational activities with an emphasis upon developmental skills. However, such program shall not include the care and supervision, during school hours, of students enrolled in the common school program.

NEW SECTION. Sec. 3. School districts may establish, maintain, and operate child care programs using school facilities, local resources including child care program revenues, gifts and grants, and special tax levy revenues, and any state funds as may be appropriated by the legislature for the purpose of child care programs.

School districts establishing a child care program after the effective date of this act shall conduct a study designed to assess the need for and the availability of both public and private child care services within the school district's jurisdiction before establishing a child care program.

NEW SECTION. Sec. 4. For the child care program under section 3 of this act, the board of directors of a school district may:

(1) Fix reasonable charges for the maintenance and operation of child care programs and may fix the charges either at a uniform rate or at a variable rate based on the ability of the parents of the children enrolled in the programs to pay the charges;

(2) Contract with private entities or public agencies under chapter 39.34 RCW or with both and employ necessary personnel for all or part of the management and operation of child care programs. When a school district board of directors chooses to contract with other private or public agencies pursuant to this section, the child care programs so established shall be located at such points as the board of directors deems suitable for the convenience of the public;

(3) Remodel, renovate, otherwise improve, and maintain school facilities for the purposes of child care programs and no state school construction funds may be used for the construction of child care facilities;

(4) Transport minors enrolled in child care programs to and from program sites using district-owned transportation vehicles or may contract for transportation services, or both and charge a fee in an amount sufficient to reimburse the district for the actual per seat cost of providing such transportation;

(5) Supplement fee revenues, gifts and grants, and any earmarked state appropriated funds with special tax levy revenues to the extent approved by the electorate of the school district and necessary to meet the full direct and indirect costs of child care programs;

(6) May receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the child care programs and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments; and

(7) Otherwise perform and provide for such other functions and activities as are necessary and incidental to the maintenance and operation of safe, healthful, efficient, and prudently managed child care and preschool programs.

NEW SECTION. Sec. 5. Child care programs provided for by school districts under this chapter shall comply with personnel, facility, program, health, and safety requirements established by the department of social and health services under chapter 74.15 RCW and the rules adopted under chapter 74.15 RCW.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

(1) Section 28A.34.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.010;

(2) Section 28A.34.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.020;

(3) Section 28A.34.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.040; and

(4) Section 28A.34.050, chapter 223, Laws of 1969 ex. sess., section 45, chapter 154, Laws of 1973 1st ex. sess. and RCW 28A.34.050.

NEW SECTION. Sec. 7. Sections 1 through 5 of this act are each added to chapter 28A.34 RCW.*

Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Cole, Holland, P. King, Peery, Rayburn, Rust, Todd and Wang.

Voting nay: Representatives Berozoff, Chandler, Fuhrman, Long, Schoon, Taylor and Walker.

Absent: Representatives P. King and L. Smith.

Referred to Committee on Ways & Means.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-137, by Representative S. Wilson

WHEREAS, The relationship between the Republic of the Philippines and the United States of America is long established and highly cherished; and

WHEREAS, There exist equally strong and binding ties between the Republic of the Philippines and the State of Washington; and

WHEREAS, Thousands of Washington citizens proudly trace their family lineage to the Republic of the Philippines; and

WHEREAS, Filipino and American soldiers have fought and died honorably side-by-side for the freedom both our nations cherish; and

WHEREAS, The recent presidential elections in the Philippines have allowed that nation to reaffirm its people's commitment to a freely elected government; and

WHEREAS, The free people of the world, particularly of the United States, have shared with the people of the Philippines a concern that the results of that election might not have reflected the true will of the electorate; and

WHEREAS, The Filipino people vigorously and bravely have asserted their rights to a freely and honestly elected government; and

WHEREAS, The government of the United States has officially recognized the government of Corazon Aquino as the true government of the Republic of the Philippines; and

WHEREAS, The exchange of legitimate power in the Philippines was carried out with admirable restraint by all parties to the confrontation;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of the State of Washington does formally extend its congratulations to President Corazon Aquino on the occasion of her inauguration as the freely-chosen leader of her nation; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted to the Philippine Consul General Jose Syjuco in Seattle.

On motion of Mr. S. Wilson, the resolution was adopted.

The House reverted to the seventh order of business.

THIRD READING

SENATE BILL NO. 4450, AS AMENDED BY THE HOUSE, by Senators Thompson, Rasmussen and Granlund

Establishing procedures for filing of candidacy by mail and ordering the appearance of names on ballots.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4450 as amended by the House, and the bill passed the House by the following vote: Yeas, 84; nays, 7; absent, 4; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Bond, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dellwo, Dobbs, Doty, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Betrozoff, Brough, Chandler, Hankins, Hastings, Padden, Patrick - 7.

Absent: Representatives Ebersole, Fuhrman, Locke, Sommers - 4.

Excused: Representatives Belcher, Lewis, Sayan - 3.

Senate Bill No. 4450 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4456, by Senators Rasmussen, Warnke and Conner

Removing the age requirement for veterans' disability passes to state parks.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4456, and the bill passed the House by the following vote: Yeas, 94; absent, 1; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representative Sommers - 1.

Excused: Representatives Belcher, Lewis, Sayan - 3.

Senate Bill No. 4456, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Sommers appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 4635, by Committee on Energy & Utilities (originally sponsored by Senators Williams and Saling; by request of Utilities and Transportation Commission)

Establishing certain jurisdictional issues under the utilities and transportation commission to be questions of fact.

The bill was read the third time and placed on final passage.

Representatives D. Nelson and Isaacson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4635, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Belcher, Lewis, Sayan - 3.

Substitute Senate Bill No. 4635, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Lewis appeared at the bar of the House.

SPEAKER'S PRIVILEGE

The Speaker recognized within the bar of the House, the 1986 Apple Blossom Queen and Princesses and appointed Representatives Ballard, Tilly and Baugher to escort them to rostrum.

The Speaker introduced Queen Coreen Cockrum, Princess Lori Harper and Princess Katie McKee.

Queen Coreen briefly addressed the House. The Speaker instructed the committee to escort the Apple Blossom Court from the House Chambers.

MOTION

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Thursday, February 27, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FORTY-SIXTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, February 27, 1986

The House was called to order at 11:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages David Fiske and John Fiske. Prayer was offered by Pastor Joe Marzioli of the Rhema Fellowship of Hoquiam.

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

MESSAGES FROM THE SENATE

February 26, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE BILL NO. 4762,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

February 25, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 3590,

SENATE BILL NO. 4619,

SENATE BILL NO. 4713,

SUBSTITUTE SENATE BILL NO. 4720,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

February 26, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 3532,

SENATE BILL NO. 4770,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTION AND FIRST READING

ESSB 4762 by Committee on Ways & Means (originally sponsored by Senators McDermott and Rasmussen; by request of Governor)

Adopting the supplemental budget.

Referred to Committee on Ways & Means.

REPORTS OF STANDING COMMITTEES

February 25, 1986

SB 3018 Prime Sponsor, Senator Gaspard: Adopting life-cycle costing in construction design of public facilities. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments:

On page 3, beginning on line 7 strike "to be designated as chapter 39.35A RCW"

On page 1, beginning on line 2 of the title strike "to be designated as chapter 39.35A RCW"

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen.

G. Nelson, Niemi, Rust, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Sanders and Smitherman.

Passed to Committee on Rules for second reading.

February 25, 1986

ESB 3495 Prime Sponsor, Senator Kreidler: Providing for the licensing and regulation of amusement rides. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Passed to Committee on Rules for second reading.

February 25, 1986

ESB 3636 Prime Sponsor, Senator Moore: Relating to insurance. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Brekke, Bristow, Hine, Holland, J. King, Locke, Madsen, Niemi, Rust, Sayan, Smitherman, Sommers, Tilly and Vander Stoep.

Voting nay: Representatives Hastings, Long, G. Nelson, Silver, L. Smith, Taylor and B. Williams.

Absent: Representative Sanders.

Passed to Committee on Rules for second reading.

February 26, 1986

SB 4446 Prime Sponsor, Senator Thompson: Requiring maintenance of fire hydrants. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:
On page 1, line 6 after "city" insert ", town"

Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky

Passed to Committee on Rules for second reading.

February 26, 1986

SB 4452 Prime Sponsor, Senator McDermott: Modifying LBC oversight assignments. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Taylor, Todd, van Dyke and Walk.

MINORITY recommendation: Do not pass. Signed by Representative Vekich.

Absent: Representative Sanders.

Passed to Committee on Rules for second reading.

February 25, 1986

ESSB 4497 Prime Sponsor, Committee on Commerce & Labor: Regulating vehicle dealers. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 74, Laws of 1967 ex. sess. as amended by section 1, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.005 are each amended to read as follows:

The legislature finds and declares that the distribution and sale of vehicles in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate and license vehicle manufacturers, distributors, or wholesalers and factory or distributor representatives, and to regulate and license dealers(—and salesmen) of vehicles doing business in Washington, in order to prevent

frauds, impositions, and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state.

Sec. 2. Section 3, chapter 11, Laws of 1979 as last amended by section 2, chapter 305, Laws of 1981 and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) 'Vehicle' means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) 'Motor vehicle' ~~((shall))~~ means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) 'Vehicle dealer' means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles ~~((or providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers: PROVIDED, That)),~~ Vehicle dealers shall be classified as follows:

(a) A 'motor vehicle dealer' ~~((shall be))~~ is a vehicle dealer that deals in new ~~((and))~~ or used motor vehicles, or both;

(b) A 'mobile home and travel trailer dealer' ~~((shall be))~~ is a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A 'miscellaneous vehicle dealer' ~~((shall be))~~ is a vehicle dealer that deals in motorcycles ~~((and))~~ or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles.

(4) The term 'vehicle dealer' does not include, nor do the provisions of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a used mobile home negotiates the purchase, sale, or exchange of the used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used mobile home is located and the real estate broker is not acting as an agent, subagent, or representative of a vehicle dealer licensed under this chapter; or

(g) Owners who are also operators of the special highway construction equipment or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required as defined in RCW 46.16.010; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association, or credit union authorized to do business in this state under state or federal law.

(5) 'Vehicle ~~((salesman))~~ salesperson' means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) ~~((The term))~~ 'Department' means the department of licensing, which shall administer and enforce the provisions of this chapter.

(7) 'Director' means the director of licensing.

(8) 'Manufacturer' means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and ((shall)) further includes the terms:

(a) 'Distributor,' which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) 'Factory branch,' which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and ~~((shall))~~ further includes any sales promotion organization, whether ~~((the same be))~~ a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) 'Factory representative,' which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of ~~((his; its;~~

or)) their vehicles or for supervising or contracting with ((his, its, or)) their dealers or prospective dealers.

(9) 'Established place of business' means a ~~((permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning and other land-use regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A dealer operating a listing service who does not physically maintain any vehicles for display, or a vehicle dealer who merely rents or leases or licenses for use any space on a temporary basis not to exceed two days to private persons to sell their own vehicles, need not operate in a commercial building nor have such a display area)) location meeting the requirements of section 4(1) of this act at which a vehicle dealer conducts business in this state.~~

(10) 'Principal place of business' means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.

(11) 'Subagency' means any place of business of a vehicle dealer within the ~~((same county as the principal place of business of the firm which)) state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the ((same county as the principal place of business of the firm under)) state, at which ((he)) place the firm does business ((under)) using a name other than the principal name of the firm, or both.~~

(12) 'Temporary subagency' means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, auctions, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures.

(13) 'Wholesale vehicle dealer' means a vehicle dealer who sells to Washington dealers.

(14) 'Retail vehicle dealer' means a vehicle dealer who sells vehicles to the public.

(15) 'Listing dealer' means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.

Sec. 3, Section 4, chapter 74, Laws of 1967 ex. sess. as amended by section 3, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.021 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person, firm, or association to act as a vehicle dealer ~~((; vehicle salesman))~~ or vehicle manufacturer, to engage in business as such, ~~((act as such;))~~ serve in the capacity of such, advertise himself, ~~((itself))~~ herself, or themselves as such, solicit sales as such, or distribute or transfer vehicles for resale in this state, without first obtaining and holding a current license as provided in this chapter ~~((; PROVIDED, That a vehicle dealer shall not be required to have a vehicle salesman's license; PROVIDED, FURTHER, That))~~, unless the title of the vehicle is in the name of the seller. It is unlawful for any person other than a licensed vehicle dealer to display a vehicle for sale unless the registered owner or legal owner is the displayer or holds a notarized power of attorney. A person or firm engaged in buying and offering for sale, or buying and selling five or more vehicles in a twelve-month period, or in any other way engaged in dealer activity without holding a vehicle dealer license, is guilty of a gross misdemeanor, and upon conviction is subject to a fine of up to one thousand dollars for each violation and up to one year in jail. A second offense is a class C felony punishable under chapter 9A.20 RCW. A violation of this section is also a per se violation of chapter 19.86 RCW and is considered a deceptive practice. The department of licensing, the Washington state patrol, the attorney general's office, and the department of revenue shall cooperate in the enforcement of this section. A distributor, factory branch, or factory representative shall not be required to have a vehicle manufacturer license so long as the vehicle manufacturer so represented is properly licensed pursuant to this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 46.70 RCW to read as follows:

(1) An 'established place of business' requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign

with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an 'established place of business' unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law.

(2) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed new motor vehicle dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the administrative procedure act.

(3) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(4) A subagency shall comply with all requirements of an established place of business.

(5) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency.

(6) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(7) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(8) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(9) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(10) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(11) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

NEW SECTION, Sec. 5. A new section is added to chapter 46.70 RCW to read as follows:

A vehicle dealer is accountable for the dealer's employees, sales personnel, and managerial personnel while in the performance of their official duties. Any violations of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW committed by any of these employees subjects the dealer to license penalties prescribed under RCW 46.70.101. A retail purchaser who has suffered a loss or damage by reason of a breach of warranty or by any act by a dealer, salesperson, managerial person, or other employee of a dealership, that constitutes a violation of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW may institute an action for recovery against the dealer and the surety bond as set forth in RCW 46.70.070.

NEW SECTION, Sec. 6. A new section is added to chapter 46.70 RCW to read as follows:

Listing dealers shall transact dealer business by obtaining a consignment for sale, and the buyer's purchase of the mobile home shall be handled as dealer inventory. All funds from the purchaser shall be placed in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the mobile home from these funds. A complete account of all funds received and disbursed shall be given to the seller or consignor after the sale is completed.

Sec. 7. Section 5, chapter 74, Laws of 1967 ex. sess. as amended by section 4, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.031 are each amended to read as follows:

A vehicle dealer(~~(-salesman)~~) or vehicle manufacturer may apply for a license by filing with the department an application in such form as the department may prescribe.

Sec. 8. Section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 187, chapter 158, Laws of 1979 and RCW 46.70.041 are each amended to read as follows:

(1) Every application for a vehicle dealer (~~(or a vehicle salesman's)~~) license shall contain the following information to the extent (~~(the same is applicable)~~) it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for the license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization including if the applicant is a corporation, proof that the corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant(;) and (~~in the case of a vehicle dealer;~~) any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners;

~~((e)) Any other information the department may reasonably require.~~

~~(2) If the applicant is a vehicle dealer:~~

~~(a)) (f) A business telephone with a listing in the local directory;~~

~~(g) The name or names of new vehicles the vehicle dealer wishes to sell;~~

~~((b)) (h) The names and addresses of each manufacturer from whom the applicant has received a franchise;~~

~~((c)) (i) Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;~~

~~((d)) (j) A certificate by the chief of police or his deputy, or a member of the Washington state patrol or a representative of the department, that the (~~applicant has an established~~) applicant's principal place of business (~~(a)) and each subagency business location in the state of Washington(~~- PROVIDED, That~~) meets the location requirements as required by this chapter. The certificate shall include proof of the applicant's ownership or lease of the real property where the applicant's principal place of business is established. In no event (~~shall such~~) may the certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons;~~~~

~~((e)) (k) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty(~~- PROVIDED, That~~), This requirement (~~shall~~) applies only (~~apply~~) to applicants seeking to sell, to exchange, to offer, (~~to broker;~~) to auction, to solicit, or to advertise new or current-model vehicles with factory or distributor warranties;~~

~~((f)) (l) The class of vehicles the vehicle dealer will be buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising, (~~or for which the dealer will be providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers;~~) and which classification or classifications the dealer wishes to be designated as;~~

~~((g) The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;~~

~~(3) If the applicant is a vehicle salesman, such application shall contain, in addition, a certification by the vehicle dealer for whom he is going to work that he has examined the background of the applicant and to the best of his knowledge is of good moral character;~~

~~(4)) (m) Any other information the department may reasonably require.~~

(2) If the applicant is a manufacturer (~~such~~) the application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

Sec. 9, Section 13, chapter 74, Laws of 1967 ex. sess. as last amended by section 1, chapter 251, Laws of 1979 ex. sess. and RCW 46.70.061 are each amended to read as follows:

(1) The annual fees for original licenses issued for ~~((a calendar year or any portion thereof pursuant to))~~ twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((Sixty))~~ Five hundred dollars;

(b) Vehicle dealers, each ~~((and every))~~ subagency: ~~((Ten))~~ Fifty dollars; temporary subagency: Twenty-five dollars;

~~(c) ((Vehicle salespersons: Ten dollars;~~

~~(d))~~ Vehicle manufacturers: ((Sixty)) Five hundred dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: Two hundred fifty dollars;

(b) Vehicle dealer, each and every subagency: ~~((Ten))~~ Twenty-five dollars;

~~(c) ((Vehicle salespersons: Ten dollars;~~

~~(d))~~ Vehicle manufacturers: Two hundred fifty dollars.

~~((PROVIDED, That))~~ If any licensee fails or neglects to apply for such renewal ((prior to February 1st in each year)) within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3) The fee for the transfer to another location of any license issued pursuant to this chapter shall be:

~~(a) Vehicle dealer, principal place of business of each and every license classification, provided that such change is within the same county: Ten dollars;~~

~~(b) There shall be no transfer of any vehicle dealer subagency license;~~

~~(c) Vehicle salesperson, provided that no such fee shall be required in a transfer from one location of any one dealer to any other location: Five))~~ twenty-five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees.

(5) All fees collected under this chapter shall be ~~((turned into))~~ deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed ~~((herein shall be))~~ in this section are in addition to any excise taxes imposed by chapter 82.44 RCW.

Sec. 10, Section 46.70.070, chapter 12, Laws of 1961 as last amended by section 1, chapter 152, Laws of 1981 and RCW 46.70.070 are each amended to read as follows:

(1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with the department a surety bond in the amount of:

(a) Fifteen thousand dollars for motor vehicle dealers;

(b) Thirty thousand dollars for mobile home and travel trailer dealers: PROVIDED, That if such dealer does not deal in mobile homes such bond shall be fifteen thousand dollars;

(c) Five thousand dollars for miscellaneous dealers,

running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter;

(d) Wholesale dealers shall not be required to file a surety bond with the department.

Any retail purchaser who shall have suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

(3) Vehicle dealers shall maintain a bond for each business location in this state and bond coverage for all temporary subagencies.

Sec. 11, Section 10, chapter 74, Laws of 1967 ex. sess. as last amended by section 1, chapter 109, Laws of 1985 and RCW 46.70.083 are each amended to read as follows:

The license of a vehicle dealer or a vehicle manufacturer expires on the date assigned by the director, and may be renewed by filing with the department prior to the expiration thereof

an application containing such information as the department may require to indicate any material change in the information contained in the original application.

~~(Registration of a vehicle salesman expires on the date assigned by the director, and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may require to indicate any material change in the information contained in the original application.))~~

Before renewal, the dealer's established place of business shall be certified by a representative of the department, the chief of police or his deputy, or a member of the Washington state patrol. The certification shall verify compliance with the requirements of this chapter for an established place of business. Failure by the dealer to comply is grounds for denial of the renewal application.

Sec. 12. Section 11, chapter 74, Laws of 1967 ex. sess. as last amended by section 5, chapter 152, Laws of 1981 and RCW 46.70.101 are each amended to read as follows:

The director may by order deny, suspend, or revoke the license of any vehicle dealer(;;)) or vehicle manufacturer(~~(-or vehicle salesman))~~) or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if ~~((he))~~ the director finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Does not have an established place of business as ~~((defined))~~ required in this chapter;

(v) ~~((Employs an unlicensed salesman or one whose license has been denied, revoked within the last year, or is currently suspended, the terms of which have not been fulfilled;~~

~~(vi))~~ Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

~~((vii))~~ (vi) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same;

~~((viii))~~ (vii) Is insolvent, either in the sense that ~~((his))~~ their liabilities exceed ~~((his))~~ their assets, or in the sense that ~~((he))~~ they cannot meet ~~((his))~~ their obligations as they mature;

~~((ix))~~ (viii) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

~~((x))~~ (ix) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(x) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his or her possession any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has willfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates ~~((and))~~ or manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices; ~~((or))~~

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles;

~~(ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means; or~~

~~(x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds.~~

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

~~(2) ((In the case of a vehicle salesman:~~

~~(a) Was the holder, or was a partner in a partnership or was an officer, director, or owner involved in the management of a corporation which was the holder, of a license issued pursuant to this chapter which was revoked for cause and never reissued, or was suspended and the terms of the suspension had not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;~~

~~(b) Has been adjudged guilty of a crime which directly relates to the business of a vehicle salesman and the time elapsed since the conviction is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purpose of this section, the term adjudged guilty means, in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended;~~

~~(c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto or in any matter under investigation by the department;~~

~~(d) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;~~

~~(e) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;~~

~~(f) Has forged the signature of the registered or legal owner on a certificate of title;~~

~~(g) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;~~

~~(h) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;~~

~~(i) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;~~

~~(j) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;~~

~~(k) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of such property or funds;~~

~~(3)) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:~~

~~(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;~~

~~(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;~~

~~(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;~~

~~(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;~~

~~(e) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;~~

~~(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;~~

~~(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;~~

(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;

(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer;

(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;

(l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;

(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.

Sec. 13. Section 12, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.102 are each amended to read as follows:

Upon the entry of the order under RCW 46.70.101 the director shall promptly notify the applicant or licensee (~~as well as the employer or prospective employer if the applicant or licensee is a salesman;~~) that the order has been entered and of the reasons therefor and that if requested by the applicant or licensee within fifteen days after the receipt of the director's notification, the matter will be promptly set down for hearing pursuant to chapter 34.04 RCW. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, or his personal representative, after notice of and opportunity for hearing, may modify or vacate the order, or extend it until final determination. No final order may be entered under RCW 46.70.101 denying or revoking a license without appropriate prior notice to the applicant or licensee (~~as well as the employer or prospective employer if the applicant or licensee is a salesman;~~), opportunity for hearing, and written findings of fact and conclusions of law.

NEW SECTION. Sec. 14. A new section is added to chapter 46.70 RCW to read as follows:

If it appears to the director that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter, or a rule adopted or an order issued under this chapter, the director may issue an order directing the person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. The director may issue a temporary order pending a hearing. The temporary order shall remain in effect until ten days after the hearing is held and shall become final if the person to whom the notice is addressed does not request a hearing within fifteen days after receipt of the notice.

Sec. 15. Section 46.70.120, chapter 12, Laws of 1961 as amended by section 15, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.120 are each amended to read as follows:

A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale of all vehicles purchased or sold by him (~~which~~). The records shall consist of:

(1) The license and title numbers of the state in which the last license was issued;

(2) A description of the vehicle: (~~and~~)

(3) The name and address of person from whom purchased; (~~and~~)

(4) The name of legal owner, if any; (~~and~~)

(5) The name and address of purchaser; (~~and~~)

(6) If purchased from a dealer, the name, business address, dealer license number, and resale tax number of the dealer;

(7) The price paid for the vehicle and the method of payment;

(8) The odometer statement given by the seller to the dealer, and the odometer statement given by the dealer to the purchaser;

(9) The written agreement to allow a dealer to sell between the dealer and the consignor, or the listing dealer and the seller;

(10) Trust account records of receipts, deposits, and withdrawals;

(11) All sale documents, which shall show the full name of dealer employees involved in the sale;

(12) Any additional information the department may require.

Such record shall be maintained separate and apart from all other business records of the dealer and shall at all times be available for inspection by the director or his duly authorized agent.

Sec. 16. Section 5, chapter 68, Laws of 1965 and RCW 46.70.170 are each amended to read as follows:

It (~~shall be~~) is a misdemeanor for any person to violate any of the provisions of this chapter, except where expressly provided otherwise, and the rules (~~and regulations promulgated~~) adopted as provided under this chapter.

Sec. 17. Section 16, chapter 74, Laws of 1967 ex. sess. as last amended by section 13, chapter 472, Laws of 1985 and RCW 46.70.180 are each amended to read as follows:

Each of the following acts or practices is (~~hereby declared~~) unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of 'bushing' which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer, or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash 'on deposit' from a purchaser prior to the delivery of the bargained-for vehicle, to commingle said 'on deposit' funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding said 'on deposit' funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Failure, immediately upon receipt, to endorse 'on deposit' instruments to such a trust account, or to set aside 'on deposit' cash for

deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his customary total customer deposits for vehicles for future delivery.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) said cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties.

Sec. 18. Section 21, chapter 74, Laws of 1967 ex. sess. as amended by section 19, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.190 are each amended to read as follows:

Any person who is injured in his business or property by a violation of this chapter, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

Any person recovering judgment or whose claim has been dismissed with prejudice against a manufacturer pursuant to RCW ((46.70.180(7)(b))) 46.70.180(11)(b) and this section shall, upon full payment of said judgment, or upon the dismissal of such claim, execute a waiver in favor of the judgment debtor or defendant of any claim arising prior to the date of said judgment or dismissal under the Federal Automobile Dealer Franchise Act, 15 United States Code Sections 1221-1225. Any person having recovered full payment for any judgment or whose claim has been dismissed with prejudice under said Federal Automobile Dealer Franchise Act shall have no cause of action under this section for alleged violation of RCW ((46.70.180(7)(b))) 46.70.180(11)(b), with respect to matters arising prior to the date of said judgment.

A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter.

Sec. 19. Section 17, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.200 are each amended to read as follows:

The director shall revoke or refuse to issue a ((motor)) vehicle dealer's license for a franchise replacing a canceled or terminated franchise if a civil action pursuant to RCW 46.70.190 is pending and was filed within sixty days following the written notification of the cancellation or nonrenewal of an existing franchise and a certified copy of ((said)) the complaint alleging the date of said notification is filed with the department within said sixty days by the complaining motor vehicle dealer. The court may, however, in order to maintain adequate and competitive service in the area or upon a showing of good cause by the manufacturer, distributor, or factory branch order the director to issue ((said motor)) the vehicle dealer's license if the dealer complies with other sections of chapter 46.70 RCW.

Sec. 20. Section 18, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.210 are each amended to read as follows:

Upon the filing of a complaint pursuant to RCW 46.70.190 by a complaining ((motor)) vehicle dealer within sixty days following the written notification of the cancellation or nonrenewal of the existing franchise, any canceled or nonrenewed franchise of said complaining dealer shall stay in full force and effect until the complaint has been expeditiously disposed of, unless the court, pursuant to RCW 46.70.200, has ordered the director to issue a ((motor)) vehicle dealer's license to a new franchisee.

If a new franchise is given by a manufacturer, distributor, or factory branch for the sale of the same make of ((motor)) vehicle in the same area of responsibility in that covered in ((said)) the canceled or terminated franchise, ((such act shall be)) that act is prima facie evidence that the new franchise replaced the canceled or terminated franchise.

Sec. 21. Section 24, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.260 are each amended to read as follows:

The provisions of this chapter shall be applicable to all franchises and contracts existing between ((motor)) vehicle dealers and manufacturers or factory branches and to all future franchises and contracts.

NEW SECTION. Sec. 22. A new section is added to chapter 46.70 RCW to read as follows:

Any violation of this chapter is deemed to affect the public interest and constitutes a violation of chapter 19.86 RCW.

NEW SECTION. Sec. 23. The following acts or parts of acts are each repealed:

(1) Section 8, chapter 74, Laws of 1967 ex. sess., section 10, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.081; and

(2) Section 9, chapter 74, Laws of 1967 ex. sess., section 5, chapter 74, Laws of 1971 ex. sess., section 11, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.082.

NEW SECTION. Sec. 24. The department shall report to the legislature as to the implementation of this act, and make any necessary recommendations for revisions by December 31, 1987."

On page 1, line 1 of the title, after "sales;" strike the remainder of the title and insert "amending RCW 46.70.005, 46.70.011, 46.70.021, 46.70.031, 46.70.041, 46.70.061, 46.70.070, 46.70.083, 46.70.101, 46.70.102, 46.70.120, 46.70.170, 46.70.180, 46.70.190, 46.70.200, 46.70.210, and 46.70.260; adding new sections to chapter 46.70 RCW; creating a new section; repealing RCW 46.70.081 and 46.70.082; and prescribing penalties."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, C. Smith and Walker.

MINORITY recommendation: Without recommendation. Signed by Representatives Sayan and J. Williams.

Voting nay: Representatives Sayan and J. Williams.

Referred to Committee on Transportation.

February 26, 1986

SB 4529 Prime Sponsor, Senator Talmadge: Revising registered nurse privileged communications provisions. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dobbs, Leonard, Lewis, Lux, Tanner and Winsley.

Absent: Representatives Armstrong, Dellwo, Padden, Scott and West.

Passed to Committee on Rules for second reading.

February 26, 1986

SB 4560 Prime Sponsor, Senator Thompson: Revising provisions relating to the legislature and terms of state officials. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Hankins, O'Brien, Taylor, Todd, van Dyke and Vekich.

Voting nay: Representatives Brooks and Fuhrman.

Absent: Representative Sanders.

Passed to Committee on Rules for second reading.

February 26, 1986

SSB 4574 Prime Sponsor, Committee on Human Services & Corrections: Revising provisions on chore services. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dobbs, Leonard, Lux, Padden, Scott and Winsley.

Voting nay: Representative Lewis.

Absent: Representative West.

Passed to Committee on Rules for second reading.

February 26, 1986

SSB 4639 Prime Sponsor, Committee on Governmental Operations: Revising procedures for filling vacancies in elective offices. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 36.32.070, chapter 4, Laws of 1963 and RCW 36.32.070 are each amended to read as follows:

Whenever there is a vacancy in the board of county commissioners, it shall be filled as follows:

(1) If there are three vacancies, the governor of the state shall appoint two of the officers. The two commissioners thus appointed shall then meet and select the third commissioner. The vacancies shall be filled in accordance with Article II, section 15 of the state Constitution and section 3 of this 1986 act. ~~((If the two appointed commissioners fail to agree upon selection of the third after the expiration of five days from the day they were appointed, the governor shall appoint the remaining commissioner.))~~

(2) Whenever there are two vacancies in the office of county commissioner, the governor shall appoint one commissioner, and the two commissioners then in office shall appoint the third commissioner. The vacancies shall be filled in accordance with Article II, section 15 of the state Constitution and section 3 of this 1986 act. ~~((If they fail to agree upon a selection after the expiration of five days from the day of the governor's appointment, the governor shall appoint the third commissioner.))~~

(3) Whenever there is one vacancy in the office of county commissioner, the two remaining commissioners shall fill the vacancy in accordance with Article II, section 15 of the state Constitution and section 3 of this 1986 act. ~~((If the two commissioners fail to agree upon a selection after the expiration of five days from the day the vacancy occurred, the governor shall appoint the third commissioner.))~~

NEW SECTION. Sec. 2. A new section is added to chapter 42.12 RCW to read as follows:

When a vacancy occurs in the office of senator or representative of a legislative district comprising more than one county, the legislative authorities of the counties partially and entirely within the district shall, in joint action, fill the vacancy. The chairperson of the legislative authority of the county whose number of registered voters residing within the district is greatest shall chair the meeting. Of the total vote cast by the legislative authorities in filling a vacancy in such a district, each county's share shall be equal to the percentage, to the nearest whole percent, of the district's registered voters that reside within the county. Further, a county's share of that vote shall be divided equally among the members of that county's legislative authority who are not disqualified from voting on the issue under Article II, section 15 of the state Constitution. The percentages shall be based upon voter registration data applicable for the state general election immediately preceding the joint action. The person who receives a majority percentage of the votes shall be appointed to fill the vacancy.

NEW SECTION. Sec. 3. A new section is added to chapter 42.12 RCW to read as follows:

(1) A state or county central committee submitting a list of nominees under Article II, section 15 of the state Constitution shall do so within fourteen days of the occurrence of the vacancy.

(2) A county legislative authority or joint county legislative authority making an appointment under Article II, section 15 of the state Constitution shall do so within twenty-one days of the occurrence of the vacancy.

(3) An appointment made by the governor under Article II, section 15 of the state Constitution shall be made within twenty-seven days of the occurrence of the vacancy.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall take effect December 15, 1986, if the proposed amendment to Article II, section 15 of the state Constitution, Substitute Senate Joint Resolution No. 138, modifying methods for filling vacancies in the legislature or county elective office, is validly submitted to and is approved and ratified by the voters at a general election held in November 1986. If the proposed amendment is not so approved and ratified, sections 1 through 3 of this act shall be null and void in their entirety."

On page 1, line 2 of the title, strike "and adding a new section to chapter 42.12 RCW." and insert "adding new sections to chapter 42.12 RCW; and providing an effective date."

Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Day, Fisch, Madsen, Miller, Nealey, Sommers and Walker.

Absent: Representative Nealey.

Passed to Committee on Rules for second reading.

February 26, 1986

SSB 4661 Prime Sponsor, Committee on Governmental Operations: Extending the authority of the Washington State Housing Finance Commission. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:
On page 2, line 12 after "exceed" strike "~~(one)~~ two" and insert "one and one-half"

Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Hankins, O'Brien, Todd, Vekich and Walk.

MINORITY recommendation: Do not pass. Signed by Representatives Fuhrman and van Dyke.

Absent: Representative Sanders.

Referred to Committee on Ways & Means.

February 26, 1986

SB 4662 Prime Sponsor, Senator Kreidler: Authorizing the department of ecology to participate in certain hazardous waste programs. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after line 21, insert the following:

"Sec. 2. Section 2, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.020 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Dangerous waste' shall have the same definition as set forth in RCW 70.105.010(5) and shall specifically include those wastes designated as dangerous by rules adopted pursuant to chapter 70.105 RCW;

(2) 'Department' means the department of ecology;

(3) 'Extremely hazardous waste' shall have the same definition as set forth in RCW 70.105.010(6) and shall specifically include those wastes designated as extremely hazardous by rules adopted pursuant to chapter 70.105 RCW;

(4) 'Hazardous waste' means and includes all dangerous and extremely hazardous wastes;

(5) 'Person' means an individual, trust, firm, joint stock company, partnership, association, state, public or private or municipal corporation, commission, political subdivision of a state, interstate body, the federal government including any agency or officer thereof, and any Indian tribe or authorized tribal organization;

(6) 'Identified site' means the same or geographically contiguous property, at which hazardous wastes are generated during a calendar year. An identified site may be divided by a public or private right of way, provided that access between the properties occurs at an intersection and crosses, as opposed to goes along, the right of way. Noncontiguous properties

owned by the same person but connected by a right of way will be considered a single identified site if the person controls the right of way and can prevent public access;

(7) 'Fee' means the annual hazardous waste control and elimination assessment fee imposed under RCW 70.105A.030 and the fee for treatment, storage, and disposal facilities imposed under RCW 70.105A.040;

(8) 'Annual gross income' of a business means the value proceeding or accruing during a calendar year by reason of the transaction of the business or service engaged in and includes gross proceeds of sales, compensation for the rendition of services, gains realized from trading in stocks, bonds, or other evidences of indebtedness, interest, discount, rents, royalties, fees, commissions, dividends, and other emoluments however designated, all without any deduction on account of the cost of tangible property sold, the cost of materials used, labor costs, interest, discount, delivery costs, taxes, or any other expense whatsoever paid or accrued and without any deduction on account of losses; and

(9) 'Generate' means any act or process which produces hazardous waste or first causes a hazardous waste to become subject to regulation.

Sec. 3. Section 3, chapter 65, Laws of 1983 1st ex. sess. as amended by section 129, chapter 7, Laws of 1985 and RCW 70.105A.030 are each amended to read as follows:

(1) In addition to all other fees and taxes, there is hereby imposed and the department of revenue shall collect an annual fee from every person identified by the department of ecology for the privilege of utilizing or operating an identified site, other than as described in RCW 70.105A.040(1), in connection with any of the following business activities within this state:

(a) Exploring for, extracting, beneficiating, processing, or selling metallic or nonmetallic minerals;

(b) Exploring for, extracting, processing, or selling coal;

(c) Producing, distributing, or selling electricity;

(d) Industrial or nonresidential contracting or heavy construction;

(e) Painting or sandblasting;

(f) Producing, processing, or selling rubber or plastics;

(g) Producing, processing, or selling glass, cement, or concrete;

(h) Cutting, milling, producing, preparing, or selling lumber or wood products, including wooden furniture or fixtures;

(i) Producing, preparing, or selling paper or allied products;

(j) Printing or publishing;

(k) Synthesizing, producing, processing, preparing, or selling chemicals or allied products;

(l) Exploring for, extracting, producing, processing, distributing, or selling petroleum or gas;

(m) Fabricating rubber or plastic products;

(n) Beneficiating, processing, or selling primary or secondary metals;

(o) Fabricating metal products, including metal furniture or fixtures;

(p) Fabricating, constructing, preparing, installing, or selling machinery or supplies;

(q) Fabricating, constructing, installing, preparing, or selling electrical or electronic equipment, machinery, or supplies;

(r) Fabricating, producing, preparing, or selling transportation equipment;

(s) Transporting by railroad, motor vehicle, or water vessel;

(t) Telephone communication;

(u) Drycleaning, photofinishing, or furniture refinishing;

(v) Transferring, treating, storing, or disposing of solid, dangerous, or extremely hazardous wastes; ~~(and)~~

(w) Repairing or servicing motor vehicles, railroad equipment, or water vessels; and

(x) Federal, state, and local agency operations, including but not limited to operations by the United States departments of defense, energy, transportation, and agriculture, and the coast guard.

When determining the particular business activity at an identified site, the department of ecology shall consider the major purpose of the activity or activities occurring at the identified site. Under this section, each identified site shall be required to pay only one fee annually, but no fee shall be assessed on any person at an identified site engaged solely in making retail sales as defined in RCW 82.04.050, except for those identified sites which generate hazardous waste.

(2) The fee imposed by this section shall be due and payable on June 30 of the year next succeeding the calendar year in which a person has engaged at any time in the business activities listed in subsection (1) of this section. The amount of the fee for an identified site shall be graduated by reference to the annual gross income of the business apportioned to the site as provided in subsection (3) of this section ~~((in accordance with the following schedule)), and shall not exceed the following limits:~~

(a) For annual gross income not in excess of ~~((one million))~~ fifty thousand dollars, a fee of not more than ~~((one))~~ five hundred fifty dollars;

(b) For annual gross income in excess of ~~((one million))~~ fifty thousand dollars but not exceeding ~~((ten million))~~ one hundred thousand dollars, a fee of not more than ~~((seven hundred fifty))~~ one thousand dollars;

(c) For annual gross income in excess of ~~((ten million))~~ one hundred thousand dollars but not exceeding five hundred thousand dollars, a fee of not more than ~~((seven thousand five hundred))~~ three thousand dollars;

(d) For an annual gross income in excess of five hundred thousand dollars but not exceeding one million dollars, a fee of not more than five thousand dollars;

(e) For an annual gross income in excess of one million dollars but not exceeding five million dollars, a fee of not more than ten thousand dollars;

(f) For an annual gross income in excess of five million dollars but not exceeding ten million dollars, a fee of not more than thirteen thousand dollars;

(g) For an annual gross income in excess of ten million dollars, a fee of not more than thirteen thousand dollars.

For any identified site that is operated by a federal, state, or local authority, the department of ecology shall use in lieu of annual gross income the annual operating budget for the identified site. In those cases where the federal, state, or local authority cannot or will not provide the annual operating budget for the identified site, the department of ecology shall assign an annual operating budget of one billion dollars to federal sites, one hundred million dollars to state sites, and ten million dollars to local sites. If an identified site is jointly operated by more than one authority and the department of ecology must assign an annual operating budget to the site, then the department shall assign the highest of the possible annual operating budgets that could be assigned.

The department of ecology shall further graduate the fees set forth in (a) ~~((b), and (c))~~ through (g) of this subsection in accordance with criteria including but not limited to the quantity of hazardous waste generated and the health and environmental risks associated with the waste; PROVIDED, That the minimum fee assessed to any identified site shall be not less than seventy-five dollars. In calculating these fees the department shall not include any wastes produced solely from clean-up or remedial actions resulting from actions taken by the department under RCW 70.105A.060(1). The department of ecology shall publish by rule a schedule of these graduated fees.

(3) For purposes of this section, annual gross income of the business shall mean gross proceeds of sales as defined in RCW 82.04.070 or gross income of the business as defined in RCW 82.04.080; and shall mean gross income, as defined in RCW 82.16.010 (12). Annual gross income of the business of a person rendering services taxable under RCW 82.04.290 and maintaining places of business within and without this state shall be apportioned in accordance with the provisions of RCW 82.04.460. The total annual gross income of the business taxable in this state under chapters 82.04 and 82.16 RCW shall be apportioned equally by the department of ecology among the identified sites utilized by such business in this state without regard to the amount or nature of the use; PROVIDED, That the person subject to the fee may request, and the department of ecology shall grant, apportionment among identified sites utilized in this state according to each site's share of annual gross income of the business apportioned to this state. The person subject to the fee shall bear the burden of supporting the allocation among sites with appropriate data as reasonably requested by the department of ecology.

(4) If an identified site does not generate hazardous wastes regulated by chapter 70.105 RCW, the person owning or controlling the site is exempt from the fee imposed by this section.

(5) Notwithstanding subsection (1) or (2) of this section or RCW 70.105A.040, no person who owns or operates a combined identified site and hazardous waste treatment, storage or disposal site shall be required to pay more than ~~((seven))~~ twenty thousand ~~((five hundred))~~ dollars annually to the hazardous waste control and elimination account.

(6) The department of ecology is authorized to adjust the fees imposed by this section ((and the limitation on total payment of subsection (5) of this section shall be adjusted)) by five percent whenever the consumer price index of the United States department of labor increases or decreases by a five percent increment from the index figure in existence on January 1, ~~((1983))~~ 1986, and such fee and limitation adjustments shall be published in rules by the department of ecology.

(7) Fees shall not be required under this section for solid wastes generated primarily from the combustion of coal or other fossil fuels, until at least six months after the date of submission of the study required by section 8002 of the federal resource conservation and recovery act.

(8) For purposes of this section 'manufacturer,' 'wholesaler,' 'retailer,' and 'person engaging in service activities' shall have the meaning attributed to such terms in chapter 82.04 RCW. 'Business activities' shall mean activities of any person subject to the fees imposed in subsection (1) of this section engaging in business as defined in chapters 82.04 and 82.16 RCW.

(9) In the administration of this section and in addition to other provisions in this chapter for the enforcement and collection of fees due and owing under this section, the department of revenue is authorized to apply the provisions of chapter 82.32 RCW, provided that the provisions of RCW 82.32.050 and 82.32.090 shall not be applied. If the annual gross income of the business of any person subject to the fee imposed under this section is finally determined to be

greater or less than that reported to the department of revenue for the year in question, the department of revenue shall, if necessary, recompute the fee due and shall refund or assess the outstanding balance, as the case may be.

Sec. 4. Section 4, chapter 65, Laws of 1983 1st ex. sess. and RCW 70.105A.040 are each amended to read as follows:

(1) Every person who operates a facility for the purpose of treating, storing, or disposing of hazardous wastes, that is subject to a permit issued under authority of RCW 70.105.130 or 70.105A.060(4) (including a permit issued in satisfaction of the requirements of 42 U.S.C. section 6925 of the federal Resource Conservation and Recovery Act, as amended) shall ~~(-on or before September 1, 1984, and on or before May 15 of each year thereafter;)~~ pay to the state ~~((a))~~ an annual fee relating to the operation of such treatment, storage, or disposal facilities. This fee shall be due and payable on June 30 of the year next succeeding the calendar year in which a person has operated a facility for the purpose of treating, storing, or disposing of hazardous wastes.

In relation to these annual fees, the department is empowered to adopt rules relating to: (a) Establishment of classes of facilities subject to fees, taking into account the size and type of facility and the risks of detrimental impacts associated therewith; and (b) the setting of a fee schedule pertaining to these classes with those classes presenting a greater risk having a higher dollar amount than those classes presenting a lesser risk; PROVIDED, That the annual fee for any class shall not be greater than ~~((seven thousand five hundred))~~ fifteen thousand dollars.

The department shall prepare a list of all such hazardous waste facilities and the fee for each such facility or type of facility and shall provide a statement to each operator of a facility specifying the fee that is owed and the basis for the fee.

(2) ~~(Notwithstanding the provisions of RCW 70.105A.030 (1) through (5) or this section, no person who operates a combined identified site and hazardous waste treatment, storage, or disposal site shall be required to pay more than seven thousand five hundred dollars annually to the hazardous waste control and elimination account))~~ (a) For the purposes of this subsection, a new facility is any facility which has not been treating, storing, or disposing of hazardous wastes before June 30, 1986, and which must be issued a permit under RCW 70.105.130 or 70.105A.060(4) before it can treat, store, or dispose of hazardous wastes in compliance with chapter 70.105 RCW.

(b) Any person who applies to the department to issue a permit for a new facility shall pay to the department, on a schedule to be determined by the department, a fee of:

(i) One hundred fifty thousand dollars if the permit application is for a landfill, land treatment, waste pile, or surface impoundment facility;

(ii) Fifty thousand dollars if the permit application is for an incinerator facility; or

(iii) Ten thousand dollars if the permit application is for any other type of facility.

(c) For any new facility permit application that includes more than one type of hazardous waste management, the permit application fee shall be the highest of the applicable fees required by (b) of this subsection.

(d) Any person who has submitted a permit application for a new facility to the department between January 1, 1985, and the effective date of this 1986 act shall pay to the department, by January 1, 1987, one-half of the applicable fee required by (b) of this subsection.

(e) The department is authorized to not work on any new facility permit application until the fee required under (b) of this subsection has been paid.

(3) The department of ecology is ~~((required))~~ authorized to increase or decrease the fees of subsections (1) ~~((of this section))~~ and ~~((the limitation on total payment of subsection))~~ (2) of this section ~~(:)~~ by five percent on each occasion when the consumer price index of the United States department of labor increases or decreases by a five percent increment from the index figure as it existed on January 1, ~~((1983))~~ 1986. Each such fee and limitation increase or decrease shall be set forth in rules adopted by the department of ecology.

NEW SECTION. Sec. 5. (1) A joint legislative committee on the regulation of hazardous wastes is created. The committee will consist of seven members. Two members of the house of representatives, one from each of the two largest caucuses, will be appointed by the speaker of the house of representatives. Two members of the senate, one from each of the two largest caucuses, will be appointed by the president of the senate. One member will be appointed by the director of the department of ecology, one member will be selected by the Washington environmental council, and one member will be selected by the association of Washington business. The most senior legislative member of the committee will serve as chair of the committee.

(2) The committee shall review the department's hazardous waste regulatory program, including permit approval processes, inspections and monitoring, and will evaluate the need for any changes in the level of these activities. The committee shall recommend cost-effective improvements in the efficiency of the program. The committee shall report its conclusions to the appropriate standing committees of the legislature by January 1, 1987. The committee shall cease to exist January 1, 1987.

NEW SECTION. Sec. 6. The department shall adopt rules which allow, subject to the department approval and at the option of an applicant for a facility permit to treat, store, or

dispose of hazardous waste, an expedited procedure for permit issuance. The rules shall allow an outside consultant, retained by the department, at the expense of the applicant, to augment department staff. The consultant shall review part or all of the applicant's permit application as directed and supervised by the department."

On page 1, line 1 of the title, after "waste;" strike "and" and after "70.105.145" insert ", 70.105A.020, 70.105A.030, and 70.105A.040; and creating new sections"

Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Brekke, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Barnes, Brough and Isaacson.

Passed to Committee on Rules for second reading.

February 25, 1986

SB 4675 Prime Sponsor, Senator Vognild: Repealing the mandatory vehicle license plate replacement program. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 46.16 RCW to read as follows:

In order to help publicize and commemorate the state's 1989 anniversary celebration of its admission to the Union, a new centennial design shall be developed by the department for vehicle license plates that uses reflectorized materials necessary to provide adequate visibility and legibility at night.

The centennial plates shall be developed in cooperation with the design selection committee appointed by the director. The committee shall include representation from the Washington centennial commission.

Registration numbers and letters for the centennial plate shall be assigned by the department in accordance with established procedures. Distribution of the centennial license plates shall commence January 1, 1987, to all new vehicle registrations and license plate replacements. In addition, the centennial plate shall be available for purchase by all other vehicle owners at the owner's option.

Revenues generated from the centennial plate shall go in part to support local and state centennial activities as provided in section 2 of this act. In addition to the basic fees for new vehicle registrations provided in RCW 46.16.060, persons purchasing centennial plates shall pay an additional fee of one dollar per plate to be distributed as follows: From January 1, 1987, through June 30, 1989, one-half of the fee shall be deposited in the centennial commission account of the general fund, and the remainder shall be deposited in the motor vehicle fund. Commencing July 1, 1989, the total one dollar per plate fee shall be deposited in the motor vehicle fund.

NEW SECTION. Sec. 2. A new section is added to chapter 27.60 RCW to read as follows:

In support of centennial activities of the centennial commission, and as provided for in section 1 of this act, revenues shall be made available by appropriation to the centennial commission. One-half of the moneys so provided shall be distributed to counties in the state for use by their respective county centennial commissions or committees. Distribution of such moneys shall be made by the 1989 Washington centennial commission according to rules adopted by the commission. The rules shall provide for distribution to the respective counties on the basis of the number of centennial plates issued to residents in those counties, with minimum amounts established to be distributed to those counties with small populations, regardless of the number of centennial plates issued.

The remaining one-half of the moneys shall be used for funding projects deemed to be of state-wide significance by the centennial commission in accordance with rules adopted by the commission.

This section shall expire on December 31, 1993. Any funds remaining in the centennial commission account on that date shall revert to the general fund.

Sec. 3. Section 46.16.270, chapter 12, Laws of 1961 as last amended by section 7, chapter 169, Laws of 1975 1st ex. sess. and RCW 46.16.270 are each amended to read as follows:

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, or upon the owner's option, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director, upon which form it shall be required that the owner, if appropriate and in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original plate or plates, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vehicle license applications. Such application shall be filed with the director or ~~(the)~~ the director's authorized agent, accompanied by the certificate of license registration

of the vehicle and a fee in the amount of ~~((four))~~ three dollars per plate, whereupon the director, or ~~((his))~~ the director's authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars ~~((for a new vehicle license number plate where only one was originally issued and one dollar))~~ for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement, or destruction of ~~((said))~~ the tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs or a windshield emblem to replace those lost, defaced, or destroyed ~~((PROVIDED THAT))~~. For those vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, a fee shall be charged for replacement of a vehicle license number plate only to the extent required by the provisions of RCW 46.16.020, 46.16.061, 46.16.237, and 46.01.140 ~~((PROVIDED FURTHER THAT))~~. For those vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty, the payment of any fee for the replacement of a vehicle license number plate shall not be required.

NEW SECTION. Sec. 4. Section 1, chapter 72, Laws of 1983, section 1, chapter 62, Laws of 1984 and RCW 46.16.275 are each repealed."

On line 1 of the title, after "plates;" strike the remainder of the title and insert "amending RCW 46.16.270; adding a new section to chapter 27.60 RCW; adding a new section to chapter 46.16 RCW; and repealing RCW 46.16.275."

Signed by Representatives Walk, Chair; Baugher, Betzoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Lundquist, McMullen, Patrick, Prince, C. Smith, Tanner, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Voting nay: Representatives Schmidt, Sutherland and Zellinsky.

Absent: Representatives Wineberry, Vice Chair; Lundquist, Tanner and Thomas.

Passed to Committee on Rules for second reading.

February 25, 1986

ESB 4678 Prime Sponsor, Senator Vognil: Revising provisions relating to job site safety inspections. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Passed to Committee on Rules for second reading.

February 25, 1986

SB 4691 Prime Sponsor, Senator Kiskaddon: Revising definition of child for industrial insurance purposes. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representatives Fisch and O'Brien.

Passed to Committee on Rules for second reading.

February 25, 1986

SSB 4696 Prime Sponsor, Committee on Transportation: Requiring appropriations for expenditures from ferry revenue. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Betzoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Wineberry, Vice Chair; Haugen, Lundquist, Tanner and Thomas.

Passed to Committee on Rules for second reading.

February 25, 1986

SSB 4758 Prime Sponsor, Committee on Transportation: Revising taxation of special fuel from a keylock pump. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Baugher, Betzoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Krømen, Lundquist, McMullen, Patrick, Prince, Schmidt; C. Smith, Sutherland, Tanner, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Wineberry, Vice Chair; Gallagher, Lundquist, Tanner and Thomas.

Passed to Committee on Rules for second reading.

February 25, 1986

SB 4891 Prime Sponsor, Senator Vognild: Permitting certain requirements for motor vehicle dealers to be waived. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 46.70 RCW to read as follows:

The director may by rule waive any requirements pertaining to a vehicle dealer's established place of business if such waiver both serves the purposes of this chapter and is necessary due to unique circumstances such as a location divided by a public street or a highly specialized type of business."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Betzoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Passed to Committee on Rules for second reading.

February 26, 1896

ESSB 4949 Prime Sponsor, Committee on Human Services & Corrections: Requiring an approved list for inspections by health care assistants. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 8 strike "the" and insert "a"

Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Padden and Tanner.

Voting nay: Representatives Lux and Winsley.

Absent: Representatives Armstrong, Dellwo, Dobbs, Padden, Scott and West.

Passed to Committee on Rules for second reading.

February 26, 1986

SSB 5026 Prime Sponsor, Committee on Parks & Ecology: Providing for a study on hazardous waste disposal by farmers. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9 after "the" insert "appropriate standing committees of the"

Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Absent: Representatives Allen, Brekke, Isaacson, R. King, Lux and Valle.

Passed to Committee on Rules for second reading.

February 26, 1986

SSB 5037 Prime Sponsor, Committee on Education: Requiring a study of the number of ninth through twelfth grade dropouts. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betzoff, Chandler, Cole, Fuhrman, Holland,

P. King, Long, Peery, Rayburn, Rust, Schoon, L. Smith, Taylor, Todd, Walker and Wang.

Passed to Committee on Rules for second reading.

February 25, 1986

ESSB 5044 Prime Sponsor, Committee on Agriculture: Modifying department of agriculture commodity authority. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 15.04.100, chapter 11, Laws of 1961 as amended by section 1, chapter 76, Laws of 1969 ex. sess. and RCW 15.04.100 are each amended to read as follows:

The director shall establish a horticulture inspection trust fund to be derived from horticulture inspection district funds. The director shall adjust district payments so that the balance in the trust fund shall not exceed ~~((seventy-five))~~ three hundred thousand dollars. The director is authorized to make payments from the trust fund to:

(1) Pay fees and expenses provided in the inspection agreement between the state department of agriculture and the agricultural marketing service of the United States department of agriculture;

(2) Pay portions of salaries of inspectors-at-large as provided under RCW 15.04.040;

(3) Assist horticulture inspection districts in temporary financial distress as result of less than normal production of horticultural commodities: PROVIDED, That districts receiving such assistance shall make repayment to the trust fund as district funds shall permit;

(4) Pay necessary administrative expenses for the ~~((division of plant industry))~~ commodity inspection division attributable to the supervision of the horticulture inspection services.

Sec. 2. Section 23, chapter 122, Laws of 1963 as last amended by section 1, chapter 7, Laws of 1975 1st ex. sess. and RCW 15.17.230 are each amended to read as follows:

For the purpose of this chapter the state shall be divided into not less than ~~((four))~~ three horticulture inspection districts to which the director may assign one or more inspectors-at-large who as a representative of the director shall supervise and administer regulatory and inspection affairs of the districts: PROVIDED, That for purposes of efficiency and economy the director may by rule promulgated in accordance with the Administrative Procedure Act establish or adjust district boundaries or abolish any district: PROVIDED, HOWEVER, That there shall be at least ~~((four))~~ three districts in existence at all times.

Sec. 3. Section 15.24.070, chapter 11, Laws of 1961 as amended by section 5, chapter 145, Laws of 1963 and RCW 15.24.070 are each amended to read as follows:

The Washington state apple advertising commission is hereby declared and created a corporate body. The powers and duties of the commission shall include the following:

(1) To elect a chairman and such other officers as it deems advisable; and to adopt, rescind, and amend rules, regulations, and orders for the exercise of its powers hereunder, which shall have the force and effect of the law when not inconsistent with existing laws;

(2) To administer and enforce the provisions of this chapter, and do all things reasonably necessary to effectuate the purposes of this chapter;

(3) To employ and at its pleasure discharge a manager, secretary, agents, attorneys, and employees as it deems necessary, and to prescribe their duties and powers and fix their compensation;

(4) To establish offices and incur expense and enter into contracts and to create such liabilities as may be reasonable for the proper administration and enforcement of this chapter;

(5) To investigate and prosecute violations hereof;

(6) To conduct scientific research to develop and discover the health, food, therapeutic, and dietetic value of apples and products thereof;

(7) To keep accurate record of all of its dealings, which shall be open to inspection and audit by the state auditor;

(8) To sue and be sued, adopt a corporate seal, and have all of the powers of a corporation; and

(9) To expend funds for commodity-related education, training, and leadership programs as the commission deems expedient.

Sec. 4. Section 22, chapter 190, Laws of 1971 ex. sess. as amended by section 20, chapter 297, Laws of 1981 and RCW 15.58.220 are each amended to read as follows:

For the purpose of this section public pest control consultant means any individual who is employed by a governmental agency or unit to act as a pest control consultant as defined in RCW 15.58.030(23). No person shall act as a public pest control consultant on or after February 28, 1973 without first obtaining a nonfee license from the director ~~((which))~~ Public pest control consultant licenses shall expire on the ((third)) fifth December 31st from the date of issuance: PROVIDED, That all public pest control consultant licenses valid on December 31, 1985, shall expire on December 31, 1990. Application for a license shall be on a form prescribed by the director: PROVIDED, That federal and state employees whose principal responsibilities are in

pesticide research, the jurisdictional health officer or his duly authorized representative, and public operators licensed under RCW 17.21.220 shall be exempt from this licensing provision.

Sec. 5. Section 24, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.240 are each amended to read as follows:

The director may classify licenses to be issued under the provisions of this chapter. Such classifications may include but not be limited to agricultural crops, ornamentals, or noncrop land herbicides. If the licensee has a classified license he shall be limited to practicing within these classifications. Each such classification shall be subject to separate testing procedures and requirements: PROVIDED, That no person shall be required to pay an additional license fee if such person desires to be licensed in one or all of the license classifications provided for by the director under the authority of this section. The director may renew any applicant's license under the classification for which the applicant is licensed, subject to reexamination or other recertification standards as determined by the director when deemed necessary because new knowledge or new classifications are required to carry out the responsibilities of the licensee.

Sec. 6. Section 6, chapter 100, Laws of 1969 and RCW 16.38.060 are each amended to read as follows:

The director may, following a public hearing, establish a schedule of fees for services performed in carrying out such diagnostic service program. All fees collected under this provision shall be retained by the director of agriculture to be spent only for carrying out the purposes of this chapter.

Sec. 7. Section 9, chapter 249, Laws of 1961 as last amended by section 2, chapter 191, Laws of 1971 ex. sess. and RCW 17.21.090 are each amended to read as follows:

The director shall not issue a pesticide applicator's license until the applicant, if he is the sole owner of the business, or if there is more than one owner, the person managing the business, has passed an examination to demonstrate to the director (1) his knowledge of how to apply pesticides under the classifications he has applied for, manually or with the various apparatuses that he may have applied for a license to operate under the provisions of this chapter, and (2) his knowledge of the nature and effect of pesticides he may apply manually or with such apparatuses under such classifications. ~~((The director may renew any applicant's license under the classification for which such applicant is licensed, subject to examination for new knowledge that may be required to apply pesticides manually or with apparatuses the applicant has been licensed to operate.))~~ The pesticide applicator's license shall expire on December 31 following issuance. The director shall charge an examination fee of five dollars when an examination is necessary before a license may be issued or when application for such license and examination is made at other than a regularly scheduled examination date as provided for by the director.

Sec. 8. Section 12, chapter 249, Laws of 1961 as amended by section 7, chapter 177, Laws of 1967 and RCW 17.21.120 are each amended to read as follows:

The director shall not issue an operator's license before such applicant has passed an examination to demonstrate to the director (1) his ability to apply pesticides in the classifications he has applied for, manually or with the various apparatuses that he may have applied for a license to operate, and (2) his knowledge of the nature and effect of pesticides applied manually or used in such apparatuses under such classifications. ~~((The director may renew any applicant's license under the classification for which such applicant is licensed, subject to examination for new knowledge that may be required to apply pesticides manually or with apparatuses the applicant has been licensed to operate.))~~ The operator's license shall expire on December 31 following issuance. The director shall charge an examination fee of five dollars when an examination is necessary before a license may be issued and when application for such license and examination is made at other than a regularly scheduled examination date as provided for by the director.

Sec. 9. Section 9, chapter 92, Laws of 1979 and RCW 17.21.128 are each amended to read as follows:

The director may renew any ~~((private applicator's))~~ certification or ~~((private-commercial applicator's))~~ license issued under authority of this chapter under the classification for which such applicant is licensed or certificated subject to ~~((demonstration of competency))~~ recertification standards as determined by the director or examination regarding new knowledge that may be required to apply pesticides ~~((manually or with apparatuses the applicant has been licensed to operate)).~~

Sec. 10. Section 13, chapter 249, Laws of 1961 and RCW 17.21.130 are each amended to read as follows:

Any license provided for in this chapter ~~((shall expire on December 31st following issuance unless it has been))~~ may be revoked or suspended ~~((prior thereto))~~ by the director for cause.

Sec. 11. Section 22, chapter 249, Laws of 1961 as last amended by section 24, chapter 297, Laws of 1981 and RCW 17.21.220 are each amended to read as follows:

(1) All state agencies, municipal corporations, and public utilities or any other governmental agency shall be subject to the provisions of this chapter and rules adopted thereunder concerning the application of pesticides: PROVIDED, That the operators applying any pesticide

restricted to use by certified applicators or in charge of any apparatuses used by any state agencies, municipal corporations and public utilities and any governmental agencies shall be subject to the provisions of RCW 17.21.100, 17.21.110 and 17.21.120: PROVIDED FURTHER, That the director shall issue a limited public operator license without a fee to such operators which shall be valid only when such operators are acting as ~~((operators on apparatuses used by such entities and which shall expire on the third December 31st from the date of issuance))~~ employees of a state agency, municipal corporation, public utility, or other government agency: AND PROVIDED FURTHER, That the jurisdictional health officer or his duly authorized representative is exempt from this licensing provision when applying pesticides not restricted to use by certified applicators to control pests other than weeds. Public operator licenses shall expire on the fifth December 31 from the date of issuance. All public operator licenses valid on December 31, 1985, shall expire on December 31, 1990.

(2) Such agencies, municipal corporations and public utilities shall be subject to legal recourse by any person damaged by such application of any pesticide, and such action may be brought in the county where the damage or some part thereof occurred.

Sec. 12. Section 19, chapter 177, Laws of 1967 and RCW 17.21.305 are each amended to read as follows:

The provisions of this chapter requiring all structural pest control operators, exterminators and fumigators to license with the department shall not preclude a city of the first class with a population of one hundred thousand people or more, or the county in which it is situated, from also licensing structural pest control operators, exterminators and fumigators operating within the territorial confines of said city or county: PROVIDED, That when structural pest control operators, exterminators and fumigators are licensed by both ~~((such))~~ the city of the first class and the county in which ~~((such))~~ the city is situated, and there exists a joint county-city health department, then ~~((such))~~ the joint county-city health department may enforce the provisions of ~~((such))~~ the city and county as to the license requirements for ~~((said))~~ the structural pest control operators, exterminators and fumigators.

Sec. 13. Section 5, chapter 124, Laws of 1963 as last amended by section 22, chapter 305, Laws of 1983 and RCW 22.09.050 are each amended to read as follows:

Any application for a license to operate a warehouse shall be accompanied by a license fee of ~~((two))~~ four hundred dollars for a terminal warehouse, ~~((one hundred fifty))~~ three hundred dollars for a subterminal warehouse, and ~~((fifty))~~ one hundred dollars for a country warehouse. If a licensee operates more than one warehouse under one state license as provided for in RCW 22.09.030, the license fee shall be computed by multiplying the number of physically separated warehouses within the station by the applicable terminal, subterminal, or country warehouse license fee. If an application for renewal of a warehouse license or licenses is not received by the department prior to June 30th of any year, a penalty of fifty dollars for the first week and one hundred dollars for each week thereafter shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license may be issued. This penalty does not apply if the applicant furnishes an affidavit certifying that he has not acted as a warehouseman subsequent to the expiration of his prior license.

Sec. 14. Section 23, chapter 305, Laws of 1983 and RCW 22.09.055 are each amended to read as follows:

An application for a license to operate as a grain dealer shall be accompanied by a license fee of ~~((one))~~ three hundred dollars unless the applicant is also a licensed warehouseman, in which case the fee for a grain dealer license shall be one hundred fifty dollars.

If an application for renewal of a grain dealer license is not received by the department before June 30th of any year, a penalty of fifty dollars for the first week and one hundred dollars for each week thereafter shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license may be issued. This penalty does not apply if the applicant furnishes an affidavit certifying that he has not acted as a grain dealer after the expiration of his prior license.

Sec. 15. Section 2, chapter 256, Laws of 1961 as last amended by section 1, chapter 261, Laws of 1985 and by section 13, chapter 457, Laws of 1985 and RCW 15.65.020 are each reenacted and amended to read as follows:

The following terms are hereby defined:

(1) 'Director' means the director of agriculture of the state of Washington or his duly appointed representative. The phrase 'director or his designee' means the director unless, in the provisions of any marketing agreement or order, he has designated an administrator, board or other designee to act for him in the matter designated, in which case 'director or his designee' means for such order or agreement the administrator, board or other person(s) so designated and not the director.

(2) 'Department' means the department of agriculture of the state of Washington.

(3) 'Marketing order' means an order issued by the director pursuant to this chapter.

(4) 'Marketing agreement' means an agreement entered into and issued by the director pursuant to this chapter.

(5) 'Agricultural commodity' means any animal or any distinctive type of agricultural, horticultural, viticultural, floricultural, vegetable, or animal product, including, but not limited

to, private sector cultured aquatic products as defined in RCW 15.85.020 and other fish and fish products, either in its natural or processed state, including bees and honey and Christmas trees but not including timber or timber products. The director is hereby authorized to determine (on the basis of common usage and practice) what kinds, types or sub-types should be classed together as an agricultural commodity for the purposes of this chapter.

(6) 'Production area' and 'marketing area' means any area defined as such in any marketing order or agreement in accordance with RCW 15.65.350. 'Affected area' means the marketing or production area so defined in such order, agreement or proposal.

(7) 'Unit' of an agricultural commodity means a unit of volume, weight, quantity, or other measure in which such commodity is commonly measured. The director shall designate in each marketing order and agreement the unit to be used therein.

(8) 'Affected unit' means in the case of marketing agreements and orders drawn on the basis of a production area, any unit of the commodity specified in or covered by such agreement or order which is produced in such area and sold or marketed or delivered for sale or marketing; and 'affected unit' means, in the case of marketing agreements and orders drawn on the basis of marketing area, any unit of the commodity specified in or covered by such agreement or order which is stored in frozen condition or sold or marketed or delivered for sale or marketing within such marketing area: PROVIDED, That in the case of marketing agreements 'affected unit' shall include only those units which are produced by producers or handled by handlers who have assented to such agreement.

(9) 'Affected commodity' means that part or portion of any agricultural commodity which is covered by or forms the subject matter of any marketing agreement or order or proposal, and includes all affected units thereof as herein defined and no others.

(10) 'Producer' means any person engaged in the business of producing any agricultural commodity for market in commercial quantities. 'Affected producer' means any producer of an affected commodity. 'To produce' means to act as a producer. For the purposes of RCW 15.65.140 and 15.65.160 as now or hereafter amended 'producer' shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(11) 'Handler' means any person who acts, either as principal, agent or otherwise, in processing, selling, marketing or distributing an agricultural commodity or storage of a frozen agricultural commodity which was not produced by him. 'Handler' does not mean a common carrier used to transport an agricultural commodity. 'Affected handler' means any handler of an affected commodity. 'To handle' means to act as a handler.

(12) 'Producer-handler' means any person who acts both as a producer and as a handler with respect to any agricultural commodity. A producer-handler shall be deemed to be a producer with respect to the agricultural commodities which he produces, and a handler with respect to the agricultural commodities which he handles, including those produced by himself.

(13) 'Cooperative association' means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of congress of the United States of February 18, 1922 as amended, known as the 'Capper-Volstead Act' and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a non-profit cooperative basis.

(14) 'Member of a cooperative association' means any producer who markets his product through such cooperative association and who is a voting stockholder of or has a vote in the control of or is a party to a marketing agreement with such cooperative association with respect to such product.

(15) 'Producer marketing' or 'marketed by producers' means any or all operations performed by any producer or cooperative association of producers in preparing for market and marketing, and shall include: (a) selling any agricultural commodity produced by such producer(s) to any handler; (b) delivering any such commodity or otherwise disposing of it for commercial purposes to or through any handler.

(16) 'Commercial quantities' as applied to producers and/or production means such quantities per year (or other period of time) of an agricultural commodity as the director finds are not less than the minimum which a prudent man engaged in agricultural production would produce for the purpose of making such quantity of such commodity a substantial contribution to the economic operation of the farm on which such commodity is produced. 'Commercial quantities' as applied to handlers and/or handling means such quantities per year (or other period of time) of an agricultural commodity or product thereof as the director finds are not less than the minimum which a prudent man engaged in such handling would handle for the purpose of making such quantity a substantial contribution to the handling operation in which such commodity or product thereof is so handled. In either case the director may in his discretion: (a) determine that substantial quantity is any amount above zero; and (b) apply the quantity so determined on a uniform rule applicable alike to all persons which he finds to be similarly situated.

(17) 'Commodity board' means any board established pursuant to RCW 15.65.220. 'Board' means any such commodity board unless a different board is expressly specified.

(18) 'Sell' includes offer for sale, expose for sale, have in possession for sale, exchange, barter or trade.

(19) 'Section' means a section of this chapter unless some other statute is specifically mentioned. The present includes the past and future tenses, and the past or future the present. The masculine gender includes the feminine and neuter. The singular number includes the plural and the plural includes the singular.

(20) 'Represented in a referendum' means that a written document evidencing approval or assent or disapproval or dissent is duly and timely filed with or mailed to the director by or on behalf of an affected producer and/or a volume of production of an affected commodity in a form which the director finds meets the requirements of this chapter.

(21) 'Person' as used in this chapter shall mean any person, firm, association or corporation.

Sec. 16. Section 15.66.010, chapter 11, Laws of 1961 as last amended by section 14, chapter 457, Laws of 1985 and RCW 15.66.010 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Director' means the director of agriculture of the state of Washington or any qualified person or persons designated by the director of agriculture to act for him concerning some matter under this chapter.

(2) 'Department' means the department of agriculture of the state of Washington.

(3) 'Marketing order' means an order issued by the director pursuant to this chapter.

(4) 'Agricultural commodity' means any animal or any distinctive type of agricultural, horticultural, viticultural, vegetable, and/or animal product, including, but not limited to, private sector cultured aquatic products as defined in RCW 15.85.020 and other fish and fish products, within its natural or processed state, including bees and honey and Christmas trees but not including timber or timber products. The director is authorized to determine what kinds, types or subtypes should be classed together as an agricultural commodity for the purposes of this chapter.

(5) 'Producer' means any person engaged in the business of producing or causing to be produced for market in commercial quantities any agricultural commodity. For the purposes of RCW 15.66.060, 15.66.090, and 15.66.120, as now or hereafter amended 'producer' shall include bailees who contract to produce or grow any agricultural product on behalf of a bailor who retains title to the seed and its resulting agricultural product or the agricultural product delivered for further production or increase.

(6) 'Affected producer' means any producer of an affected commodity.

(7) 'Affected commodity' means any agricultural commodity for which the director has established a list of producers pursuant to RCW 15.66.060.

(8) 'Commodity commission' or 'commission' means a commission formed to carry out the purposes of this chapter under a particular marketing order concerning an affected commodity.

(9) 'Unit' means a unit of volume, quantity or other measure in which an agricultural commodity is commonly measured.

(10) 'Unfair trade practice' means any practice which is unlawful or prohibited under the laws of the state of Washington including but not limited to Titles 15, 16 and 69 RCW and chapters 9.16, 19.77, 19.80, 19.84, and 19.83 RCW, or any practice, whether concerning interstate or intrastate commerce that is unlawful under the provisions of the act of Congress of the United States, September 26, 1914, chapter 311, section 5, 38 U.S. Statutes at Large 719 as amended, known as the 'Federal Trade Commission Act of 1914', or the violation of or failure accurately to label as to grades and standards in accordance with any lawfully established grades or standards or labels.

(11) 'Person' includes any individual, firm, corporation, trust, association, partnership, society, or any other organization of individuals.

(12) 'Cooperative association' means any incorporated or unincorporated association of producers which conforms to the qualifications set out in the act of Congress of the United States, Feb. 18, 1922, chapter 57, sections 1 and 2, 42 U.S. Statutes at Large 388 as amended, known as the 'Capper-Volstead Act' and which is engaged in making collective sales or in marketing any agricultural commodity or product thereof or in rendering service for or advancing the interests of the producers of such commodity on a nonprofit cooperative basis.

(13) 'Member of a cooperative association' or 'member' means any producer of an agricultural commodity who markets his product through such cooperative association and who is a voting stockholder or has a vote in the control of or is under a marketing agreement with such cooperative association with respect to such product.

NEW SECTION. Sec. 17. A new section is added to chapter 69.04 RCW to read as follows:

(1) If a theater or other commercial food service establishment prepares and sells popcorn for human consumption, the establishment shall disclose in a conspicuous manner to prospective consumers a statement as to whether the butter or butter-like flavoring added to or attributed to the popcorn offered for sale is butter as defined in RCW 15.32.010 or is some other

product. If the flavoring is some other product, the establishment shall also disclose the ingredients of the product.

The director of agriculture shall adopt rules prescribing the manner in which the disclosure is to be made. Any popcorn sold by or offered for sale by such an establishment to a consumer in violation of this section or the rules of the director implementing this section shall be deemed to be misbranded for the purposes of this chapter.

(2) The provisions of subsection (1) of this section do not apply to packaged popcorn labeled so as to disclose ingredients as required by law for prepackaged foods.

Sec. 18. Section 36, chapter 7, Laws of 1975 1st ex. sess. and RCW 69.04.398 are each amended to read as follows:

(1) The purpose of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396 is to promote uniformity of state legislation and regulations with the Federal Food, Drug and Cosmetic Act 21 USC 301 et seq. and regulations adopted thereunder. In accord with such declared purpose any regulation adopted under said federal food, drug and cosmetic act concerning food in effect on July 1, 1975, and not adopted under any other specific provision of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396 are hereby deemed to have been adopted under the provision hereof. Further, to promote such uniformity any regulation adopted hereafter under the provisions of the federal food, drug and cosmetic act concerning food and published in the federal register shall be deemed to have been adopted under the provisions of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396 in accord with chapter 34.04 RCW as enacted or hereafter amended. The director may, however, within thirty days of the publication of the adoption of any such regulation under the federal food, drug and cosmetic act give public notice that a hearing will be held to determine if such regulation shall not be applicable under the provisions of RCW 69.04.110, 69.04.392, 69.04.394, and 69.04.396. Such hearing shall be in accord with the requirements of chapter 34.04 RCW as enacted or hereafter amended.

(2) The provisions of subsection (1) of this section do not apply to rules adopted by the director as necessary to permit the production of kosher food products as defined in RCW 69.90.010.

NEW SECTION. Sec. 19. A new section is added to chapter 15.36 RCW to read as follows:

(1) If the results of a test for the component parts of milk products are below the federal and state standards for the composition of milk products as provided in RCW 69.04.398, as determined by procedures set forth in the current edition of 'Standard Methods for the Examination of Dairy Products,' the operator of a milk plant holding a Grade A permit is subject to a civil penalty. The penalty shall be in an amount equal to the average daily wholesale value of the product processed by the milk plant for the thirty-day period immediately preceding the date on which the sample was taken.

(2) The penalty is imposed by the department giving a written notice which is either personally served upon or transmitted by certified mail, return receipt requested, to the person incurring the penalty. In determining the penalty amount, the person shall submit records to the department to certify the average daily production of the product deemed to be adulterated and the average wholesale price received for the product for the thirty-day period in question. The notice of the civil penalty shall be a final order of the department unless, within fifteen days after the notice is received, the person incurring the penalty appeals the penalty by filing a notice of appeal with the department. If a notice of appeal is filed in a timely manner, a contested case hearing shall be conducted on behalf of the department by the office of administrative hearings in accordance with chapters 34.04 and 34.12 RCW and, to the extent they are not inconsistent with this subsection, the provisions of RCW 15.36.580. At the conclusion of the hearing, the department shall determine whether the penalty should be affirmed, reduced, or not imposed and shall issue a final order setting forth the civil penalty assessed, if any. The order may be appealed to superior court in accordance with chapter 34.04 RCW. Tests performed for the component parts of milk products by a state laboratory of a milk sample collected by a department official shall be admitted as prima facie evidence of the amounts of milk components in the product.

(3) Any penalty imposed under this section is due and payable upon the issuance of the final order by the department.

(4) All penalties received or recovered from violations of this section shall be remitted by the violator to the department and deposited in the revolving fund of the Washington state dairy products commission. One-half of the funds received shall be used for purposes of education with the remainder one-half to be used for dairy processing and/or marketing research. No appropriation is required for disbursements from this fund.

(5) In case of a violation of the standards for the composition of milk products, an investigation shall be made to determine the cause of the violation which shall be corrected. Additional samples shall be taken as soon as possible and tested by the department.

NEW SECTION. Sec. 20. Washington's fisheries produce high quality products which are sold throughout the world. The fishing industry will benefit from improved promotion and increased product marketing. This will result in higher prices to persons in the fishing industry, improved product quality to the consumer, and increased state employment.

The department of agriculture, in conjunction with the department of fisheries and the department of trade and economic development, shall examine the means by which the state may promote and assist in marketing Washington caught fish. The department shall design a marketing plan for each of those means with the greatest potential for assisting such marketing, project the effectiveness of each plan, and estimate the cost of implementing each plan. Separate plans shall be prepared for each of Washington's major fisheries, including, but not limited to, bottomfish, salmon, mollusks, and crustaceans. To assist in preparing the plans, the department shall appoint advisory committees to represent each major fishery. The advisory committees shall include representatives of Indian and non-Indian fisheries, processors, wholesalers, and individuals knowledgeable in the field of fish marketing.

During the preparation of these plans, the department shall consult the agriculture committees of the house of representatives and senate. By December 1, 1986, the department shall report to the legislature its findings and alternative plans, along with estimates of costs and effectiveness, including identification of any needed legislation needed to implement the plans.

NEW SECTION, Sec. 21. A new section is added to chapter 15.65 RCW to read as follows:

The legislature finds that the production of marketable rapeseed within this state is in the interest of the public welfare. The legislature further finds that the production of incompatible varieties of rapeseed in close geographical proximity adversely affects the purity and marketability of rapeseed, and that it is in the public interest to establish geographical districts and buffer zones wherein the production of rapeseed may be restricted by variety.

For the purpose of rapeseed production in the state of Washington, the director of the department of agriculture shall have the regulatory authority on the production of rapeseed by variety and geographic location until such time as a rapeseed commodity commission is formulated. Once formed, the rapeseed commodity commission shall assume the regulatory authority on the production of rapeseed by variety and geographic location in the state of Washington.

NEW SECTION, Sec. 22. A new section is added to chapter 15.66 RCW to read as follows:

For the purpose of rapeseed production in the state of Washington, the director of the department of agriculture shall have the regulatory authority on the production of rapeseed by variety and geographical location until such time as a rapeseed commodity commission is formulated. Once formed, the rapeseed commodity commission shall assume the regulatory authority on the production of rapeseed by variety and geographic location in the state of Washington.

Sec. 23. Section 3, chapter 159, Laws of 1985 and RCW 43.23.035 are each amended to read as follows:

The department of agriculture is hereby designated as the agency of state government for the administration and implementation of state agricultural market development programs and activities, both domestic and foreign, and shall, in addition to the powers and duties otherwise imposed by law, have the following powers and duties:

(1) To study the potential marketability of various agricultural commodities of this state in foreign and domestic trade;

(2) To collect, prepare, and analyze foreign and domestic market data;

(3) To establish a program to promote and assist the marketing of Washington-bred horses;

(4) To encourage and promote the sale of Washington's agricultural commodities and products at the site of their production through the development and dissemination of referral maps and other means;

~~((4))~~ (5) To encourage and promote those agricultural industries, such as the wine industry, which attract visitors to rural areas in which other agricultural commodities and products are produced and are, or could be, made available for sale;

~~((5))~~ (6) To encourage and promote the establishment and use of public markets in this state for the sale of Washington's agricultural products;

~~((6))~~ (7) To maintain close contact with foreign firms and governmental agencies and to act as an effective intermediary between foreign nations and Washington traders;

~~((7))~~ (8) To publish and disseminate to interested citizens and others information which will aid in carrying out the purposes of chapters 43.23, 15.64, 15.65, and 15.66 RCW;

~~((8))~~ (9) To encourage and promote the movement of foreign and domestic agricultural goods through the ports of Washington;

~~((9))~~ (10) To conduct an active program by sending representatives to, or engaging representatives in, foreign countries to promote the state's agricultural commodities and products;

~~((10))~~ (11) To assist and to make Washington agricultural concerns more aware of the potentials of foreign trade and to encourage production of those commodities that will have high export potential and appeal;

~~((11))~~ (12) To coordinate the trade promotional activities of appropriate federal, state, and local public agencies, as well as civic organizations; and

~~((12))~~ (13) To develop a coordinated marketing program with the department of ~~((commerce))~~ trade and economic development, utilizing existing trade offices and participating in mutual trade missions and activities.

As used in this section, 'agricultural commodities' includes products of both terrestrial and aquatic farming.

Sec. 24. Section 1, chapter 26, Laws of 1985 and RCW 15.04.200 are each amended to read as follows:

(1) Under the authority of Article VIII of the state Constitution as amended, agricultural commodity commission expenditures for agricultural development or trade promotion and promotional hosting by an agricultural commodities commission under chapters 15.24, 15.28, 15.44, 15.65, 15.66, and 16.67 RCW shall be pursuant to specific budget items as approved by the agricultural commodity commission at the annual public hearings on the agricultural commodity commission budget.

(2) Agricultural commodity commissions shall adopt rules governing promotional hosting expenditures by agricultural commodity commission employees, agents or commissioners. The rules shall identify officials and agents authorized to make expenditures and the objectives of the expenditures. Individual agricultural commodity commission commissioners shall make promotional hosting expenditures, or seek reimbursements for these expenditures, only in those instances where the expenditures have been approved by the agricultural commodity commission. All payments and reimbursements shall be identified and supported on vouchers.

(3) Agricultural commodity commissions shall be exempt from the requirements of RCW 43.01.090 and 43.19.500 and chapter 43.82 RCW.

NEW SECTION. Sec. 25. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. Sections 21 and 22 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "agriculture;" strike the remainder of the title and insert "amending RCW 15.04.100, 15.17.230, 15.24.070, 15.58.220, 15.58.240, 16.38.060, 17.21.090, 17.21.120, 17.21.128, 17.21.130, 17.21.220, 17.21.305, 22.09.050, 22.09.055, 15.66.010, 69.04.398, 43.23.035, and 15.04.200; reenacting and amending RCW 15.65.020; adding a new section to chapter 15.65 RCW; adding a new section to chapter 15.66 RCW; adding a new section to chapter 69.04 RCW; adding a new section to chapter 15.36 RCW; creating a new section; prescribing penalties; and declaring an emergency."

Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Ballard, Bristow, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

Passed to Committee on Rules for second reading.

February 25, 1986

ESJM 140 Prime Sponsor, Senator Warnke: Requesting Congress to fund the sealing of open mines and shafts. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith, Walker and J. Williams.

Absent: Representatives Fisch and O'Brien.

Passed to Committee on Rules for second reading.

February 26, 1986

SSJR 138 Prime Sponsor, Committee on Governmental Operations: Revising procedure for filling vacancies in elective office. Reported by Committee on Constitution, Elections & Ethics

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after line 7, strike all material through line 29, page 3 and insert the following:
 "Article II, section 15. (1) Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the (~~board of county commissioners~~) legislative authority of the county in which the vacancy occurs(~~(-PROVIDED: That).~~ The person appointed to fill (~~the~~) such a vacancy must be from the same legislative district, county, or county (~~commissioner~~) legislative authority district and the same political party as the legislator or partisan county elective officer whose office has been vacated(~~; and~~). The person appointed shall also be one of three persons (~~who shall be~~) nominated by the county central committee of that party(~~-and~~) if such nominations are received by the county legislative authority within the time prescribed by statute. In case a majority of (~~said~~) the members of the county (~~commissioners~~) legislative authority do not agree upon the appointment within (~~sixty days after the vacancy occurs~~) the time prescribed by statute, the governor shall (~~within thirty days thereafter, and~~), from the list of nominees provided for

herein if such a list was timely submitted to the county legislative authority, appoint a person who shall be from the same legislative district, county, or county (~~commissioner~~) legislative authority district and of the same political party as the legislator or partisan county elective officer whose office has been vacated (~~and~~). The person so appointed shall hold office until (~~his~~) a successor is elected at the next general election, and shall have qualified (~~PROVIDED That~~).

(2) If the majority of the positions of a county legislative authority are vacant, the governor shall appoint to the legislative authority that number of persons necessary to establish a majority of filled positions. A person appointed to fill such a vacancy shall be from the same county legislative authority district as the officer whose office has been vacated. If the positions are partisan elective offices, a person appointed to fill such a vacancy shall also be from the same political party as the officer whose office has been vacated and shall be one of three persons nominated by the county central committee of that party if such nominations are received by the governor within the time prescribed by statute. If a list of nominees is not timely submitted to the governor, the governor shall appoint a person from the same district and political party as the officer whose office has been vacated.

(3) In case of a vacancy occurring in a nonpartisan county elective office other than that of judge, the county legislative authority shall appoint a person to fill the vacancy from the same county or county legislative authority district as the official whose office has been vacated. If a majority of the members of the county legislative authority do not agree upon the appointment within the time prescribed by statute, the governor shall appoint a person from the same county or county legislative authority district.

(4) In case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee (:) if such nominations are received by the county legislative authorities within the time prescribed by statute. The vacancy shall be filled by appointment by the joint action of the (~~boards of county commissioners~~) legislative authorities of the counties (~~composing~~) comprising the joint senatorial or joint representative district (:) . The person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated (~~and~~). Of the total vote cast by the legislative authorities in filling a vacancy in such a joint district, each county's share shall be equal to the percentage, to the nearest whole percent, of the district's registered voters that reside within the county based upon the number of persons registered to vote at the state general election immediately preceding the joint action. Further, a county's share of that vote shall be divided equally among the members of that county's legislative authority who are not disqualified from voting under subsection (5) of this section. The person who receives a majority percentage of the votes shall be appointed to fill the vacancy. In case a majority of (~~said~~) the county (~~commissioners~~) legislative authority members do not agree upon the appointment within (~~sixty days after the vacancy occurs~~) the time prescribed by statute, the governor shall (~~within thirty days thereafter, and~~), from the list of nominees provided for herein if such a list was timely submitted to the county legislative authorities, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.

(5) An otherwise qualified member of a county legislative authority is eligible to be appointed to fill a vacancy governed by this section only if the member does not vote in an action or joint action to fill the vacancy.

(6) The legislature may prescribe the time limits within which the state and county central committees must submit lists of nominees, within which a county legislative authority or county legislative authorities must agree upon an appointment, and within which the governor must make appointments under the terms of this section.

Signed by Representatives Fisher, Chair; Leonard, Vice Chair; Barnes, Barrett, Day, Fisch, Madsen, Miller, Nealey, Sommers and Walker.

Absent: Representative Nealey.

Passed to Committee on Rules for second reading.

SPEAKER'S PRIVILEGE

The Speaker (Mr. O'Brien presiding) recognized within the bar of the House, Dr. Hyunuk Kim and his wife, Hye Sun, and appointed Representatives B. Williams, Braddock and Valle to escort them to the rostrum.

The Speaker introduced Dr. Kim from the National Assembly in Seoul, Korea. Dr. Kim is professor of political science and Dean of International Division at Dankook University.

Dr. Kim addressed the House and the Speaker instructed the committee to escort him and his wife from the House Chambers.

The House advanced to the eighth order of business.

MOTIONS

On motion of Mr. J. King, the rules were suspended to allow consideration of House Resolutions No. 86-126, 86-135 and 86-139.

On motion of Mr. J. King, SENATE BILL NO. 4680 and SENATE BILL NO. 4681 were referred from Committee on Ways & Means to Committee on Rules.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 86-126, by Representatives Nutley, J. King, Peery, L. Smith, Sutherland and Tanner

WHEREAS, Japanese paintings express aspects of that country's culture that are deeply rooted in their national heritage; and

WHEREAS, An exhibition of forty-five Nihonga, Japanese style, paintings have been selected from four separate Nihonga painting schools in Japan; and

WHEREAS, The four separate schools have never shown their works in one comprehensive exhibition; and

WHEREAS, The Nihonga Exhibition, described as a Japanese "national treasure" is being displayed on a seven-city global tour; and

WHEREAS, The City of Vancouver, Washington along with Paris, Stockholm, Barcelona, London, Boston and Los Angeles has been selected to exhibit the Nihonga paintings; and

WHEREAS, The exhibition, sponsored by the City of Vancouver in conjunction with the Portland Art Museum, will show from July 1 through September 7 at the George C. Marshall House, 1310 East Evergreen Boulevard, on historic Officers' Row; and

WHEREAS, Pacific Northwest Bell and the Burlington Northern Foundation have each contributed fifty thousand dollars to bring this exhibition to Washington State this summer; and

WHEREAS, The exhibition is a giant step in the direction of international exchange and provides insight into Japanese history, culture and national character; and

WHEREAS, The collection is jointly owned by the Kyocera Corporation and the Wacoal Corporation, both of Kyoto, Japan and it is through their generosity that the exhibition is being shown in Washington State; and

WHEREAS, Kazuo Inamori, President of the Kyocera Corporation and Koichi Tsukamoto, President of the Wacoal Corporation choose to share the beauty of Japan's art through the Executive Committee for the Exhibition of Contemporary Japanese Painting;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives wishes to thank Kazuo Inamori and Koichi Tsukamoto for sharing with the citizens of Washington State the opportunity to experience this distinguished Nihonga Exhibition; and

BE IT FURTHER RESOLVED, That the House of Representatives commends the City of Vancouver and other supporting groups for bringing the Nihonga Exhibition to Washington State and extends to those sponsors its confidence that the exhibition will be successful; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Kazuo Inamori, President of the Kyocera Corporation; Koichi Tsukamoto, President of the Wacoal Corporation; Bryce Seidl, Mayor and members of the Vancouver City Council.

On motion of Ms. Nutley, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 86-135, by Representatives Unsoeld and Belcher

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Kasey C. Keller of North Thurston High School, sixteen year old son of Deter and Bernie Keller of Lacey, Washington has achieved individual excellence in the field of soccer; and

WHEREAS, Kasey Keller has been named to the United States Youth Soccer Team, the Washington State Youth Soccer Team and the Regional Soccer Team and plays locally for the Federal Way Force Soccer Team; and

WHEREAS, As a member of the National Soccer Team, Kasey has played soccer in Colorado, New York and the Soviet Union and as a member of his regional and state soccer teams has participated in soccer at the Olympic Training Complex in Colorado, Oregon and Nevada; and

WHEREAS, Kasey was named to the Parade Magazine All-American Soccer Team as a Goalkeeper for 1985, was runner up "Best Keeper" for the 1985 individual state cup and his soccer team has won the state cup two years in a row; and

WHEREAS, In addition to his many regional, state and national honors, Kasey manages to maintain a high school grade point average of 3.3;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives congratulates Kasey C. Keller for his outstanding accomplishments in the sport of soccer, commends his dedication and ability, wishes him well in his continuing future in sports and thanks him for the excitement and pride he has brought to soccer fans throughout the state; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Kasey Keller.

Ms. Unsoeld moved adoption of the resolution. Representatives Unsoeld and Belcher spoke in favor of the resolution, and it was adopted.

HOUSE FLOOR RESOLUTION NO. 86-139, by Representative S. Wilson

WHEREAS, The Legislature of the great State of Washington has seen fit over the years to designate a state flower, tree, bird, song, et cetera, to distinguish the uniqueness and quality of our beloved state; and

WHEREAS, Each succeeding session of the Legislature brings forth additional proposals of recognition of other unique features of our beloved state;

NOW, THEREFORE, BE IT RESOLVED, That this Resolution serve as an omnibus vehicle to name, once and for all, the many and varied features of our beloved state that have heretofore been overlooked and are as follows:

(1) STATE MYTH:

(a) Traditional: Paul Bunyan and Babe the Blue Ox;

(b) Modern: The Sasquatch (*homo hirsute erectus*), that reclusive denizen of our dark and mysterious forests;

(2) STATE MAMMAL:

(a) The Roosevelt Elk (*cervus Sanderus Rooseveltus*), an animal of noble bearing, no doubt honoring two of our great presidents who bore that distinguished name;

(b) Pacific Mole (*scapanus orarius*), a perfect symbol for our state as eastsiders are always digging in the dirt and westsiders are always squinting in the illusive sunlight;

(c) Blacktail Jackrabbit (*lepus grand couleeus*); a remarkable inhabitant of the sand and sagebrush of the Inland Empire;

(d) The Opossum (*didelphis marsupialis*), especially recognized as an import to our state, following the tar-heel migration to the northwest;

(e) The Timber Beast (*homo hirsute sapiens*), a peripatetic denuder of the arboreal landscape;

(3) STATE INSECT:

(a) The No-See-Um, Midge or Gnat (*diptera obscura*), an incredible irritant whose greatest delight is to make the life of the outdoorsman or casual picnicker miserable. A universal nuisance;

(b) The May Fly (*ephemeroptera legistorus*), a stage of a species that never has time to eat. They just reproduce, much like the Legislature;

(4) STATE MOTTO:

(a) Western: "When the tide's out, the table's set.";

(b) Eastern: "Thar she blows" or "Have you seen a windstorm over the Horse Heavens?";

(5) STATE MOLLUSK:

The Geoduck (*panopea genorosa*), a wingless, long-necked bivalve unique to the depths of northwestern waters. Truly a delicacy, proving the truth of the western Washington motto;

(6) STATE INVERTEBRATE:

The Banana Slug (*limax maximus*), a delight to step on bare-footed, this friendly gastropod, a favorite of gardeners, is our strongest weapon to discourage in-state migration;

(7) STATE MUSHROOM:

The Chanterelle (*cantharellus cibarius*), a tasty species threatened by European palates and frequently the cause of roadside traffic jams in our deepest woods;

(8) STATE BIRD:

The American Goldfinch (*carduelis tristis*), a timely correction to state statutes (RCW 1.20.040) as the current state bird; the willow goldfinch, is no longer recognized as a separate species by the American Ornithological Union;

(9) STATE WEED:

(a) Western: Quack grass (*agropyron repens*) or crab grass (*panicum fanguinale*); their very names are derogatory;

(b) Eastern: Tumble weed; the drifts of tumble weed decorating the fence lines of eastern Washington add a distinguished flavor to the landscape;

(10) STATE MINERAL:

(a) Western: Blue Clay, which, combined with hardpan, illustrates the alluvial history of the western slope dating to the ice age. Its unique character is exhibited whenever excessive moisture is trapped by layers of this material thus creating significant movement in localized landscapes;

(b) Eastern: Palouse Clay. One needs only a visit through the Palouse Hills during the occasional wet spell to appreciate the significance of this choice;

(c) Mount St. Helens' Ash. Once an obscure local scenic attraction, it became a mineral of state wide significance due to its cataclysmic visitation upon the rest of the state, which brought instantaneous notoriety;

(11) STATE SCRAP FISH:

(a) Dog Fish (*squalus squalus*), the bane of every salt water fisherman;

(b) Carp, a pestilence in fresh waters;

(12) STATE LIE:

(a) "The bluest skies I've ever seen are in Seattle.";

(b) "Trust me," as it applies to the Legislature;

(13) STATE FOSSIL:

(a) Trilobite, a vast evolutionary advance from the single-cell amoeba, it inhabits the Paleozoic shales that underlie our fair state;

(b) Citizen's Choice:, feel free to nominate a "living" fossil who truly represents our fair state; and

(14) STATE STRONGMAN:

John Huelsdonk, "The Iron Man of the Hoh," a truly remarkable example of the pioneer spirit that exemplifies the finest qualities of our state's citizenry.

On motion of Mr. S. Wilson, the resolution was adopted.

MOTION

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Friday, February 28, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FORTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, February 28, 1986

The House was called to order at 11:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representative McMullen, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Kwame Waree and Tessa Mungen. Prayer was offered by Reverend Nathaniel J. Davis of the Bethel Christian Church of Seattle.

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

MESSAGES FROM THE SENATE

February 27, 1986

Mr. Speaker:

SUBSTITUTE HOUSE BILL NO. 37,
SUBSTITUTE HOUSE BILL NO. 1335,
HOUSE BILL NO. 1371,
ENGROSSED HOUSE BILL NO. 1442,
SUBSTITUTE HOUSE BILL NO. 1480,
HOUSE BILL NO. 1599,
HOUSE BILL NO. 1702,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

February 27, 1986

Mr. Speaker:

The President has signed:

HOUSE JOINT MEMORIAL NO. 26,
SENATE BILL NO. 4456,
SUBSTITUTE SENATE BILL NO. 4635,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

The House advanced to the eighth order of business.

On motion of Mr. J. King, the rules were suspended to allow consideration of House Resolution No. 100 and 134.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 86-134, by Representatives Leonard, Day, Dellwo, McMullen, Bond, Silver, West, Lundquist, Isaacson, Lux, Unsoeld, Hankins, Barrett, Hine, Belcher, Barnes and Taylor

WHEREAS, The Amateur Softball Association of America is an allied member of the United States Olympic Committee; and

WHEREAS, The Pay 'n Pak team of Seattle is the 1985 National Men's Major Fastpitch Champion and, as the defending national champion, will be the host team for the Men's Major National Tournament to be held in Tukwila-Fort Dent; and

WHEREAS, The selection of six cities in the State of Washington for national tournaments of the Amateur Softball Association attests to the recognition at the national level of the outstanding performance of the people of our state who plan, organize, administer, sponsor, participate, officiate and watch the sport of softball; and

WHEREAS, The Amateur Softball Association of America has selected the following six Washington cities as sites for national championship tournaments for 1986:

CLASSIFICATION	DATES	LOCATION
Junior Olympic Girls Fastpitch Under 12 years	August 7-10	Richland
Women's Major Modified Fastpitch	August 22-24	Spokane
Men's Major Modified Fastpitch	August 29- September 1	Spokane
Men's "B" Fastpitch (Area)	August 29- September 1	Olympia
Men's "B" Slowpitch (Area)	August 29- September 1	Mt. Vernon
Men's Major Fastpitch	September 5-13	Tukwila-Fort Dent

WHEREAS, Nearly five thousand teams with over eighty-eight thousand players participate in the State of Washington; and

WHEREAS, The consistent high quality of teams in our state is a credit to our recreation-minded communities and their efforts to provide wholesome recreation and opportunities to participate in quality organized sports; and

WHEREAS, Excellent park and field conditions in our state obtained through the active cooperation of the whole community along with the specific efforts of city and county parks' departments are an important element in attracting national attention to our programs; and

WHEREAS, National tournaments draw teams from all over the United States, each outstanding team bringing with it a loyal following of fans; and

WHEREAS, These visitors who come to the tournament will visit our scenic and historical locations and other events and activities in our state, which will open the way to show them other opportunities for added pleasure and business considerations;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize the achievements of the Seattle Pay 'n Pak Men's Fastpitch National Champions and commend the Amateur Softball Association of America, its commissioners and administrators, the Washington State Softball Association, team sponsors, recreation organizations and the fans who make softball a leading participation sport in the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to the Seattle Pay 'n Pak Men's Fastpitch National Champions, to the sponsor Pay 'n Pak and to the Tukwila Parks and Recreation Department.

On motion of Ms. Leonard, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 86-100, by Representatives Long, Scott, Miller, Betzoff, Cole, Rust, Taylor, Todd, L. Smith, P. King, Locke, Holland and Sanders

WHEREAS, Learning disabilities, including dyslexia, are defined as disorders in one or more of the basic psychological processes involved in understanding or in using language, spoken or written, which may manifest itself in an imperfect ability to listen, think, speak, read, write, spell or to do mathematical calculations; and

WHEREAS, The number of children suffering from learning disabilities is increasing with estimates of reading failure including ten to twenty percent of the school population. Ten percent of children in middle class homes risk school failure in the first three grades. One child in thirty is affected; and

WHEREAS, During the later school years about ninety percent of a student's studies depend directly upon reading ability. Students who fail to develop highly skilled reading abilities face serious handicaps in their future as productive citizens. They often face lower lifetime earnings, lower social status, and they experience greater difficulty achieving goals commonly associated with happiness and success in our culture; and

WHEREAS, The unrecognized or untreated learning disabilities lead to the tragic failure of children who never reach their full potential; and

WHEREAS, Shari Lyn Rusch has suffered severe learning disabilities including dyslexia, limiting physical conditions and personal trauma; and

WHEREAS, Due to early identification, strong parental support and her sheer determination and strong desire to succeed, she has overcome those disabilities.

graduating fourth in her high school class, winning the Miss Northshore beauty pageant and successfully embarking upon a degree program at the University of Washington with a goal of Master's Degree in Clinical Psychology; and

WHEREAS, She has successfully completed and published a book, From Stumbling Blocks to Stepping Stones, detailing her experiences and philosophies; and

WHEREAS, Despite the predictions of failure by educators and test results indicating low achievement potential, she continues to overcome these predictions and achieve much greater success than expected;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognizes and honors the courage and determination displayed by Shari Lyn Rusch and acknowledges that her spirit and dedication serve as fine examples to all young persons, especially the learning disabled; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Shari Lyn Rusch and her family.

Ms. Long moved adoption of the resolution. Representatives Long and K. Wilson spoke in favor of the resolution, and it was adopted.

The House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

February 27, 1986

SSB 3453 Prime Sponsor, Committee on Judiciary: Identifying the scope of common law liens. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong; Chair, Scott, Vice Chair; Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives Appelwick, P. King, G. Nelson, Schoon and Tilly.

Passed to Committee on Rules for second reading.

February 26, 1986

E3SSB 3517 Prime Sponsor, Committee on Ways & Means: Providing an adult literacy program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike all material after the enacting clause and insert the following:

NEW SECTION, Sec. 1. There is established a state-wide program designed to raise the reading and writing levels of illiterate adults by providing and coordinating volunteer tutorial services. This program shall be known as the adult literacy volunteer tutorial program, and shall be subject to funding by the legislature.

NEW SECTION, Sec. 2. The adult literacy volunteer tutorial program shall be jointly coordinated by the superintendent of public instruction and the state board for community college education in consultation with nonprofit state-wide private adult literacy organizations.

NEW SECTION, Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 1 through 5 of this act:

(1) 'Adult' means a person sixteen years of age or older who is not enrolled in the common school system.

(2) 'Illiterate' means the inability to read and write at or above the sixth grade level.

(3) 'Adult literacy volunteer tutorial program' means the delivery of tutorial services in reading and writing by a volunteer tutor to an illiterate adult.

NEW SECTION, Sec. 4. State funds, which may be appropriated to implement this act, shall not be provided to an adult literacy volunteer tutorial program unless the recipients:

(1) Are community-based nonprofit adult literacy organizations, vocational-technical institutes, or community colleges.

(2) Include in the grant application the methods for cooperation between local nonprofit adult literacy organizations and the public educational institutions.

NEW SECTION, Sec. 5. The state board for community college education shall adopt rules pursuant to chapter 34.04 RCW that the board deems necessary to implement sections 1 through 4 of this act. The state board for community college education shall include in the rules guidelines for: (1) The identification of adults to be served by the adult literacy volunteer tutorial program; (2) training adult literacy tutors; (3) matching volunteer tutors with the adults to be served; and (4) providing technical assistance to adult literacy tutors.

NEW SECTION. Sec. 6. By January 1988, the superintendent of public instruction and the state board for community college education shall provide the chairs of the appropriate legislative standing committees with a report on the educational history of students in adult literacy volunteer tutorial programs and in other publicly funded programs designed to provide adults with basic educational skills. The report shall include, but shall not be limited to information on the highest grade level attained by students; the states where the students attended school; and the amount of time the students spent in Washington schools.

NEW SECTION. Sec. 7. By January 1989, the superintendent of public instruction and the state board for community college education shall provide the chairs of the appropriate legislative standing committees with a report regarding the reduction of adult illiteracy which has occurred as a result of action taken pursuant to this act. The report shall be based on criteria for evaluating any adult literacy volunteer tutorial programs that shall be submitted to the senate committee on education for the members review and comment, by May 15, 1986.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. Sections 1 through 5 of this act are each added to chapter 28B.50 RCW.

NEW SECTION. Sec. 10. This act shall take effect only if funds are appropriated for the purposes of this act in the 1986 supplemental appropriations act. If funds are not so appropriated this act shall be null and void in its entirety.

NEW SECTION. Sec. 11. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "skills;" strike the remainder of the title and insert "adding new sections to chapter 28B.50 RCW; creating new sections; and declaring an emergency."

Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Allen, Basich, Belcher, Hastings, Miller, D. Nelson, G. Nelson, Prince, Silver, Unsoeld, Vander Stoep, K. Wilson and Wineberry.

Referred to Committee on Ways & Means.

February 26, 1986

E2SSB 3574 Prime Sponsor, Senate Committee on Ways & Means: Modifying provisions on leasehold excise taxation. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Bristow, Hastings, Hine, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Appelwick, Brekke, Bristow, Holland, Smitherman and Taylor.

Passed to Committee on Rules for second reading.

February 27, 1986

ESSB 3990 Prime Sponsor, Committee on Financial Institutions: Establishing requirements for specified suits brought by purchasers or sellers of securities. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Addison, Crane, Grimm, Holland, P. King, Nutley, West and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Barrett and Locke.

Voting nay: Representatives Barrett, Locke and Prince.

Passed to Committee on Rules for second reading.

February 26, 1986

ESSB 4418 Prime Sponsor, Committee on Agriculture: Directing the department of agriculture to study agricultural water supply availability. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass with the following amendments: On page 2, line 19, after "without" insert "adversely"

On page 2, line 20, after "livelihood" and before the period insert "; and

(3) Examine ways, develop acceptable cost-sharing arrangements, and work with members of the congressional delegation to promote early implementation, as a cooperative federal and nonfederal effort, of elements of the Yakima enhancement project which have general public support and meet study objectives"

On page 2, after line 20, insert the following:

"NEW SECTION, Sec. 4. (1) The department of ecology is authorized to transfer funds currently available from Referendum 38 to the department of agriculture to conduct the studies required under section 2 of this act.

(2) The department of ecology is authorized to expend currently available Referendum 38 funds, together with necessary full-time equivalent staff years, for direct, indirect, and contractual purposes to accomplish the activities required under section 3 of this act."

Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Ballard, Bristow, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

Absent: Representative Ballard.

Referred to Committee on Ways & Means.

February 27, 1986

SB 4448 Prime Sponsor, Senator Thompson: Modifying publication notice requirements for improvement districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Brough, Doty, Ebersole, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky

Absent: Representatives Bristow and Hine.

Passed to Committee on Rules for second reading.

February 26, 1986

ESB 4453 Prime Sponsor, Senator McDermott: Modifying the termination and repeal of various state agencies and programs. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 34, chapter 99, Laws of 1979 as amended by section 3, chapter 119, Laws of 1983 and RCW 43.131.215 are each amended to read as follows:

The Washington state commission on Asian-American affairs and its powers and duties shall be terminated on June 30, (~~1988~~) 1989, as provided in RCW 43.131.216.

Sec. 2. Section 76, chapter 99, Laws of 1979 as amended by section 4, chapter 119, Laws of 1983 and RCW 43.131.216 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~1989~~) 1990:

(1) Section 1, chapter 140, Laws of 1974 ex. sess., section 1, chapter 119, Laws of 1983 and RCW 43.117.010;

(2) Section 2, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.020;

(3) Section 3, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.030;

(4) Section 4, chapter 140, Laws of 1974 ex. sess., section 131, chapter 34, Laws of 1975-'76 2nd ex. sess., section 1, chapter 68, Laws of 1982 and RCW 43.117.040;

(5) Section 5, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.050;

(6) Section 6, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.060;

(7) Section 7, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.070;

(8) Section 8, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.080;

(9) Section 9, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.090;

(10) Section 10, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.100;

(11) Section 11, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.900; and

(12) Section 14, chapter 140, Laws of 1974 ex. sess., section 1, chapter 297, Laws of 1977 ex. sess., section 2, chapter 119, Laws of 1983 and RCW 43.117.910.

Sec. 3. Section 24, chapter 197, Laws of 1983 and RCW 43.131.301 are each amended to read as follows:

The nursing home advisory council and its powers and duties shall be terminated on June 30, (~~1987~~) 1989, as provided in RCW 43.131.302.

Sec. 4. Section 50, chapter 197, Laws of 1983 and RCW 43.131.302 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~1988~~) 1990:

(1) Section 11, chapter 117, Laws of 1951, section 1, chapter 85, Laws of 1971 ex. sess., section 65, chapter 211, Laws of 1979 ex. sess., section 39, chapter 287, Laws of 1984 and RCW 18.51.100; and

(2) Section 12, chapter 117, Laws of 1951, section 66, chapter 211, Laws of 1979 ex. sess. and RCW 18.51.110.

Sec. 5. Section 25, chapter 197, Laws of 1983 and RCW 43.131.303 are each amended to read as follows:

The emergency medical services committee and its powers and duties shall be terminated on June 30, ~~((1987))~~ 1989, as provided in RCW 43.131.304.

Sec. 6. Section 51, chapter 197, Laws of 1983 and RCW 43.131.304 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1988))~~ 1990:

(1) Section 4, chapter 208, Laws of 1973 1st ex. sess., section 43, chapter 34, Laws of 1975-'76 2nd ex. sess., section 2, chapter 261, Laws of 1979 ex. sess., section 13, chapter 338, Laws of 1981, section 55, chapter 279, Laws of 1984 and RCW 18.73.040; and

(2) Section 5, chapter 208, Laws of 1973 1st ex. sess., section 3, chapter 261, Laws of 1979 ex. sess. and RCW 18.73.050.

Sec. 7. Section 5, chapter 261, Laws of 1984 and RCW 43.131.319 are each amended to read as follows:

The Washington council for the prevention of child abuse and neglect and its powers and duties shall be terminated on June 30, ~~((1988))~~ 1989, as provided in RCW 43.131.320.

Sec. 8. Section 6, chapter 261, Laws of 1984 and RCW 43.131.320 are each amended to read as follows:

The following acts or parts of acts as now existing or hereafter amended, are each repealed effective June 30, ~~((1989))~~ 1990:

(1) Section 1, chapter 4, Laws of 1982 and RCW 43.121.010;

(2) Section 2, chapter 4, Laws of 1982, section 1, chapter 261, Laws of 1984 and RCW 43.121.020;

(3) Section 3, chapter 4, Laws of 1982, section 87, chapter 287, Laws of 1984 and RCW 43.121.030;

(4) Section 4, chapter 4, Laws of 1982 and RCW 43.121.040;

(5) Section 5, chapter 4, Laws of 1982 and RCW 43.121.050;

(6) Section 6, chapter 4, Laws of 1982 and RCW 43.121.060;

(7) Section 7, chapter 4, Laws of 1982 and RCW 43.121.070;

(8) Section 8, chapter 4, Laws of 1982 and RCW 43.121.080;

(9) Section 9, chapter 4, Laws of 1982, section 2, chapter 261, Laws of 1984 and RCW 43.121.090;

(10) Section 10, chapter 4, Laws of 1982, section 3, chapter 261, Laws of 1984 and RCW 43.121.100; and

(11) Section 15, chapter 4, Laws of 1982 and RCW 43.121.910.

Sec. 9. Section 2, chapter 182, Laws of 1979 ex. sess. as amended by section 1, chapter 139, Laws of 1983 and RCW 46.10.220 are each amended to read as follows:

(1) There is created in the Washington state parks and recreation commission a snowmobile advisory committee to advise the commission regarding the administration of this chapter.

(2) The purpose of the committee is to assist and advise the commission in the planned development of snowmobile facilities and programs.

(3) The committee shall consist of:

(a) Six interested snowmobilers, appointed by the commission; each such member shall be a resident of one of the six geographical areas throughout this state where snowmobile activity occurs, as defined by the commission;

(b) Three representatives of the nonsnowmobiling public, appointed by the commission; and

(c) One representative of the department of natural resources, one representative of the department of game, and one representative of the Washington state association of counties; each of whom shall be appointed by the director of such department or association.

(4) Terms of the members appointed under (3)(a) and (b) of this section shall commence on July 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term: PROVIDED, That the first such members shall be appointed for terms as follows: Three members shall be appointed for one year, three members shall be appointed for two years, and three members shall be appointed for three years.

(5) Members of the committee appointed under (3)(a) and (b) of this section shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060 as now or hereafter amended. Expenditures under this subsection shall be from the snowmobile account created by RCW 46.10.075.

(6) The committee may meet at times and places fixed by the committee. The committee shall meet not less than twice each year and additionally as required by the committee chairman or by majority vote of the committee. One of the meetings shall be coincident with a meeting of the commission at which the committee shall provide a report to the commission. The chairman of the committee shall be chosen under rules adopted by the committee from those members appointed under (3)(a) and (b) of this section.

(7) The Washington state parks and recreation commission shall serve as recording secretary to the committee. A representative of the department of licensing shall serve as an ex officio member of the committee and shall be notified of all meetings of the committee. The recording secretary and the ex officio member shall be nonvoting members.

(8) The committee shall adopt rules to govern its proceedings.

~~((9) The snowmobile advisory committee of the Washington state parks and recreation commission and its powers and duties shall terminate on June 30, 1989, and shall be subject to all of the processes provided in RCW 43.131.010 through 43.131.110 as now existing or hereafter amended.))~~

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 20, chapter 99, Laws of 1979, section 1, chapter 334, Laws of 1981 and RCW 43.131.187;

(2) Section 62, chapter 99, Laws of 1979, section 2, chapter 334, Laws of 1981 and RCW 43.131.188;

(3) Section 21, chapter 99, Laws of 1979, section 19, chapter 125, Laws of 1984 and RCW 43.131.189;

(4) Section 63, chapter 99, Laws of 1979, section 20, chapter 125, Laws of 1984, section 2, chapter 110, Laws of 1985 and RCW 43.131.190;

(5) Section 32, chapter 99, Laws of 1979, section 3, chapter 22, Laws of 1983 and RCW 43.131.211;

(6) Section 74, chapter 99, Laws of 1979, section 4, chapter 22, Laws of 1983 and RCW 43.131.212;

(7) Section 37, chapter 99, Laws of 1979, section 4, chapter 259, Laws of 1984 and RCW 43.131.221;

(8) Section 79, chapter 99, Laws of 1979, section 5, chapter 259, Laws of 1984 and RCW 43.131.222;

(9) Section 26, chapter 197, Laws of 1983 and RCW 43.131.305;

(10) Section 52, chapter 197, Laws of 1983 and RCW 43.131.306;

(11) Section 27, chapter 197, Laws of 1983 and RCW 43.131.307;

(12) Section 22, chapter 91, Laws of 1983 and RCW 43.131.313;

(13) Section 23, chapter 91, Laws of 1983 and RCW 43.131.314;

(14) Section 11, chapter 337, Laws of 1981 and RCW 67.08.910;

(15) Section 1, chapter 133, Laws of 1981 and RCW 43.101.850;

(16) Section 19, chapter 43, Laws of 1981 and RCW 18.39.910;

(17) Section 9, chapter 295, Laws of 1981 and RCW 43.21F.900; and

(18) Section 29, chapter 194, Laws of 1983 and RCW 74.18.900.

NEW SECTION. Sec. 11. The following acts or parts of acts are each repealed:

(1) Section 5, chapter 27, Laws of 1983 1st ex. sess. and RCW 43.131.115;

(2) Section 6, chapter 27, Laws of 1983 1st ex. sess. and RCW 43.131.118; and

(3) Section 12, chapter 289, Laws of 1977 ex. sess., section 2, chapter 22, Laws of 1979, section 7, chapter 27, Laws of 1983 1st ex. sess. and RCW 43.131.120.

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

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "amending RCW 43.131.215, 43.131.216, 43.131.301, 43.131.302, 43.131.303, 43.131.304, 43.131.319, 43.131.320, and 46.10.220; repealing RCW 43.131.187, 43.131.188, 43.131.189, 43.131.190, 43.131.211, 43.131.212, 43.131.221, 43.131.222, 43.131.305, 43.131.306, 43.131.307, 43.131.313, 43.131.314, 67.08.910, 43.101.850, 18.39.910, 43.21F.900, 74.18.900, 43.131.115, 43.131.118, and 43.131.120; and declaring an emergency."

Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Taylor, Todd, van Dyke, Vekich and Walk.

Absent: Representative Sanders.

Passed to Committee on Rules for second reading.

February 26, 1986

SSB 4458 Prime Sponsor, Committee on Ways & Means: Modifying provisions on forest land taxations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Bristow, Hastings, Hine, J. King, Locke, Long,

Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Appelwick, Brekke, Holland and Taylor.

Passed to Committee on Rules for second reading.

February 27, 1986

SSB 4491 Prime Sponsor, Committee on Judiciary: Changing provisions relative to nonprofit corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives Schoon and Tilly.

Passed to Committee on Rules for second reading.

February 26, 1986

SB 4506 Prime Sponsor, Senator Wojahn: Repealing sunset provisions for state board of health. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The office of financial management, in cooperation with the state board of health, the social and health services committee of the house of representatives, and the human services and corrections committee of the senate, shall study the desirability and feasibility of consolidating into a single state agency existing public health and environmental health services presently administered by the departments of social and health services, ecology, agriculture, labor and industries, and fisheries.

The office of financial management shall report to the appropriate committees of the legislature no later than December 1, 1986, on the results of the study. The report shall include: Recommendations on consolidation; any necessary legislation to implement the consolidation; and other options considered, but not adopted and the reason for rejection.

NEW SECTION, Sec. 2. The following acts or parts of acts are each repealed:

(1) Section 33, chapter 99, Laws of 1979, section 16, chapter 235, Laws of 1983, section 29, chapter 213, Laws of 1985 and RCW 43.131.213; and

(2) Section 75, chapter 99, Laws of 1979, section 17, chapter 235, Laws of 1983, section 30, chapter 213, Laws of 1985 and RCW 43.131.214."

On page 1, line 1 of the title, after "health," insert "creating a new section:"

Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Braddock, Leonard, Lewis, Lux, Tanner and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Dobbs.

Voting nay: Representatives Bond, Brooks and Dobbs.

Absent: Representatives Armstrong, Dellwo, Padden, Scott and West.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 4556 Prime Sponsor, Senator Vognild: Requiring spas, hot tubs, swimming pools, and hydromassage bathtubs to be certified by an electrical products testing laboratory before sale or exchange. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan, C. Smith and Walker.

Absent: Representative J. Williams.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 4591 Prime Sponsor, Senator Thompson: Revising provisions relating to state warrants. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke and Walk.

Absent: Representatives O'Brien, Sanders and Vekich.

Passed to Committee on Rules for second reading.

February 26, 1986

SB 4592 Prime Sponsor, Senator Rasmussen: Abolishing the state school equalization fund. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, Smitherman, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Appelwick, Holland and Taylor.

Passed to Committee on Rules for second reading.

February 26, 1986

SSB 4596 Prime Sponsor, Committee on Human Services & Corrections: Revising provisions relating to community mental health services for children. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 204, Laws of 1982 and RCW 71.24.015 are each amended to read as follows:

It is the intent of the legislature to establish a community mental health program which provides for:

(1) Access to mental health services for ~~((residents))~~ adults and children of the state who are acutely mentally ill, seriously disturbed, or chronically mentally ill, which services recognize the special needs of underserved populations, including minorities, children, the elderly, disabled, and low-income persons. It is also the purpose of this chapter to ensure that children in need of mental health care and treatment receive the care and treatment appropriate to their developmental level, and to enable treatment decisions to be made in response to clinical needs and in accordance with sound professional judgment while also recognizing parents' rights to participate in treatment decisions for their children;

(2) Accountability of services through state-wide standards for management, monitoring, and reporting of information;

(3) Minimum service delivery standards;

(4) Priorities for the use of available resources for the care of the mentally ill; ~~((and))~~

(5) Coordination of services within the department, including those divisions within the department that provide services to children, between the department and the office of the superintendent of public instruction, and among state mental hospitals, county authorities, community mental health services, and other support services, which may also include the families of the mentally ill, and other service providers; and

(6) Coordination of services aimed at reducing duplication in service delivery and promoting complementary services among all entities that provide mental health services to adults and children.

Sec. 2. Section 3, chapter 204, Laws of 1982 and RCW 71.24.025 are each amended to read as follows:

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

(1) 'Acutely mentally ill' means a condition which is limited to a short-term severe crisis episode of:

(a) A mental disorder as defined in RCW 71.05.020(2) or, in the case of a child, as defined in RCW 71.34.020(12);

(b) Being gravely disabled as defined in RCW 71.05.020(1) or, in the case of a child, as defined in RCW 71.34.020(8); or

(c) Presenting a likelihood of serious harm as defined in RCW 71.05.020(3) or, in the case of a child, as defined in RCW 71.34.020(11).

(2) 'Available resources' means those funds which shall be appropriated under this chapter by the legislature during any biennium for the purpose of providing community mental health programs under RCW 71.24.045.

(3) 'Licensed service provider' means an entity licensed by the department according to state minimum standards or individuals licensed under chapter 18.71, 18.83, or 18.88 RCW.

(4) 'Child' means a person under the age of eighteen years.

(5) 'Chronically mentally ill person' means a ~~((person))~~ child or adult who has a mental disorder, in the case of a child as defined by chapter 71.34 RCW, and meets at least one of the following criteria:

(a) Has undergone two or more episodes of hospital care for a mental disorder within the preceding two years or, in the case of a child, has been placed by the department or its designee two or more times outside of the home, where the placements are related to a mental disorder, as defined in chapter 71.34 RCW, and where the placements progress toward a more restrictive setting. Placements by the department include but are not limited to placements by child protective services and child welfare services;

(b) Has experienced a continuous psychiatric hospitalization or residential treatment exceeding six months' duration within the preceding year; ((or))

(c) Has been unable to engage in any substantial gainful activity by reason of any mental disorder which has lasted for a continuous period of not less than twelve months. 'Substantial gainful activity' shall be defined by the department by rule consistent with Public Law 92-603, as amended, and shall include school attendance in the case of a child; or

(d) In the case of a child, has been subjected to continual distress as indicated by repeated physical or sexual abuse or neglect.

~~((5))~~ (6) 'Community mental health program' means all mental health services established by a county authority.

~~((6))~~ (7) 'County authority' means the board of county commissioners, county council, or county executive having authority to establish a community mental health program, or two or more of the county authorities specified in this subsection which have entered into an agreement to provide a community mental health program.

~~((7))~~ (8) 'Department' means the department of social and health services.

~~((8))~~ (9) 'Mental health services' means community services pursuant to RCW ~~((71.24.035(4)(b)))~~ 71.24.035(5)(b) and other services provided by the state for the mentally ill.

~~((9))~~ (10) 'Mentally ill persons' and 'the mentally ill' mean persons and conditions defined in subsections (1), ~~((4))~~ (5), and ~~((11))~~ (12) of this section.

~~((10))~~ (11) 'Residential services' means a facility or distinct part thereof which provides food, clothing, and shelter, and may include day treatment services as defined in RCW 71.24.045, for acutely mentally ill, chronically mentally ill, or seriously disturbed persons as defined in this section. Such facilities include, but are not limited to, congregate care facilities providing mental health client services as stipulated by contract with the department beginning January 1, 1982.

~~((11))~~ (12) 'Seriously disturbed person' means a person who:

(a) Is gravely disabled or presents a likelihood of serious harm to himself or others as a result of a mental disorder as defined in chapter 71.05 RCW;

(b) Has been on conditional release status at some time during the preceding two years from an evaluation and treatment facility or a state mental health hospital;

(c) Has a mental disorder which causes major impairment in several areas of daily living;

(d) Exhibits suicidal preoccupation or attempts; or

(e) Is a ~~((minor))~~ child diagnosed by a mental health professional, as defined in RCW 71.05.020, as experiencing a mental disorder which is clearly interfering with the child's functioning in family or school or with peers or is clearly interfering with the child's personality development and learning.

~~((12))~~ (13) 'Secretary' means the secretary of social and health services.

~~((13))~~ (14) 'State minimum standards' means: (a) Minimum requirements for management and delivery of mental health services as established by departmental rules and necessary to implement this chapter, including but not limited to county administration, licensing service providers, information, accountability, contracts, and services; and (b) minimum service requirements for licensed service providers for the provision of mental health services as established by departmental rules pursuant to chapter 34.04 RCW as necessary to implement this chapter, including, but not limited to: Qualifications for staff providing services directly to mentally ill persons; the intended result of each service for those priority groups identified in RCW ~~((71.24.035(4)(b)))~~ 71.24.035(5)(b); and the rights and responsibilities of persons receiving mental health services pursuant to this chapter.

Sec. 3, Section 4, chapter 204, Laws of 1982 and RCW 71.24.035 are each amended to read as follows:

(1) The department is designated as the state mental health authority.

(2) The secretary may provide for public, client, and licensed service provider participation in developing the state mental health program.

(3) The secretary shall provide for participation in developing the state mental health program for children by including children's representatives on any committee established to provide oversight to the state mental health program.

(4) The secretary shall be designated as the county authority if a county fails to meet state minimum standards or refuses to exercise responsibilities under RCW 71.24.045.

~~((4))~~ (5) The secretary shall:

(a) Develop a biennial state mental health program that incorporates county biennial needs assessments and county mental health service plans and state services for ~~((the))~~ mentally ill adults and children. The secretary may also develop a six-year state mental health plan:

(b) Assure that any county community mental health program provides access to treatment for the county's residents in the following order of priority: (i) The acutely mentally ill; (ii) the chronically mentally ill; and (iii) the seriously disturbed. Such programs shall provide:

(A) Outpatient services;

(B) Emergency care services for twenty-four hours per day;

(C) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment. In the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(D) Screening for patients being considered for admission to state mental health facilities to determine the appropriateness of admission;

(E) Consultation and education services; and

(F) Community support services for acutely and chronically mentally ill persons which include: (I) Discharge planning for clients leaving state mental hospitals ~~((and)),~~ other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (II) sufficient contacts with clients, families, schools, or significant others to provide for an effective program of community maintenance; and (III) medication monitoring.

(c) Develop and promulgate rules establishing state minimum standards for the management and delivery of mental health services including, but not limited to:

(i) Licensed service providers;

(ii) County administration;

(iii) Information required to assure accountability of services delivered to the mentally ill; and

(iv) Residential and inpatient services, if a county chooses to provide such optional services;

(d) Assure coordination of services consistent with state minimum standards for individuals who are released from a state hospital into the community to assure a continuum of care;

(e) Assure that the special needs of minorities, ~~((children,))~~ the elderly, disabled, and low-income persons are met within the priorities established in ~~((RCW 71.24.035(4)(b)))~~ subsection (5)(b) of this section;

(f) Establish a standard contract or contracts, consistent with state minimum standards, which shall be used by the counties;

(g) Establish, to the extent possible, a standardized auditing procedure which minimizes paperwork requirements of county authorities and licensed service providers;

(h) Develop and maintain an information system to be used by the state and counties which shall include a tracking method which allows the department to identify mental health clients' participation in any mental health service or public program. The information system shall not include individual patient's case history files. Confidentiality of client information and records shall be maintained as provided in RCW 71.05.390, 71.05.400, 71.05.410, 71.05.420, 71.05.430, and 71.05.440;

(i) License service providers who meet state minimum standards;

(j) Establish criteria to evaluate the performance of counties in administering mental health programs as established under this chapter. Evaluation of community mental health services shall include all categories of illnesses treated, all types of treatment given, the number of people treated, and costs related thereto; and

(k) Prior to September 1, 1982, adopt such rules as are necessary to implement this chapter pursuant to chapter 34.04 RCW: PROVIDED, That such rules shall be submitted to the appropriate committees of the legislature for review and comment prior to adoption.

~~((5))~~ (6) The secretary shall use available resources appropriated specifically for community mental health programs only for programs under RCW 71.24.045.

~~((6))~~ (7) The department shall propose in its biennial budget document the formulas used to distribute available resources to county authorities for the priorities listed in subsection ~~((4)(b))~~ (5)(b) of this section. The formula shall be based on the needs assessment required by RCW 71.24.045(1).

NEW SECTION. Sec. 4. A new section is added to chapter 71.24 RCW to read as follows:

By November 1, 1986, the department shall identify: (1) The number of children in each priority group, as defined by this chapter, who are receiving mental health services funded in part or in whole under this chapter, (2) the total amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families.

Sec. 5. Section 5, chapter 204, Laws of 1982 and RCW 71.24.045 are each amended to read as follows:

The county authority shall:

(1) Submit biennial needs assessments beginning January 1, 1983, and mental health service plans which incorporate all services provided for by the county authority consistent with state minimum standards and which provide access to treatment for the county's residents who are acutely-mentally ill, chronically mentally ill, or seriously disturbed. The county program shall provide:

(a) Outpatient services;

(b) Emergency care services for twenty-four hours per day;

(c) Day treatment for mentally ill persons which includes training in basic living and social skills, supported work, vocational rehabilitation, and day activities. Such services may include therapeutic treatment, in the case of a child, day treatment includes age-appropriate basic living and social skills, educational and prevocational services, day activities, and therapeutic treatment;

(d) Screening for patients being considered for admission to state mental health facilities to determine appropriateness of admission;

(e) Consultation and education services;

(f) Residential and inpatient services, if the county chooses to provide such optional services; and

(g) Community support services for acutely and chronically mentally ill persons which include: (i) Discharge planning for clients leaving state mental hospitals ~~((and))~~, other acute care inpatient facilities, inpatient psychiatric facilities for persons under twenty-one years of age, and other children's mental health residential treatment facilities; (ii) sufficient contacts with clients, schools, families, or significant others to provide for an effective program of community maintenance; and (iii) medication monitoring.

The county shall develop the biennial needs assessment based on clients to be served, services to be provided, and the cost of those services, and may include input from the public, clients, and licensed service providers. Each county authority may appoint a county mental health advisory board which shall review and provide comments on plans and policies developed by the county authority under this chapter. The composition of the board shall be broadly representative of the demographic character of the county and the mentally ill persons served therein. Length of terms of board members shall be determined by the county authority:

(2) Contract as needed with licensed service providers. The county authority may, in the absence of a licensed service provider entity, become a licensed service provider entity pursuant to minimum standards required for licensing by the department for the purpose of providing services not available from licensed service providers;

(3) Operate as a licensed service provider if it deems that doing so is more efficient and cost effective than contracting for services. When doing so, the county authority shall comply with rules promulgated by the secretary that shall provide measurements to determine when a county provided service is more efficient and cost effective. Whenever a county authority chooses to operate as a licensed service provider, the secretary shall act as the county authority for that service.

(4) Monitor and perform biennial fiscal audits of licensed service providers who have contracted with the county to provide services required by this chapter. The monitoring and audits shall be performed by means of a formal process which insures that the licensed service providers and professionals designated in this subsection meet the terms of their contracts, including the minimum standards of management and service delivery as established by the department;

(5) Assure that the special needs of minorities, ~~((children))~~ the elderly, disabled, and low-income persons are met within the priorities established in RCW ~~((71.24.035(4)(b)))~~ 71.24.035(5)(b);

(6) Maintain patient tracking information in a central location for the chronically mentally ill;

(7) Use not more than two percent of state-appropriated community mental health funds, which shall not include federal funds, to administer community mental health programs under RCW 71.24.155; PROVIDED, That county authorities serving a county or combination of counties whose population is equal to or greater than that of a county of the first class may be entitled to sufficient state-appropriated community mental health funds to employ up to one full-time employee or the equivalent thereof in addition to the two percent limit established in this subsection when such employee is providing staff services to a county mental health advisory board; ~~((and))~~

(8) Coordinate services for individuals who have received services through the community mental health system and who become patients at a state mental hospital.

NEW SECTION. Sec. 6. A new section is added to chapter 71.24 RCW to read as follows:

By January 1, 1987, and each odd-numbered year thereafter, the county authority shall identify: (1) The number of children in each priority group, as defined by this chapter, who are

receiving mental health services funded in part or in whole under this chapter, (2) the amount of funds under this chapter used for children's mental health services, (3) an estimate of the number of unserved children in each priority group, and (4) the estimated cost of serving these additional children and their families.

NEW SECTION. Sec. 7. A new section is added to chapter 71.24 RCW to read as follows:

Nothing in this chapter shall be construed as prohibiting the secretary from consolidating within the department children's mental health services with other departmental services related to children.

NEW SECTION. Sec. 8. The secretary of social and health services shall study the desirability and feasibility of consolidating children and family services presently provided by the department. The analysis of consolidation shall include, at a minimum, children's services related to: Mental illness; juvenile rehabilitation; maternal and child health; crippled children; women, infants, and children; alcohol and substance abuse; child welfare; children's protection; developmental disabilities; nutrition; and learning problems. The scope of this review shall include prevention and early intervention services, in-home care, residential care, and institutional care.

The secretary and the superintendent of public instruction shall examine ways to more closely link children and family services with the public school system.

The secretary shall report to the social and health services committee of the house of representatives and the human services and corrections committee of the senate no later than December 1, 1986. The report shall include an analysis of consolidating these services, ways to improve linkages with the public school system, and appropriate recommendations. It shall also include all options considered but not accepted and reasons for rejection, and the legislative and organizational changes necessary for the implementation of the recommendations.

Sec. 9, Section 9, chapter 204, Laws of 1982 and RCW 71.24.155 are each amended to read as follows:

Grants shall be made by the department to counties for community mental health programs totaling not less than ninety-five percent of available resources. The department may use up to forty percent of the remaining five percent to provide community demonstration projects, including early intervention or primary prevention programs for children, and the remainder shall be for emergency needs and technical assistance under this chapter. The department shall provide a biennial accounting of the use of these funds to the ways and means committees of the senate and the house of representatives.

NEW SECTION. Sec. 10. Sections 1, 2, 3, 5, and 9 of this act shall take effect on July 1, 1987." On page 1, line 3 of the title, after "RCW," insert "creating a new section."

Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Braddock, Dellwo, Leonard, Lux, Scott, Tanner and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Dobbs and Padden.

Voting nay: Representatives Ballard, Bond, Brooks, Dobbs, Lewis and Padden.

Absent: Representative West.

Referred to Committee on Ways & Means.

February 26, 1986

ESB 4601 Prime Sponsor, Senator Williams: Revising provisions of historic property regulations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 6 after "84.26.090" strike "(1)(a) and (b)" and insert "(((1)(a) and (b)))"
On page 5, line 14 strike "84.26.100" and insert "84.26.090"

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Locke, Long, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Appelwick, Holland and Taylor.

Passed to Committee on Rules for second reading.

February 25, 1986

SB 4615 Prime Sponsor, Senator Peterson: Transferring tax revenues paid on motor vehicle fuel used in aircraft to the aeronautics account. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Bond, Fisch, Fisher, Gallagher, Hankins, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Wineberry, Vice Chair; Lundquist, Prince, Tanner and Thomas.

Passed to Committee on Rules for second reading.

February 25, 1986

SB 4616 Prime Sponsor, Senator Peterson: Increasing fees for aircraft pilot registration. Reported by Committee on Transportation

MAJORITY recommendation: Do pass. Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Betrozoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Kremen, Lundquist, McMullen, Patrick, Schmidt, C. Smith, Sutherland, Tanner, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Absent: Representatives Wineberry, Vice Chair; Lundquist, Prince, Tanner and Thomas.

Passed to Committee on Rules for second reading.

February 26, 1986

ESSB 4658 Prime Sponsor, Committee on Human Services & Corrections: Changing provisions relating to alternatives to state residential schools for the handicapped. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 246, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 60, Laws of 1983 and RCW 72.33.125 are each amended to read as follows:

(1) In order to provide ongoing points of contact with the handicapped individual and his family so that they may have a place of entry for state services and return to the community as the need may appear; to provide a link between those individuals and services of the community and state operated services so that the individuals with handicapping conditions and their families may have access to the facilities best suited to them throughout the life of the individual; to offer viable alternatives to state residential school admission; and to encourage the placement of persons from state residential schools, the secretary of social and health services or his designee, pursuant to rules and regulations of the department, shall receive applications of persons for care, treatment, hospitalization, support, training, or rehabilitation provided by state programs or services for the handicapped. Written applications shall be submitted in accordance with the following requirements:

(a) In the case of a minor person, the application shall be made by his parents or by the parent, guardian, limited guardian where so authorized, person or agency legally entitled to custody, which application shall be in the form and manner required by the department; and

(b) In the case of an adult person, the application shall be made by such person, by his or her guardian, or limited guardian where so authorized, or agency legally entitled to custody, which application shall be in the form and manner required by the department.

(2) Upon receipt of the written application the secretary shall determine if the individual to receive services has a handicapping condition as defined in RCW 72.33.020 qualifying him for services. In order to determine eligibility for services, the secretary may require a supporting affidavit of a physician or a clinical psychologist, or one of each profession, certifying that the individual is handicapped as herein defined.

(3) After determination of eligibility because of a handicapping condition, the secretary shall determine the necessary services to be provided for the individual. Individuals may be temporarily admitted, for a period not to exceed thirty days, to departmental residential facilities for observation prior to determination of needed services, where such observation is necessary to determine the extent and necessity of services to be provided.

(4) The secretary shall annually advise the persons specified in subsection (1) (a) or (b) of this section that they may, by application, propose program and placement alternatives for care, treatment, hospitalization, support, training, or rehabilitation of the handicapped person; PROVIDED, That current appropriations are sufficient to implement alternative services without reducing services to existing clients.

(5) Upon receipt of an application for alternative care, the secretary shall consult with the applicant and within ninety days of the application determine whether the following criteria are met:

(a) That the alternative plan proposes a less dependent program than the current services provide;

(b) That the alternative plan is appropriate under the goals and objectives of the individual program plan;

(c) That the alternative plan is not in violation of applicable state and federal law; and

(d) That necessary services can reasonably be made available.

(6) If the alternative plan meets all the criteria of subsection (5) of this section, it shall be implemented as soon as reasonable, but not later than one hundred twenty days after completion of the determination process, unless the secretary determines;

(a) That the alternative plan is more costly than the current plan; or

(b) Current appropriations are not sufficient to implement alternative services without reducing services to existing clients; or

(c) The alternative plan would take precedent over other priority placements.

~~(7) ((One year after April 21, 1983, the secretary shall forward to the appropriate legislative committees of the senate and house of representatives a report that includes a description of each application that was denied and the basis for denial;~~

~~(8) Within thirty days of April 21, 1983, the secretary shall submit to the appropriate legislative committees explicit criteria for determining whether an alternative plan is more costly than a current plan as required by subsection (6) of this section.)) The secretary shall by July 1st of each even-numbered year report to the legislature on the use of program options. The report shall include the number of persons applying for program options, the number denied and reasons, the number approved and implemented, the programs they transferred from and to, the costs and savings incurred, and the amounts and sources of funding used to finance program options services. The report shall also estimate use and funding for the next biennium.~~

Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Lux, Padden, Scott, Tanner and Winsley.

Absent: Representative West.

Passed to Committee on Rules for second reading.

February 27, 1986

SSB 4664 Prime Sponsor, Committee on Energy & Utilities: Requiring liability insurance for low-level radioactive waste operations. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Barnes, Bond, Gallagher, Isaacson, Jacobsen, Long, Madsen, Miller, Nealey, Sutherland, Unsoeld and Van Luven.

Passed to Committee on Rules for second reading.

February 26, 1986

SSB 4676 Prime Sponsor, Committee on Parks & Ecology: Modifying worker right to know employer fee provisions. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 24, chapter 289, Laws of 1984 and RCW 49.70.170 are each amended to read as follows:

(1) The worker and community right to know fund is hereby established in the custody of the state treasurer. The department shall deposit all moneys received under this chapter in the fund. Moneys in the fund may be spent only for the purposes of this chapter following legislative appropriation. Disbursements from the fund shall be on authorization of the director or the director's designee. The fund is subject to the allotment procedure provided under chapter 43.88 RCW.

(2) The department shall ((after July 1, 1985, assess each employer a fee of seventy-five cents per employee to provide for the implementation of the provisions of this chapter. After this initial assessment, the fees shall be based on a fee schedule developed by the department and shall be collected only from those employers who have hazardous substances present at their workplaces)) assess each employer who reported ten thousand four hundred or more worker hours in the prior calendar year an annual fee to provide for the implementation of this chapter. The department shall promulgate rules establishing a fee schedule for all employers who reported ten thousand four hundred or more worker hours in the prior calendar year and are engaged in business operations having a standard industrial classification, as designated in the standard industrial classification manual prepared by the federal office of management

and budget, within major group numbers 01 through 08 (agriculture and forestry industries), numbers 10 through 14 (mining industries), numbers 15 through 17 (construction industries), numbers 20 through 39 (manufacturing industries), numbers 41, 42, and 44 through 49 (transportation, communications, electric, gas, and sanitary services), number 75 (automotive repair, services, and garages), number 76 (miscellaneous repair services), number 80 (health services), and number 82 (educational services). The department shall establish the annual fee for each employer who reported ten thousand four hundred or more worker hours in the prior calendar year in industries identified by this section, provided that fees assessed shall not be more than two dollars and fifty cents per full time equivalent employee. The annual fee shall not exceed fifty thousand dollars. The fees shall be collected solely from employers whose industries have been identified by rule under this chapter. The department shall promulgate rules allowing employers who do not have hazardous substances at their workplace to request an exemption from the assessment and shall establish penalties for fraudulent exemption requests. All fees collected by the department pursuant to this section shall be collected in a cost-efficient manner and shall be deposited in the fund.

(3) Records required by this chapter shall at all times be open to the inspection of the director, or his designee including, the traveling auditors, agents or assistants of the department provided for in RCW 51.16.070 and 51.48.040. The information obtained from employer records under the provisions of this section shall be subject to the same confidentiality requirements as set forth in RCW 51.16.070.

(4) An employer may appeal the assessment of the fee or penalties pursuant to the procedures set forth in chapter ((49-17)) Title 51 RCW and accompanying rules except that the employer shall not have the right of appeal to superior court as provided in chapter ((49-17)) Title 51 RCW. The employer from whom the fee or penalty is demanded or enforced, may however, within thirty days of the board of industrial insurance appeal's final order, pay the fee or penalty under written protest setting forth all the grounds upon which such fee or penalty is claimed to be unlawful, excessive or otherwise improper and thereafter bring an action in superior court against the department to recover such fee or penalty or any portion of the fee or penalty which was paid under protest.

(5) Repayment shall be made to the general fund of any moneys appropriated by law in order to implement this chapter.

NEW SECTION, Sec. 2. A new section is added to chapter 49.70 RCW to read as follows:

If payment of any fee assessed under RCW 49.70.170 is not received by the department by the due date, there shall be assessed a penalty of five percent of the amount of the fee. If the fee is not received within thirty days after the due date, there shall be assessed a total penalty of ten percent of the amount of the fee. If the fee is not received within sixty days after the due date, there shall be assessed a total penalty of twenty percent of the amount of the fee. No penalty added may be less than ten dollars. If a warrant is issued by the department for the collection of fees, penalties, and interest, there shall be an additional penalty of five percent of the amount of the fee, but not less than five dollars nor more than one hundred dollars. Warrants shall earn interest at the rate of one percent per month, or fraction thereof, from and after the date of entry of the warrant. The department may utilize the procedures for collection of fees, penalties, and interest set forth in Title 51 RCW."

Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Voting nay: Representatives Brough and May.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 4708 Prime Sponsor, Senator Talmadge: Revising provisions relating to competence of witnesses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair, Appelwick, Crane, Dellwo, Locke, G. Nelson, Niemi, Padden, Schmidt, Tilly, Van Luven, Wang and West.

MINORITY recommendation: Do not pass. Signed by Representatives Lewis and Schoon.

Voting nay: Representatives Hargrove, Lewis and Schoon.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 4723 Prime Sponsor, Senator Rinehart: Modifying the authority of the state library commission with regard to the acceptance and allocation of certain grants. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke and Walk.

Absent: Representatives Sanders and Vekich.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 4749 Prime Sponsor, Senator Bender: Revising reporting requirements for property and casualty insurers. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 14 after "for" strike "both commercial and personal" and insert "(~~both commercial and personal~~)"

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Crane, Dellwo, Holland, P. King, Locke, Nutley, West and Winsley.

Voting nay: Representatives Barrett and Prince.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 26, 1986

ESSB 4773 Prime Sponsor, Committee on Parks & Ecology: Providing for pumpout facilities at certain marinas. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. (1) After July 1, 1989, pumpout facilities for disposal of sanitary wastes from boats shall be installed at all public and private marinas located on the waters of the state if:

(a) The marina is of sufficient size and design to serve boats with toilets;

(b) There is a lack of adequate pumpout facilities within a reasonable distance or within a boating usage area;

(c) Provisions can reasonably be made for the disposal of the sewage from the pumpout facility; and

(d) The marina:

(i) Has provisions for transient moorage facilities and permits transient vessels to moor;

(ii) Has provisions for vessels that are used by live-aboards or which have a crew either permanently or temporarily living on board; or

(iii) Sells fuel, food, fishing supplies or other marina supplies. Docks where bait only is sold are not included in this category.

The department of ecology shall determine if a marina is required to install pumpout facilities and may grant exemptions from this section in appropriate cases. State park facilities which provide only mooring buoys or small floats shall not be included in the provisions of this section.

(2) The pumpout facilities required under this section shall be designed according to the criteria established by the department of ecology by rule.

(3) Pumpout facilities required by this section for public entities shall be eligible to receive grants and/or loans offered for water pollution control facilities.

(4) Each marina shall prominently display signs stating that untreated sanitary wastes are not to be discharged while boats are within the waters of the state.

(5) The department of ecology shall adopt rules necessary to implement this section.

(6) The department of ecology shall establish, by rule, in consultation with the department of social and health services, standards for the design and operation of sewage pumpout facilities at marinas.

(7) The department of ecology may inspect marinas used by watercraft for launching, docking, and mooring purposes to determine if they are in compliance with this section.

(8) Violation of this section is subject to a civil penalty of up to five hundred dollars per day for each violation.

(9) As used in this section, 'marina' includes public and private vessel moorage facilities including, but not limited to, yacht clubs, commercial moorages, public piers, and public terminals. Marinas do not include any moorage facility used exclusively for the private recreational use of the abutting landowner where no more than four vessels may be moored or any marine haulout or repair facility that would otherwise not be subject to this section.

NEW SECTION. Sec. 2. Prior to adopting rules, the department of ecology shall conduct a study to assess the need and practicality for sanitary marine pumpout and dump facilities at marinas throughout the state. A study team shall be established to assist the department and shall consist of representatives from the interclub boating association of Washington, an organization representing private marina owners, the department of social and health services, the parks and recreation commission, the public ports association, and the interagency committee for outdoor recreation.

The study shall:

- (1) Clearly define the size and design of marinas that are subject to this act;
- (2) Assess the need for marine pumpout and dump facilities by geographic area throughout the state;
- (3) Identify marinas where it is unreasonable to dispose of sewage from a pumpout facility;
- (4) Assess the current overall usage of marine pumpout facilities and dump facilities in the state;
- (5) Investigate alternative ways to fund construction of facilities and enforcement of section 1 of this act and methods to encourage public usage of marine pumpout and dump facilities;
- (6) Recommend strategies to encourage the use of marine pumpout facilities;
- (7) Recommend appropriate pumpout or sewage disposal systems for vessels that are used as live-aboards or which have a crew either permanently or temporarily living on board; and
- (8) Recommend methods to educate the general public and boat owners on the need for proper disposal of sanitary wastes from boats.

Results of the study shall be presented to the appropriate standing committees of the legislature by October 1, 1986.

As used in this section, 'marina' has the definition given in section 1 of this act.

NEW SECTION. Sec. 3. Section 1 of this act shall constitute a new chapter in Title 70 RCW."

Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Brough, Isaacson, Jacobsen, R. King, Lewis, Lux, May, Nutley and Valle.

Absent: Representatives Brekke, Isaacson, R. King and Lux.

Referred to Committee on Ways & Means.

February 26, 1986

ESSB 4790 Prime Sponsor, Committee on Parks & Ecology: Regulating the use and disposal of sludge. Reported by Committee on Environmental Affairs

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 70.95 RCW to read as follows:

After January 1, 1988, the department of ecology may prohibit disposal of municipal sewage sludge or septic tank sludge (septage) in landfills for final disposal, except on a temporary, emergency basis, if the jurisdictional health department determines that a potentially unhealthful circumstance exists. Beneficial uses of sludge in landfill reclamation is acceptable utilization and not considered disposal.

The department of ecology shall adopt rules that provide exemptions from this section on a case-by-case basis. Exemptions shall be based on the economic infeasibility of using or disposing of the sludge material other than in a landfill.

The department of ecology, after consulting with representatives from cities, counties, special purpose districts, and operators of septic tank pump-out services, shall adopt rules for the environmentally safe use of municipal sewage sludge and septage in this state.

The department of ecology, after consulting with representatives from the pulp and paper industry and the food processing industry, may adopt rules for the environmentally safe use of appropriate industrial sludges, such as pulp and paper sludges or food processing wastes, used to improve the texture or nutrient content of soils.

The department of ecology, in conjunction with the department of social and health services and the department of agriculture, shall adopt rules establishing labeling and notification requirements for sludge material sold commercially or given away to the public. The department shall specify mandatory wording for labels and notification to warn the public against improper use of the material. The department shall submit a report to the appropriate standing committees of the legislature by January 1, 1987, on its implementation of this chapter."

Signed by Representatives Rust, Chair; Unsoeld, Vice Chair; Allen, Barnes, Brekke, Isaacson, Jacobsen, R. King, Lewis, Lux, Nutley and Valle.

MINORITY recommendation: Do not pass. Signed by Representatives Brough and May.

Passed to Committee on Rules for second reading.

February 26, 1986

SSB 4888

Prime Sponsor, Committee on Commerce & Labor: Requiring dealers to display the cash selling price on used vehicles. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 6 strike all material through "RCW." on line 13 and insert "A vehicle dealer who sells used vehicles shall either display on the vehicle, or disclose upon request, the written asking price of a specific vehicle offered for sale by the dealer as of that time.

A violation of this section is an unfair business practice under chapter 19.86 RCW, the Consumer Protection Act, and the provisions of chapter 46.70 RCW."

Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, R. King, O'Brien, Patrick, Sayan, C. Smith and Walker.

Voting nay: Representative Fisher.

Absent: Representative J. Williams.

Passed to Committee on Rules for second reading.

February 25, 1986

SB 4906

Prime Sponsor, Senator Peterson: Modifying provisions on the issuance and sale of certain highway bonds. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments:

On page 4, after line 7, being page 2, line 62 of the printed bill, insert the following:

"Sec. 6. Section 2, chapter 180, Laws of 1979 ex. sess. and RCW 47.10.791 are each amended to read as follows:

Upon request being made by the transportation commission, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds authorized by RCW 47.10.790 in accordance with the provisions of chapter 39.42 RCW. The amount of such bonds issued and sold under the provisions of RCW 47.10.790 through 47.10.798 in any biennium may not exceed the amount of a specific appropriation therefor. Such bonds may be sold from time to time in such amounts as may be necessary for the orderly progress of the state highway improvements specified in RCW 47.10.790. The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

Sec. 7. Section 3, chapter 180, Laws of 1979 ex. sess. and RCW 47.10.792 are each amended to read as follows:

The proceeds from the sale of the bonds authorized by RCW 47.10.790 shall be deposited in the motor vehicle fund and such proceeds shall be available only for the purposes enumerated in RCW 47.10.790, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

Sec. 8. Section 1, chapter 360, Laws of 1977 ex. sess. as last amended by section 1, chapter 176, Laws of 1985 and RCW 47.60.560 are each amended to read as follows:

In order to provide funds necessary for vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements for the Washington state ferries, there shall be issued and sold upon the request of the department general obligation bonds of the state of Washington in the sum of one hundred thirty-five million dollars or such amount thereof as may be required (together with other funds available therefor). If the state of Washington is able to obtain matching funds from the urban mass transportation administration or other federal government agencies for the acquisition of passenger-only vessels capable of operating as an integral part of the Washington state ferries on Puget Sound and the Straits of Juan de Fuca, a sufficient amount of the proceeds of the bonds authorized

herein shall be used to pay the state's share of the acquisition cost of the passenger-only vessels. Upon request being made by the department, the state finance committee shall supervise and provide for the issuance, sale, and retirement of the bonds in accordance with chapter 39.42 RCW. The bonds may be sold from time to time in such amounts as may be necessary for the orderly progress in constructing the ferries. The bonds shall be sold in such manner, at such time or times, in such amounts, and at such price or prices as the state finance committee shall determine. The state finance committee may obtain insurance, letters of credit, or other credit facility devices with respect to the bonds and may authorize the execution and delivery of agreements, promissory notes, and other obligations for the purpose of insuring the payment or enhancing the marketability of the bonds. Promissory notes or other obligations issued under this section shall not constitute a debt or the contracting of indebtedness under any constitutional or statutory indebtedness limitation if their payment is conditioned upon the failure of the state to pay the principal of or interest on the bonds with respect to which the promissory notes or other obligations relate. The state finance committee may authorize the issuance of short-term obligations in lieu of long-term obligations for the purposes of more favorable interest rates, lower total interest costs, and increased marketability and for the purposes of retiring the bonds during the life of the project for which they were issued.

Sec. 9. Section 2, chapter 360, Laws of 1977 ex. sess. and RCW 47.60.570 are each amended to read as follows:

The proceeds from the sale of the bonds shall be deposited in the Puget Sound capital construction account of the motor vehicle fund and such proceeds shall be available only for the purposes enumerated in RCW 47.60.560, for the payment of bond anticipation notes, if any, and for the payment of the expense incurred in the drafting, printing, issuance, and sale of such bonds. The costs of obtaining insurance, letters of credit, or other credit enhancement devices with respect to the bonds shall be considered to be expenses incurred in the issuance and sale of the bonds.

On page 1, line 2 of the title, strike "and 47.26.423" and insert "47.26.423, 47.10.791, 47.10.792, 47.60.560, and 47.60.570"

Signed by Representatives Walk, Chair; Baugher, Betzoff, Bond, Brough, Fisch, Fisher, Gallagher, Hankins, Haugen, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Van Luven, J. Williams, K. Wilson and Zellinsky.

Voting nay: Representative Valle.

Absent: Representatives Wineberry, Vice Chair; Lundquist, Tanner and Thomas.

Passed to Committee on Rules for second reading.

February 25, 1986

SSB 4920 Prime Sponsor, Committee on Transportation: Revising vessel pilot regulations. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 17 strike all of section 2 and renumber the remaining sections consecutively.

Signed by Representatives Walk, Chair; Baugher, Betzoff, Brough, Fisch, Fisher, Gallagher, Hankins, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Valle, Van Luven, J. Williams, K. Wilson and Zellinsky.

Voting nay: Representative Bond.

Absent: Representatives Wineberry, Vice Chair; Kremen, Lundquist, Schmidt, Tanner and Thomas.

Passed to Committee on Rules for second reading.

February 27, 1986

SSB 4923 Prime Sponsor, Committee on Commerce & Labor: Authorizing an interim alternative allocation mechanism for tax exempt bonds. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Hargrove, May, Niemi, Rayburn, Schoon, Scott, Silver, L. Smith, Tanner, Thomas, Vekich, B. Williams and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Dobbs and Lundquist.

Absent: Representatives Doty, J. King, Smitherman and van Dyke.

Passed to Committee on Rules for second reading.

February 27, 1986

ESB 4968 Prime Sponsor, Senator Warnke: Authorizing transfer of funds for unemployment insurance program. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. The provisions of RCW 50.16.070 to the contrary notwithstanding, one million five hundred thousand dollars shall be transferred from the federal interest payment fund to the unemployment compensation administration fund.

NEW SECTION, Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect March 31, 1986.*

Signed by Representatives Wang, Chair; Cole, Vice Chair; Betrozoff, Chandler, Ebersole, Fisch, Fisher, R. King, O'Brien, Patrick, Sayan and Walker.

MINORITY recommendation: Without recommendation. Signed by Representative C. Smith.

Absent: Representatives Ebersole and J. Williams.

Passed to Committee on Rules for second reading.

February 27, 1986

SJM 136 Prime Sponsor, Senator Conner: Petitioning the Washington state congressional delegation to assist in obtaining a national veterans' cemetery within the state of Washington. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke, Vekich and Walk.

Absent: Representatives Sanders.

Passed to Committee on Rules for second reading.

February 27, 1986

SJM 143 Prime Sponsor, Senator Williams: Petitioning for a regional approach to regulation of the transportation of radioactive materials. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass. Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Gallagher, Jacobsen, Long, Madsen, Sutherland and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Barnes, Bond, Isaacson, Miller and Nealey.

Voting nay: Representatives Barnes, Bond, Isaacson, Miller, Nealey and Van Luvan.

Passed to Committee on Rules for second reading.

The Speaker declared the House to be at ease until 6:00 p.m.

EVENING SESSION

The House was called to order at 6:00 p.m. by the Speaker (Mr. Basich presiding).

REPORTS OF STANDING COMMITTEES

February 27, 1986

HCR 23 Prime Sponsor, Representative Hargrove: Creating a temporary commission to study unapproved church schools. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Chandler, Fuhrman, Holland, P. King, Long, Peery, Schoon, Taylor and Walker.

MINORITY recommendation: Do not pass. Signed by Representatives Valle, Vice Chair; Appelwick, Cole, Rayburn and Wang.

Voting nay: Representatives Valle, Vice Chair; Appelwick, Betzoff, Cole, Rayburn, Rust and Wang.

Absent: Representative Todd.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 3352 Prime Sponsor, Senator Gaspard: Providing a state clearinghouse for educational information. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Cole, P. King, Peery, Rayburn, Rust, Todd and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Schoon and Taylor.

Voting nay: Representatives Betzoff, Chandler, Fuhrman, Holland, Long, Schoon, L. Smith, Taylor and Walker.

Passed to Committee on Rules for second reading.

February 27, 1986

ESSB 3439 Prime Sponsor, Committee on Education: Requiring a specified staff student ratio for vocational education programs. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 8 after "to" strike "sixteen and sixty-seven one-hundredths" and insert "seventeen and fifty one-hundredths"

Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Betzoff, Chandler, Cole, Fuhrman, Holland, P. King, Long, Rayburn, Rust, Schoon, Taylor, Todd, Walker and Wang.

Absent: Representatives Appelwick, Chandler and L. Smith.

Referred to Committee on Ways & Means.

February 27, 1986

ReESB 3527 Prime Sponsor, Senator Bender: Revising limitations on the ratio of students to teachers in grades K-3. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 29 after "1987" and before the period insert "provided that the allocation formula for kindergarten through grade three for districts having an enrollment of at least one hundred full time equivalent students in these grades is increased from fifty to fifty-one certificated personnel to one thousand full time equivalent students in 28A.14.140 RCW and this increase in the allocation formula takes effect on or before July 1, 1986. If the increase in the allocation formula does not take effect on or before July 1, 1986, this act shall be null and void in its entirety."

Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betzoff, Chandler, Cole, Fuhrman, Holland, Long, Peery, Rayburn, Rust, Schoon, Taylor, Todd, Walker and Wang.

Absent: Representatives L. Smith and Taylor.

Referred to Committee on Ways & Means.

February 27, 1986

SSB 3905 Prime Sponsor, Committee on Human Services & Corrections: Certifying radiologic technologists. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. It is the intent and purpose of this chapter to protect the public by setting standards of qualification, education, training, and experience for use by practitioners of radiological technology. By promoting high standards of professional performance, by requiring professional accountability, and by credentialing those persons who seek to provide radiological technology under the title of certified radiological technologists, this chapter identifies those practitioners who have achieved a particular level of competency. Nothing in this chapter shall be construed to require that individual or group policies or contracts of an insurance carrier, health care service contractor, or health maintenance organization provide benefits or coverage for services and supplies provided by a person certified under this chapter.

The legislature finds and declares that this chapter conforms to the guidelines, terms, and definitions for the credentialing of health or health-related professions specified under chapter 18.120 RCW.

NEW SECTION. Sec. 2. No person may represent himself or herself to the public as a certified radiologic technologist without holding a valid certificate to practice under this chapter. A person represents himself or herself to the public as a certified radiological technologist when that person adopts or uses a title or description of services that incorporates one or more of the following items or designations:

- (1) Certified radiologic technologist or CRT, for persons so certified under this chapter;
- (2) Certified radiologic therapy technologist, CRTT, or CRT, for persons certified in the therapeutic field;
- (3) Certified radiologic diagnostic technologist, CRDT, or CRT, for persons certified in the diagnostic field; or
- (4) Certified nuclear medicine technologist, CNMT, or CRT, for persons certified as nuclear medicine technologists.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

- (1) 'Department' means the department of licensing.
- (2) 'Director' means the director of licensing.
- (3) 'Licensed practitioner' means a physician or osteopathic physician licensed under chapter 18.71 or 18.57 RCW, respectively; a registered nurse licensed under chapter 18.88 RCW as determined by the state board of nursing; or a podiatrist licensed under chapter 18.22 RCW.
- (4) 'Radiologic technologist' means an individual certified under this chapter other than a licensed practitioner who practices radiologic technology as a:
 - (a) Diagnostic radiologic technologist, who is a person who actually handles x-ray equipment in the process of applying radiation on a human being for diagnostic purposes under the supervision of a licensed practitioner; or
 - (b) Therapeutic radiologic technologist, who is a person who uses radiation-generating equipment for therapeutic purposes on human subjects under the supervision of a licensed practitioner; or
 - (c) Nuclear medicine technologist, who is a person who prepares radiopharmaceuticals and administers them to human beings for diagnostic and therapeutic purposes and who performs in vivo and in vitro detection and measurement of radioactivity for medical purposes under the supervision of a licensed practitioner.
- (5) 'Advisory committee' means the Washington state radiologic technology advisory committee.

(6) 'Approved school of radiologic technology' means a school of radiologic technology approved by the council on medical education of the American medical association or a school found to maintain the equivalent of such a course of study as determined by the department. Such school may be operated by a medical or educational institution, and for the purpose of providing the requisite clinical experience, shall be affiliated with one or more general hospitals.

(7) 'Radiologic technology' means the use of ionizing radiation upon a human being for diagnostic or therapeutic purposes.

NEW SECTION. Sec. 4. This chapter shall not be construed to prohibit or restrict:

- (1) The practice of a profession by individuals who are licensed under other laws of this state who are performing services within their authorized scope of practice;
- (2) The practice of radiologic technology by an individual employed by the government of the United States while the individual is performing duties prescribed by the laws and regulations of the United States;
- (3) The practice of radiologic technology by a person who is a regular student in an approved school meeting the requirements of the department. The performance of such services shall be pursuant to a regular course of instruction or assignments from an instructor and under the general supervision of that instructor.

NEW SECTION. Sec. 5. (1) In addition to any other authority provided by law, the director may in consultation with the advisory committee:

(a) Adopt rules, in accordance with chapter 34.04 RCW, necessary to implement this chapter;

(b) Set all certification and renewal fees in accordance with RCW 43.24.086;

(c) Establish forms and procedures necessary to administer this chapter;

(d) Evaluate and designate those schools from which graduation will be accepted as proof of an applicant's eligibility to receive a certificate;

(e) Determine whether alternative methods of training are equivalent to formal education, and to establish forms, procedures, and criteria for evaluation of an applicant's alternative training to determine the applicant's eligibility to receive a certificate;

(f) Issue a certificate to any applicant who has met the education, training, and conduct requirements for certification; and

(g) Hire clerical, administrative, and investigative staff as needed to implement this chapter.

(2) The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of certifications and the discipline of certificants under this chapter. The director shall be the disciplining authority under this chapter.

NEW SECTION. Sec. 6. The director shall keep an official record of all proceedings, a part of which record shall consist of a register of all applicants for certification under this chapter, with the result of each application.

NEW SECTION. Sec. 7. (1) There is created a state radiologic technology advisory committee consisting of five members appointed by the director who shall advise the director concerning the administration of this chapter. Three members of the committee shall be radiologic technologists who are certified under this chapter, except for the initial members of the committee, and who have been engaged in the practice of radiologic technology for at least five years. Two members of the committee shall be individuals who are unaffiliated with the profession. The term of office for committee members is four years. The terms of the first committee members, however, shall be staggered to ensure an orderly succession of new committee members thereafter. Any committee member may be removed for just cause. The director may appoint a new member to fill any vacancy on the committee for the remainder of the unexpired term. No committee member may serve more than two consecutive terms whether full or partial.

(2) Committee members shall be compensated in accordance with RCW 43.03.220 and reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(3) The committee shall elect a chairperson and vice chairperson annually to direct the meetings of the committee. The committee shall meet at least once each year, and may hold additional meetings as called by the director or the chairperson. Three members of the committee shall constitute a quorum.

NEW SECTION. Sec. 8. The director, members of the committee, or individuals acting on their behalf are immune from suit in any civil action based on any certification or disciplinary proceedings or other official acts performed in the course of their duties.

NEW SECTION. Sec. 9. (1) The director shall issue a certificate to any applicant who demonstrates to the director's satisfaction, that the following requirements have been met:

(a) Graduation from an approved school or successful completion of alternate training that meets the criteria established by the director; and

(b) Good moral character.

(2) Applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

(3) The director shall establish by rule what constitutes adequate proof of meeting the requirements for certification and for designation of certification in a particular field of radiologic technology.

NEW SECTION. Sec. 10. The director, in consultation with the advisory committee, shall establish by rule the standards and procedures for approval of schools and alternate training, and may contract with individuals or organizations having expertise in the profession or in education to assist in evaluating those applying for approval. The standards and procedures set shall apply equally to schools and training within the United States and those in foreign jurisdictions.

NEW SECTION. Sec. 11. Applications for certification must be submitted on forms provided by the director. The director may require any information and documentation that reasonably relates to the determination of whether the applicant meets the requirements for certification provided for in this chapter and chapter 18.130 RCW. Each applicant shall pay a fee determined by the director as provided in RCW 43.24.086 which shall accompany the application.

NEW SECTION. Sec. 12. The director, in consultation with the advisory committee, shall establish by rule the requirements and fees for renewal of certificates. Failure to renew invalidates the certificate and all privileges granted by the certificate. In the event a certificate has lapsed for a period longer than three years, the certificant shall demonstrate competence to the satisfaction of the director by continuing education or under the other standards determined by the director.

NEW SECTION. Sec. 13. This chapter shall not apply to unlicensed personnel supervised by persons licensed under chapters 18.25 and 18.32 RCW.

NEW SECTION. Sec. 14. This chapter shall be known as the radiologic technologists certification act.

Sec. 15. Section 3, chapter 117, Laws of 1985 and section 28, chapter 326, Laws of 1985 and RCW 18.120.020 are each reenacted and amended to read as follows:

The definitions contained in this section shall apply throughout this chapter unless the context clearly requires otherwise.

(1) 'Applicant group' includes any health professional group or organization, any individual, or any other interested party which proposes that any health professional group not presently regulated be regulated or which proposes to substantially increase the scope of practice of the profession.

(2) 'Certificate' and 'certification' mean a voluntary process by which a statutory regulatory entity grants recognition to an individual who (a) has met certain prerequisite qualifications specified by that regulatory entity, and (b) may assume or use 'certified' in the title or designation to perform prescribed health professional tasks.

(3) 'Grandfather clause' means a provision in a regulatory statute applicable to practitioners actively engaged in the regulated health profession prior to the effective date of the regulatory statute which exempts the practitioners from meeting the prerequisite qualifications set forth in the regulatory statute to perform prescribed occupational tasks.

(4) 'Health professions' means and includes the following health and health-related licensed or regulated professions and occupations: Podiatry under chapter 18.22 RCW; chiropractic under chapters 18.25 and 18.26 RCW; dental hygiene under chapter 18.29 RCW; dentistry under chapter 18.32 RCW; dispensing opticians under chapter 18.34 RCW; hearing aids under chapter 18.35 RCW; drugless healing under chapter 18.36 RCW; embalming and funeral directing under chapter 18.39 RCW; midwifery under chapter 18.50 RCW; nursing home administration under chapter 18.52 RCW; optometry under chapters 18.53 and 18.54 RCW; ophthalmologists under chapter 18.55 RCW; osteopathy and osteopathic medicine and surgery under chapters 18.57 and 18.57A RCW; pharmacy under chapters 18.64 and 18.64A RCW; medicine under chapters 18.71, 18.71A, and 18.72 RCW; emergency medicine under chapter 18.73 RCW; physical therapy under chapter 18.74 RCW; practical nurses under chapter 18.78 RCW; psychologists under chapter 18.83 RCW; registered nurses under chapter 18.88 RCW; occupational therapists licensed pursuant to chapter 18.59 RCW; veterinarians and animal technicians under chapter 18.92 RCW; health care assistants under chapter 18.135 RCW; massage practitioners under chapter 18.108 RCW; radiologic technologists certified under chapter 18.— RCW (sections 1 through 14 of this 1986 act) and acupuncturists certified under chapter 18.06 RCW.

(5) 'Inspection' means the periodic examination of practitioners by a state agency in order to ascertain whether the practitioners' occupation is being carried out in a fashion consistent with the public health, safety, and welfare.

(6) 'Legislative committees of reference' means the standing legislative committees designated by the respective rules committees of the senate and house of representatives to consider proposed legislation to regulate health professions not previously regulated.

(7) 'License', 'licensing', and 'licensure' mean permission to engage in a health profession which would otherwise be unlawful in the state in the absence of the permission. A license is granted to those individuals who meet prerequisite qualifications to perform prescribed health professional tasks and for the use of a particular title.

(8) 'Professional license' means an individual, nontransferable authorization to carry on a health activity based on qualifications which include: (a) Graduation from an accredited or approved program, and (b) acceptable performance on a qualifying examination or series of examinations.

(9) 'Practitioner' means an individual who (a) has achieved knowledge and skill by practice, and (b) is actively engaged in a specified health profession.

(10) 'Public member' means an individual who is not, and never was, a member of the health profession being regulated or the spouse of a member, or an individual who does not have and never has had a material financial interest in either the rendering of the health professional service being regulated or an activity directly related to the profession being regulated.

(11) 'Registration' means the formal notification which, prior to rendering services, a practitioner shall submit to a state agency setting forth the name and address of the practitioner; the location, nature and operation of the health activity to be practiced; and, if required by the regulatory entity, a description of the service to be provided.

(12) 'Regulatory entity' means any board, commission, agency, division, or other unit or subunit of state government which regulates one or more professions, occupations, industries, businesses, or other endeavors in this state.

(13) 'State agency' includes every state office, department, board, commission, regulatory entity, and agency of the state, and, where provided by law, programs and activities involving less than the full responsibility of a state agency.

Sec. 16. Section 4, chapter 279, Laws of 1984 as amended by section 29, chapter 326, Laws of 1985 and RCW 18.130.040 are each amended to read as follows:

(1) This chapter applies only to the director and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The director has authority under this chapter in relation to the following professions:

(i) Dispensing opticians licensed under chapter 18.34 RCW;

(ii) Drugless healers licensed under chapter 18.36 RCW;

(iii) Midwives licensed under chapter 18.50 RCW;

(iv) Ocularists licensed under chapter 18.55 RCW;

(v) Psychologists licensed under chapter 18.83 RCW unless a disciplinary committee is established under chapter 18.83 RCW;

(vi) Massage operators and businesses licensed under chapter 18.108 RCW;

(vii) Dental hygienists licensed under chapter 18.29 RCW; ~~(and)~~

(viii) Acupuncturists certified under chapter 18.06 RCW; and

(ix) Radiologic technologists certified under chapter 18.-- RCW (sections 1 through 14 of this 1986 act).

(b) The boards having authority under this chapter are as follows:

(i) The podiatry board as established in chapter 18.22 RCW;

(ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;

(iii) The dental disciplinary board as established in chapter 18.32 RCW;

(iv) The council on hearing aids as established in chapter 18.35 RCW;

(v) The board of funeral directors and embalmers as established in chapter 18.39 RCW;

(vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vii) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(viii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(ix) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The board of practical nursing as established in chapter 18.78 RCW;

(xiii) The board of nursing as established in chapter 18.88 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter governs any investigation, hearing, or proceeding relating to denial of licensure by the disciplining authority, the board of chiropractic examiners, the board of dental examiners, and the board of medical examiners, if adopted pursuant to this chapter by the disciplining authority.

NEW SECTION. Sec. 17. Sections 1 through 14 of this act shall constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 18. This act shall take effect October 1, 1986.

NEW SECTION. Sec. 19. The sum of one hundred thirty-one thousand, one hundred six dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the health professions account to the department of licensing for the purposes of this act.

NEW SECTION. Sec. 20. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Brekke, Chair; Day, Vice Chair; Ballard, Braddock, Brooks, Dellwo, Leonard, Lewis, Scott, Tanner and Winsley.

MINORITY recommendation: Do not pass. Signed by Representatives Bond, Dobbs and Padden.

Absent: Representative West.

Referred to Committee on Ways & Means.

February 27, 1986

SSB 3948 Prime Sponsor, Committee on Transportation: Extending log truck liens for labor and services on timber and lumber. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Dobbs, Doty, Hargrove, Lundquist, May, Niemi, Rayburn, Schmidt, Schoon, Scott, Silver, L. Smith, Tanner, Thomas, Vekich, B. Williams and Wineberry.

Absent: Representatives J. King, Scott, Smitherman, Tanner and van Dyke.

Passed to Committee on Rules for second reading.

February 27, 1986

ESB 4463 Prime Sponsor, Senator Bailey: Encouraging the promotion of Washington products. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendments:

On page 2, after line 6 insert the following:

*NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 179, Laws of 1933, section 1, chapter 164, Laws of 1937 and RCW 39.24.020;

(2) Section 2, chapter 179, Laws of 1933 and RCW 39.24.030; and

(3) Section 3, chapter 179, Laws of 1933 and RCW 39.24.040."

On page 1, line 2 after "sections:" insert "repealing RCW 39.24.020, 39.24.030, and 39.24.040."

Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Day, Doty, Hargrove, Lundquist, May, Niemi, Rayburn, Schmidt, Schoon, Scott, Silver, L. Smith, Tanner, Thomas, Vekich, B. Williams and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative Dobbs.

Absent: Representatives J. King, Smitherman and van Dyke.

Passed to Committee on Rules for second reading.

February 27, 1986

ESB 4620 Prime Sponsor, Senator Halsan: Modifying provisions on the retail sale of motor vehicle fuel. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Advertisement' means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communication media published in connection with an offer or sale of a franchise.

(2) 'Affiliate' means any person, firm, or corporation who controls or is controlled by any motor fuel refiner-supplier, and includes any subsidiary or affiliated corporation in which the motor fuel refiner-supplier or its shareholders, officers, agents, or employees hold or control more than twenty-five percent of the voting shares.

(3) 'Community interest' means a continuing financial interest between the motor fuel refiner-supplier and motor fuel retailer in the operation of the franchise business.

(4) 'Marketing area' means an area five miles or less in any direction from a retail motor fuel outlet selling products of the same trademark as the motor fuel refiner-supplier.

(5) 'Motor fuel' means gasoline or diesel fuel of a type distributed for use in self-propelled motor vehicles and includes gasohol.

(6) 'Motor fuel franchise' means any oral or written contract, either expressed or implied, between a motor fuel refiner-supplier and motor fuel retailer under which the motor fuel retailer is supplied motor fuel for resale to the public or for sale on commission or for a fee to the public, or any agreements between a motor fuel refiner-supplier and motor fuel retailer under which the retailer is permitted to occupy premises owned, leased, or controlled by the refiner-supplier for the purpose of engaging in the retail sale of motor fuel supplied by the motor fuel refiner-supplier.

(7) 'Motor fuel refiner-supplier' means any person, firm, or corporation, including any affiliate of the person, firm, or corporation, engaged in the refining of crude oil into petroleum who supplies motor fuel for sale, consignment, or distribution through retail outlets.

(8) 'Motor fuel retailer' means a person, firm, or corporation that resells motor fuel entirely at one or more retail motor fuel outlets pursuant to a motor fuel franchise entered into with a refiner-supplier.

(9) 'Offer or offer to sell' includes every attempt or offer to dispose of or solicitation of an offer to buy a franchise or an interest in a franchise.

(10) 'Person' means a natural person, corporation, partnership, trust, or other entity and in the case of an entity, it shall include any other entity which has a majority interest in such an entity or effectively controls such other entity as well as the individual officers, directors, and other persons in act of control of the activities of each such entity.

(11) 'Price' means the net purchase price, after adjustment for commission, brokerage, rebate, discount, services or facilities furnished, or other such adjustment.

(12) 'Publish' means publicly to issue or circulate by newspaper, mail, radio, or television or otherwise to disseminate to the public.

(13) 'Retail motor fuel outlet' means any location where motor fuel is distributed for purposes other than resale.

(14) 'Sale or sell' includes every contract of sale, contract to sell, or disposition of a franchise.

NEW SECTION, Sec. 2. It is unlawful for any motor fuel refiner-supplier to discriminate in price between motor fuel retailers for purchases of motor fuel of like grade and quality, where the effect of the discrimination may be substantially to injure, destroy, or prevent competition with any retailer who receives the benefit of the discrimination, or with the customers of either retailer. Nothing in this section prevents differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the fuel is sold to motor fuel retailers. Upon proof being made of discrimination under this section, the burden of rebutting the prima facie case thus made by showing justification is upon the refiner-supplier.

NEW SECTION, Sec. 3. Notwithstanding the terms of any motor fuel franchise, a motor fuel refiner-supplier shall not absolutely prohibit or unreasonably withhold its consent to any sale, assignment, or other transfer of the motor fuel franchise by a motor fuel retailer to a third party without fairly compensating the motor fuel retailer for the fair market value, at the time of expiration of the franchise, of the motor fuel retailer's inventory, supplies, equipment, and furnishings purchased from the motor fuel refiner-supplier, and good will, exclusive of personalized materials which have no value to the motor fuel refiner-supplier, and inventory, supplies, equipment, and furnishings not reasonably required in the conduct of the franchise business. A motor fuel refiner-supplier may offset against amounts owed to a motor fuel retailer under this section any amounts owed by the motor fuel retailer to the motor fuel refiner-supplier.

NEW SECTION, Sec. 4. Notwithstanding the terms of any motor fuel franchise, no motor fuel refiner-supplier may prohibit or prevent the sale, assignment, or other transfer of the motor fuel franchise to a corporation in which the motor fuel retailer has a controlling interest if the motor fuel retailer offers in writing personally to guarantee the performance of the obligations under the motor fuel franchise.

NEW SECTION, Sec. 5. Notwithstanding the terms of any motor fuel franchise, the interest of a motor fuel retailer under such an agreement shall be considered personal property and shall devolve on the death of the motor fuel retailer to a designated successor in interest of the retailer, limited to the retailer's spouse, adult child, or adult stepchild or, if no successor in interest is designated, to the retailer's spouse, if any. The designation shall be made, witnessed in writing by at least two persons, and delivered to the motor fuel refiner-supplier during the term of the franchise. The designation may be revised at any time by the motor fuel retailer and shall be substantially in the following form:

I (motor fuel retailer name) at the service station located at in the City of Washington, designate as my successor in interest under section 4 of this act and as my alternate successor if the originally designated successor is unable or unwilling so to act.

I so specify this day of, 19....

The motor fuel refiner-supplier shall assist the designated successor in interest temporarily in the day-to-day operation of the service station to insure continued operation of the service station.

NEW SECTION, Sec. 6. Notwithstanding the terms of any motor fuel franchise, the retailer shall be given the right of first refusal to purchase the real estate and/or improvements owned by the refiner-supplier at the franchise location, and at least thirty days' advance notice within which to exercise this right, prior to any sale thereof to any other buyer.

NEW SECTION, Sec. 7. Notwithstanding the terms of any motor fuel franchise, no motor fuel refiner-supplier may:

(1) Require any retailer to meet mandatory minimum sales volume requirements for fuel or other products unless the refiner-supplier proves that its price to the retailer has been sufficiently low to enable the retailer reasonably to meet the mandatory minimum;

(2) Alter, or require the retailer to consent to the alteration of, any provision of the franchise during its effective term without mutual consent of the retailer;

(3) Interfere with any retailer's right to assistance of counsel on any matter or to join or be active in any trade association; and

(4) Set or compel, directly or indirectly, the retail price at which the retailer sells motor fuel or other products to the public.

NEW SECTION. Sec. 8. It is unlawful for any person in connection with the offer, sale, or purchase of any franchise directly or indirectly:

(1) To sell or offer to sell a franchise in this state by means of any written or oral communication which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made in light of the circumstances under which they were made not misleading.

(2) To employ any device, scheme, or artifice to defraud.

(3) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person.

NEW SECTION. Sec. 9. Without limiting the other provisions of this chapter, the following specific rights and prohibitions shall govern the relation between the motor fuel refiner-supplier and the motor fuel retailers:

(1) The parties shall deal with each other in good faith.

(2) For the purposes of this chapter and without limiting its general application, it shall be an unfair or deceptive act or practice or an unfair method of competition and therefore unlawful and a violation of this chapter for any person to:

(a) Require a motor fuel retailer to purchase or lease goods or services of the motor fuel refiner-supplier or from approved sources of supply unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that such restrictive purchasing agreements are reasonably necessary for a lawful purpose justified on business grounds, and do not substantially affect competition: PROVIDED, That this provision shall not apply to the initial inventory of the franchise. In determining whether a requirement to purchase or lease goods or services constitutes an unfair or deceptive act or practice or an unfair method of competition the courts shall be guided by the decisions of the courts of the United States interpreting and applying the anti-trust laws of the United States.

(b) Discriminate between motor fuel retailers in the charges offered or made for royalties, goods, services, equipment, rentals, advertising services, or in any other business dealing, unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that any classification or discrimination between motor fuel retailers is reasonable, is based on franchises granted at materially different times and such discrimination is reasonably related to such difference in time or on other proper and justifiable distinctions considering the purposes of this chapter, and is not arbitrary.

(c) Sell, rent, or offer to sell to a motor fuel retailer any product or service for more than a fair and reasonable price.

(d) Require motor fuel retailer to assent to a release, assignment, novation, or waiver which would relieve any person from liability imposed by this chapter.

NEW SECTION. Sec. 10. (1) Any person who sells or offers to sell a franchise in violation of this chapter shall be liable to the motor fuel retailer or motor fuel refiner-supplier who may sue at law or in equity for damages caused thereby for rescission or other relief as the court may deem appropriate. In the case of a violation of section 8 of this act rescission is not available to the plaintiff if the defendant proves that the plaintiff knew the facts concerning the untruth or omission or that the defendant exercised reasonable care and did not know or if he had exercised reasonable care would not have known of the untruth or omission.

(2) The suit authorized under subsection (1) of this section may be brought to recover the actual damages sustained by the plaintiff: PROVIDED, That the prevailing party may in the discretion of the court recover the costs of said action including a reasonable attorneys' fee.

(3) Any person who becomes liable to make payments under this section may recover contributions as in cases of contracts from any persons who, if sued separately, would have been liable to make the same payment.

(4) A final judgment, order, or decree heretofore or hereafter rendered against a person in any civil, criminal, or administrative proceedings under the United States anti-trust laws, under the Federal Trade Commission Act, or this chapter shall be regarded as evidence against such person in any action brought by any party against such person under subsection (1) of this section as to all matters which said judgment or decree would be an estoppel between the parties thereto.

NEW SECTION. Sec. 11. The pendency of any civil, criminal, or administrative proceedings against a person brought by the federal or Washington state governments or any of their agencies under the anti-trust laws, the Federal Trade Commission Act, or any federal or state act related to anti-trust laws or to franchising, or under this chapter shall toll the limitation of this action if the action is then instituted within one year after the final judgment or order in such proceedings: PROVIDED, That said limitation of actions shall in any case toll the law so long as there is actual concealment on the part of the person.

NEW SECTION. Sec. 12. Any motor fuel retailer who is injured in his or her business by the commission of any act prohibited by this chapter, or any motor fuel retailer injured because of

his or her refusal to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter may bring a civil action in superior court to enjoin further violations, to recover the actual damages sustained by him or her, or both, together with the costs of the suit, including reasonable attorney's fees.

NEW SECTION, Sec. 13. (1) The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act herein prohibited or declared to be unlawful. The prevailing party may in the discretion of the court recover the costs of such action including a reasonable attorneys' fee.

(2) Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

NEW SECTION, Sec. 14. In any proceeding under this chapter, the burden of proving an exception or an exemption from definition is upon the person claiming it. Any condition, stipulation or provision purporting to bind any person acquiring a franchise at the time of entering into a franchise or other agreement to waive compliance with any provision of this chapter or any rule or order hereunder is void.

NEW SECTION, Sec. 15. The provisions of this chapter apply to any motor fuel franchise or contract entered into or renewed on or after the effective date of this act between a motor fuel refiner-supplier and a motor fuel retailer.

NEW SECTION, Sec. 16. The Administrative Procedure Act, chapter 34.04 RCW, shall wherever applicable herein govern the rights, remedies, and procedures respecting the administration of this chapter.

NEW SECTION, Sec. 17. It is the intent of the legislature that this chapter be interpreted consistent with chapter 19.100 RCW.

NEW SECTION, Sec. 18. This chapter shall be liberally construed to effectuate its beneficial purposes.

NEW SECTION, Sec. 19. This chapter shall be known as the 'Dealer Bill of Rights Act.'

NEW SECTION, Sec. 20. The Washington state attorney general shall conduct a study to determine whether motor fuel refiner-suppliers are injuring competition from motor fuel retailers, by charging retailers that sell products under their trademark, prices for motor fuel which equal or exceed the prices charged for motor fuel in the same geographic market to retail customers at retail motor fuel outlets operated by company personnel, a subsidiary company, or commissioned or contract agents. The attorney general shall report his findings and recommendations to the legislature by December 1, 1986. Periodic reports shall be submitted to the legislative transportation committee. For the purposes of this study, the attorney general is authorized to use all of the civil investigative demand powers enumerated in RCW 19.86.110, subject to the procedures and requirements specified in RCW 19.86.110: PROVIDED, That disclosure of documentary material, answers to written interrogatories, or transcripts of oral testimony produced pursuant to a demand, or the contents thereof, to members of the legislature and legislative staff shall not require a court order unless the documentary material, answers to written interrogatories, or transcripts of oral testimony are identified at the time they are furnished as containing trade secrets. When seeking a court order allowing disclosure of material containing trade secrets, the attorney general shall give reasonable notice of such proceeding to the party furnishing the material.

NEW SECTION, Sec. 21. To carry out this act, the sum of seventy-five thousand dollars, or as much thereof as may be necessary, is appropriated to the office of attorney general from the motor vehicle fund for the biennium ending June 30, 1987.

NEW SECTION, Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 23. Sections 1 through 19 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION, Sec. 24. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect March 30, 1986."

Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Doty, Hargrove, J. King, Niemi, Rayburn, Schmidt, Scott, Silver, L. Smith, Tanner, Thomas, Vekich, B. Williams and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representatives Dobbs, Lundquist and May.

Voting nay: Representatives Dobbs, Lundquist, May, Schoon and Smitherman.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 4633 Prime Sponsor, Senator Talmadge: Relating to fees under the uniform commercial code. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Passed to Committee on Rules for second reading.

February 27, 1986

ESSB 4659 Prime Sponsor, Committee on Judiciary: Providing for the nonrecognition of separate property agreements in medical care eligibility determinations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 74.09 RCW to read as follows:

(1) An agreement between spouses transferring or assigning rights to future income from one spouse to the other shall be invalid for purposes of determining eligibility for medical assistance or the limited casualty program for the medically needy, but this subsection does not affect agreements between spouses transferring or assigning resources, and income produced by transferred or assigned resources shall continue to be recognized as the separate income of the transferee; and

(2) In determining eligibility for medical assistance or the limited casualty program for the medically needy for a married person in need of institutional care, or care under home and community based waivers as defined in Title XIX of the Social Security Act, if the community income received in the name of the nonapplicant spouse exceeds the community income received in the name of the applicant spouse, the applicant's interest in that excess shall be considered unavailable to the applicant.

NEW SECTION, Sec. 2. There is appropriated from the general fund to the department of social and health services for the biennium ending June 30, 1987, the sum of two million seven hundred nine thousand dollars, or so much thereof as may be necessary, to carry out the purposes of this act."

On page 1, line 2 of the title, after "programs;" strike the remainder of the title and insert "adding a new section to chapter 74.09 RCW; and making an appropriation."

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Hastings, Hine, Holland, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Appelwick, Bristow, J. King, Locke and L. Smith.

Passed to Committee on Rules for second reading.

February 27, 1986

SSB 4685 Prime Sponsor, Committee on Human Services & Corrections: Revising provisions relating to the issuance of death warrants in capital cases. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Dobbs, Lewis, Padden, Scott, Tanner and Winsley.

MINORITY recommendation: Do not pass. Signed by Representative Lux.

Voting nay: Representatives Dellwo, Leonard and Lux.

Absent: Representatives Brooks and West.

Passed to Committee on Rules for second reading.

February 27, 1986

SSB 4766 Prime Sponsor, Committee on Energy & Utilities: Prohibiting the termination of residential space heating from November 15 through March 15 due to delinquent and unpaid charges under certain circumstances. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 35.21.300, chapter 7, Laws of 1965 as last amended by section 3, chapter 6, Laws of 1985 and RCW 35.21.300 are each amended to read as follows:

(1) The lien for charges for service by a city waterworks, or electric light or power plant may be enforced only by cutting off the service until the delinquent and unpaid charges are paid, except that until June 30, ~~((1986))~~ 1990, electricity for residential space heating may be terminated between November 15 and March 15 only as provided in subsections (2) and (3) of this section. In the event of a disputed account and tender by the owner of the premises of the amount he claims to be due before the service is cut off, the right to refuse service to any premises shall not accrue until suit has been entered by the city and judgment entered in the case.

(2) Until June 30, ~~((1986))~~ 1990:

(a) Electricity for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill, including a security deposit. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(ii) ~~((Brings a statement from the department of social and health services or))~~ Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs((;)). The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and ((which provides)) shall provide a dollar figure that is seven percent of household income. The grantee may verify information in the self-certification;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is ~~((applicable))~~ available for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but ~~((the plan))~~ shall not be ~~((invalidated))~~ in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination ~~((and)),~~ a description of the customer's duties in this ~~((subsection))~~ section;

(ii) Assist the customer in fulfilling the requirements under this ~~((subsection))~~ section;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this ~~((subsection))~~ section moves from one residence to another within the same utility service area; and

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this ~~((subsection))~~ section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected.

(3) All municipal utilities shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

Sec. 2. Section 5, chapter 251, Laws of 1984 and RCW 35.21.301 are each amended to read as follows:

Until ~~((1986))~~ 1990, cities and towns distributing electricity shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter ~~((251))~~ --, Laws of ~~((1984))~~ 1986 (Senate Bill No. --, S-3509/86) benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, ~~((1986))~~ 1990.

Sec. 3. Section 2, chapter 251, Laws of 1984 as amended by section 19, chapter 6, Laws of 1985 and RCW 54.16.285 are each amended to read as follows:

(1) A district providing utility service for residential space heating shall not terminate such utility service between November 15 through March 15 if the customer:

(a) Notifies the utility of the inability to pay the bill, including a security deposit. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(b) ~~((Brings a statement from the department of social and health services or))~~ Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs(;;). The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and ((which provides)) shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(c) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(d) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is ~~((applicable))~~ available for the dwelling;

(e) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but ~~((the plan))~~ shall not be ~~((invalidated))~~ in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(f) Agrees to pay the moneys owed even if he or she moves.

(2) The utility shall:

(a) Include in any notice that an account is delinquent and that service may be subject to termination ~~((and)),~~ a description of the customer's duties in this section;

(b) Assist the customer in fulfilling the requirements under this section;

(c) Be authorized to transfer an account to a new residence when a customer who has established a plan under this section moves from one residence to another within the same utility service area; and

(d) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this section. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected.

(3) All districts providing utility service for residential space heating shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(4) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

(5) This section shall expire June 30, ~~((1986))~~ 1990.

Sec. 4. Section 6, chapter 251, Laws of 1984 and RCW 54.16.286 are each amended to read as follows:

Until ~~((1986))~~ 1990, districts distributing electricity shall report annually to the legislature ~~((for utilities subject to its jurisdiction))~~: (1) The extent to which chapter ~~((251))~~ --, Laws of ~~((1984))~~ 1986 (Senate Bill No. --, S-3509/86) benefits low income persons, and (2) the costs and benefits to other customers.

This section shall expire June 30, ~~((1986))~~ 1990.

Sec. 5. Section 80.28.010, chapter 14, Laws of 1961 as last amended by section 25, chapter 6, Laws of 1985 and RCW 80.28.010 are each amended to read as follows:

(1) All charges made, demanded or received by any gas company, electrical company or water company for gas, electricity or water, or for any service rendered or to be rendered in connection therewith, shall be just, fair, reasonable and sufficient.

(2) Every gas company, electrical company and water company shall furnish and supply such service, instrumentalities and facilities as shall be safe, adequate and efficient, and in all respects just and reasonable.

(3) All rules and regulations issued by any gas company, electrical company or water company, affecting or pertaining to the sale or distribution of its product, shall be just and reasonable.

(4) Until June 30, ~~((1986))~~ 1990:

(a) Utility service for residential space heating shall not be terminated between November 15 through March 15 if the customer:

(i) Notifies the utility of the inability to pay the bill, including a security deposit. This notice shall be provided within five business days of receiving a payment overdue notice unless there are extenuating circumstances;

(ii) ~~((Brings a statement from the department of social and health services or))~~ Provides self-certification of household income for the prior twelve months to a grantee of the department of community development which administers federally funded energy assistance programs(;)). The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance under 42 U.S.C. 8624 and ((which provides)) shall provide a dollar figure that is seven percent of household income. The grantee may verify information provided in the self-certification;

(iii) Has applied for home heating assistance from applicable government and private sector organizations and certifies that any assistance received will be applied to the current bill and future utility bills;

(iv) Has applied for low-income weatherization assistance to the utility or other appropriate agency if such assistance is ~~((applicable))~~ available for the dwelling;

(v) Agrees to a payment plan and agrees to maintain the payment plan. The plan will be designed both to pay the past due bill by the following October 15 and to pay for continued utility service. If the past due bill is not paid by the following October 15, the customer shall not be eligible for protections under this chapter until the past due bill is paid. The plan shall not require monthly payments in excess of seven percent of the customer's monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter during November 15 through March 15. A customer may agree to pay a higher percentage during this period, but ~~((the plan))~~ shall not be ~~((invalidated))~~ in default unless payment during this period is less than seven percent of monthly income plus one-twelfth of any arrearage accrued from the date application is made and thereafter. If assistance payments are received by the customer subsequent to implementation of the plan, the customer shall contact the utility to reformulate the plan; and

(vi) Agrees to pay the moneys owed even if he or she moves.

(b) The utility shall:

(i) Include in any notice that an account is delinquent and that service may be subject to termination ~~((and))~~, a description of the customer's duties in this ~~((subsection))~~ section;

(ii) Assist the customer in fulfilling the requirements under this ~~((subsection))~~ section;

(iii) Be authorized to transfer an account to a new residence when a customer who has established a plan under this ~~((subsection))~~ section moves from one residence to another within the same utility service area; and

(iv) Be permitted to disconnect service if the customer fails to honor the payment program. Utilities may continue to disconnect service for those practices authorized by law other than for nonpayment as provided for in this subsection. Customers who qualify for payment plans under this section who default on their payment plans and are disconnected can be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the applicable payment plan, absent default, on the date on which service is reconnected.

(c) A payment plan implemented under this ~~((subsection))~~ section is consistent with RCW 80.28.080.

(5) Every gas company and electrical company shall offer residential customers the option of a budget billing or equal payment plan. The budget billing or equal payment plan shall be offered low-income customers eligible under the state's plan for low-income energy assistance prepared in accordance with 42 U.S.C. 8624(C)(1) without limiting availability to certain months of the year, without regard to the length of time the customer has occupied the premises, and without regard to whether the customer is the tenant or owner of the premises occupied.

(6) Every gas company, electrical company and water company shall construct and maintain such facilities in connection with the manufacture and distribution of its product as will be efficient and safe to its employees and the public.

(7) An agreement between the customer and the utility, whether oral or written, shall not waive the protections afforded under this chapter.

Sec. 6. Section 7, chapter 251, Laws of 1984 and RCW 80.28.011 are each amended to read as follows:

Until ~~((1986))~~ 1990, the Washington utilities and transportation commission shall report annually to the legislature for utilities subject to its jurisdiction: (1) The extent to which chapter ~~((251))~~ —, Laws of ~~((1984))~~ 1986 (Senate Bill No. —, S-3509/86) benefits low income persons, and (2) the costs and benefits to other customers. The commission shall also review its policies and the policies of electric utilities under its jurisdiction on involuntary termination of electric utility service, discontinuance of service, and responsibility for delinquent accounts, for all residential customers and undertake good faith efforts to adopt policies which apply to all residential customers in a similar fashion to minimize uncollectible customer billings and to encourage customer payments of prior service obligations in a manner consistent with applicable state and federal law. This review shall be completed and a report on the review supplied to the energy and utilities committees of the legislature by January 1, 1987.

This section shall expire June 30, ~~((1986))~~ 1990.

NEW SECTION. Sec. 7. Section 3, chapter 251, Laws of 1984 and RCW 54.16.290 are each repealed.

On page 1, beginning on line 3 of the title, strike everything through "24.06 RCW;" on line 4 of the title.

Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Gallagher, Isaacson, Jacobsen, Long, Madsen, Miller, Nealey, Sutherland, Unsoeld and Van Luven.

MINORITY recommendation: Do not pass. Signed by Representatives Barnes and Bond.

Passed to Committee on Rules for second reading.

February 27, 1986

ESSB 4872 Prime Sponsor, Committee on Education: Revising school governance. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 15 before "member" strike "~~((nonvoting)) voting~~" and insert "nonvoting"

On page 5, line 24 after "state" and before "shall" on page 5, line 26, strike "and the member appointed to represent private schools meeting the requirements of RCW 28A.02.201"

Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Cole, P. King, Peery, Rayburn, Rust, Todd and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Berezoff, Chandler, Fuhrman, Holland, Long, Schoon, Taylor and Walker.

Absent: Representative L. Smith.

Passed to Committee on Rules for second reading.

February 27, 1986

ReESB 4875 Prime Sponsor, Senator Granlund: Providing for the appointment by the governor of the secretary of transportation, the director of game, and the director of parks and recreation. Reported by Committee on State Government

MAJORITY recommendation: Do pass. Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, O'Brien, Todd, Vekich and Walk.

MINORITY recommendation: Do not pass. Signed by Representatives Brooks, Fuhrman, Hankins, Sanders, Taylor and van Dyke.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 4894 Prime Sponsor, Senator Conner: Increasing benefits for volunteer firemen. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hastings, Hine, Holland, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Appelwick, Bristow, Holland, J. King, Locke, Long, Niemi, Sanders and L. Smith.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 4914 Prime Sponsor, Senator Peterson: Establishing a demonstration project at Northern State for the neurologically impaired. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendments:
 On page 2, line 30 strike "neurolgical" and insert "neurological"
 On page 3, line 28 after "the" insert "appropriate committees of the"

Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Braddock, Dellwo, Leonard, Lewis, Lux, Padden, Scott, Tanner and Winsley.

Absent: Representatives Bond, Brooks, Dobbs and West.

Passed to Committee on Rules for second reading.

February 27, 1986

SSB 4926 Prime Sponsor, Committee on Governmental Operations: Revising provisions relating to agency reporting of fiscal data under the budget and accounting act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do Pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hastings, Hine, Holland, Madsen, G. Nelson, Niemi, Rust, Sayan, Silver, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Appelwick, Bristow, Holland, J. King, Locke, Long, Niemi, Sanders and L. Smith.

Passed to Committee on Rules for second reading.

February 27, 1986

SSB 5005 Prime Sponsor, Committee on Financial Institutions: Providing consumer buyer protection in credit service transactions. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:
 Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. This chapter may be known and cited as the 'credit services organizations act.'

NEW SECTION, Sec. 2. As used in this chapter:

(1) 'Buyer' means any individual who is solicited to purchase or who purchases the services of a credit services organization.

(2)(a) 'Credit services organization' means any person who, with respect to the extension of credit by others, sells, provides, performs, or represents that he or she can or will sell, provide, or perform, in return for the payment of money or other valuable consideration any of the following services:

(i) Improving a buyer's credit record, history, or rating;

(ii) Obtaining an extension of credit for a buyer; or

(iii) Providing advice or assistance to a buyer with regard to either (a)(i) or (a)(ii) of this subsection.

(b) 'Credit services organization' does not include:

(i) Any person authorized to make loans or extensions of credit under the laws of this state or the United States who is subject to regulation and supervision by this state or the United States or a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the national housing act;

(ii) Any bank, savings bank, or savings and loan institution whose deposits or accounts are eligible for insurance by the federal deposit insurance corporation or the federal savings and loan insurance corporation, or a subsidiary of such bank, savings bank, or savings and loan institution;

(iii) Any credit union, federal credit union, or out-of-state credit union doing business in this state under chapter 31.12 RCW;

(iv) Any nonprofit organization exempt from taxation under section 501(c)(3) of the internal revenue code;

(v) Any person licensed as a real estate broker by this state if the person is acting within the course and scope of that license;

(vi) Any person licensed as a collection agency pursuant to chapter 19.16 RCW if acting within the course and scope of that license;

(vii) Any person licensed to practice law in this state if the person renders services within the course and scope of his or her practice as an attorney;

(viii) Any broker-dealer registered with the securities and exchange commission or the commodity futures trading commission if the broker-dealer is acting within the course and scope of that regulation; or

(ix) Any consumer reporting agency as defined in the federal fair credit reporting act, 15 U.S.C. Secs. 1681 through 1681t.

(3) 'Extension of credit' means the right to defer payment of debt or to incur debt and defer its payment offered or granted primarily for personal, family, or household purposes.

NEW SECTION. Sec. 3. A credit services organization, its salespersons, agents, and representatives, and independent contractors who sell or attempt to sell the services of a credit services organization may not do any of the following:

(1) Charge or receive any money or other valuable consideration prior to full and complete performance of the services the credit services organization has agreed to perform for the buyer, unless the credit services organization has obtained a surety bond of ten thousand dollars issued by a surety company admitted to do business in this state and established a trust account at a federally insured bank or savings and loan association located in this state;

(2) Charge or receive any money or other valuable consideration solely for referral of the buyer to a retail seller who will or may extend credit to the buyer if the credit that is or will be extended to the buyer is upon substantially the same terms as those available to the general public;

(3) Make or counsel or advise any buyer to make any statement that is untrue or misleading or that should be known by the exercise of reasonable care to be untrue or misleading, to a credit reporting agency or to any person who has extended credit to a buyer or to whom a buyer is applying for an extension of credit with respect to a buyer's credit worthiness, credit standing, or credit capacity;

(4) Make or use any untrue or misleading representations in the offer or sale of the services of a credit services organization or engage, directly or indirectly, in any act, practice, or course of business that operates or would operate as fraud or deception upon any person in connection with the offer or sale of the services of a credit services organization.

NEW SECTION. Sec. 4. If a credit services organization is in compliance with section 3(1) of this act, the salesperson, agent, or representative who sells the services of that organization is not required to obtain a surety bond and establish a trust account.

NEW SECTION. Sec. 5. Before the execution of a contract or agreement between the buyer and a credit services organization or before the receipt by the credit services organization of any money or other valuable consideration, whichever occurs first, the credit services organization shall provide the buyer with a statement in writing, containing all the information required by section 6 of this act. The credit services organization shall maintain on file for a period of two years an exact copy of the statement, personally signed by the buyer, acknowledging receipt of a copy of the statement.

NEW SECTION. Sec. 6. The information statement required under section 5 of this act shall include all of the following:

(1)(a) A complete and accurate statement of the buyer's right to review any file on the buyer maintained by any consumer reporting agency, as provided under the federal Fair Credit Reporting Act, 15 U.S.C. Secs. 1681 through 1681t;

(b) A statement that the buyer may review his or her consumer reporting agency file at no charge if a request is made to the consumer credit reporting agency within thirty days after receiving notice that credit has been denied; and

(c) The approximate price the buyer will be charged by the consumer reporting agency to review his or her consumer reporting agency file;

(2) A complete and accurate statement of the buyer's right to dispute the completeness or accuracy of any item contained in any file on the buyer maintained by any consumer reporting agency;

(3) A complete and detailed description of the services to be performed by the credit services organization for the buyer and the total amount the buyer will have to pay, or become obligated to pay, for the services;

(4) A statement asserting the buyer's right to proceed against the bond or trust account required under section 3 of this act; and

(5) The name and address of the surety company that issued the bond, or the name and address of the depository and the trustee and the account number of the trust account.

NEW SECTION. Sec. 7. (1) Each contract between the buyer and a credit services organization for the purchase of the services of the credit services organization shall be in writing, dated, signed by the buyer, and include all of the following:

(a) A conspicuous statement in bold face type, in immediate proximity to the space reserved for the signature of the buyer, as follows: 'You, the buyer, may cancel this contract at any time prior to midnight of the fifth day after the date of the transaction. See the attached notice of cancellation form for an explanation of this right';

(b) The terms and conditions of payment, including the total of all payments to be made by the buyer, whether to the credit services organization or to some other person;

(c) A full and detailed description of the services to be performed by the credit services organization for the buyer, including all guarantees and all promises of full or partial refunds, and the estimated date by which the services are to be performed, or estimated length of time for performing the services;

(d) The credit services organization's principal business address and the name and address of its agent in the state authorized to receive service of process;

(2) The contract shall be accompanied by a completed form in duplicate, captioned 'Notice of Cancellation' that shall be attached to the contract, be easily detachable, and contain in bold face type the following statement written in the same language as used in the contract.

'Notice of Cancellation

You may cancel this contract, without any penalty or obligation within five days from the date the contract is signed.

If you cancel any payment made by you under this contract, it will be returned within ten days following receipt by the seller of your cancellation notice.

To cancel this contract, mail or deliver a signed dated copy of this cancellation notice, or any other written notice to _____ (name of seller) at _____ (address of seller) (place of business) not later than midnight _____ (date)

I hereby cancel this transaction, _____ (date)
(purchaser's signature)

The credit services organization shall give to the buyer a copy of the completed contract and all other documents the credit services organization requires the buyer to sign at the time they are signed.

NEW SECTION, Sec. 8. (1) Any waiver by a buyer of any part of this chapter is void. Any attempt by a credit services organization to have a buyer waive rights given by this chapter is a violation of this chapter.

(2) In any proceeding involving this chapter, the burden of proving an exemption or an exception from a definition is upon the person claiming it.

(3) Any person who violates this chapter is guilty of a gross misdemeanor. Any district court of this state has jurisdiction in equity to restrain and enjoin the violation of this chapter.

(4) This section does not prohibit the enforcement by any person of any right provided by this or any other law.

(5) A violation of this chapter by a credit services organization is an unfair business practice as provided in chapter 19.86 RCW.

NEW SECTION, Sec. 9. (1) Any buyer injured by a violation of this chapter may bring any action for recovery of damages. Judgment shall be entered for actual damages, but in no case less than the amount paid by the buyer to the credit services organization, plus reasonable attorney's fees and costs. An award may also be entered for punitive damages.

(2) The remedies provided under this chapter are in addition to any other procedures or remedies for any violation or conduct provided for in any other law.

NEW SECTION, Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 19 RCW.*

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Grimm, Holland, P. King, Locke, Nutley, Prince, West and Winsley.

Absent: Representative West.

Passed to Committee on Rules for second reading.

February 27, 1986

ESB 5033 Prime Sponsor, Senator Gaspard: Providing for voluntary accreditation of preschools. Reported by Committee on Education

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 24 after the period insert "If the state board of education establishes an advisory committee to assist in the development or selection of standards, at least one member of the advisory committee shall represent private preschools."

Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Cole, P. King, Long, Peery, Rayburn, Rust, Todd and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Betzoff, Chandler, Fuhrman, Schoon, Taylor and Walker.

Voting nay: Representatives Betzoff, Chandler, Fuhrman, Holland, Schoon, L. Smith, Taylor and Walker.

Passed to Committee on Rules for second reading.

February 27, 1986

SSB 5038 Prime Sponsor, Committee on Education: Establishing a program of primary block education. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Cole, Fuhrman, P. King, Long, Peery, Rayburn, Rust, Todd and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives Betzoff, Chandler, Schoon, Taylor and Walker.

Voting nay: Representatives Betzoff, Chandler, Holland, Schoon, Taylor and Walker.

Absent: Representative L. Smith.

Referred to Committee on Ways & Means.

February 27, 1986

SJM 112 Prime Sponsor, Senator Bauer: Petitioning Congress to provide financial assistance to help the public school system accommodate non-English speaking students. Reported by Committee on Education

MAJORITY recommendation: Do pass. Signed by Representatives Ebersole, Chair; Valle, Vice Chair; Appelwick, Betzoff, Chandler, Cole, Fuhrman, Holland, P. King, Long, Peery, Rayburn, Rust, Schoon, Taylor, Todd, Walker and Wang.

Absent: Representatives Appelwick, Chandler and L. Smith.

Passed to Committee on Rules for second reading.

February 27, 1986

SJM 126 Prime Sponsor, Senator Bender: Petitioning Congress to prevent reductions in benefits to disabled veterans. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Braddock, Dellwo, Leonard, Lewis, Lux, Padden, Scott, Tanner and Winsley.

Absent: Representatives Bond, Brooks, Dobbs and West.

Passed to Committee on Rules for second reading.

February 27, 1986

SJM 141 Prime Sponsor, Senator Kreidler: Requesting funding for research to study alternative means of long-term care for the elderly and disabled. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Braddock, Dellwo, Leonard, Lewis, Lux, Padden, Scott, Tanner and Winsley.

Absent: Representatives Bond, Brooks, Dobbs and West.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 3021 Prime Sponsor, Senator Barr: Modifying the fee paid by a married couple or family when filing a water rights statement. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 28 after "or" strike "a related family group, shall be considered one defendant" and insert "persons related by a first degree of kinship, may choose to be considered to be one defendant and file one such statement"

On page 2, line 7 after "or" strike "a related family group" and insert "by persons related by a first degree of kinship"

Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Bristow, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

Absent: Representatives Ballard and Chandler.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 3193 Prime Sponsor, Senator Talmadge: Providing for public employees retirement in case of total disability resulting from occupational disease. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 21, chapter 274, Laws of 1947 as last amended by section 3, chapter 18, Laws of 1982 and RCW 41.40.200 are each amended to read as follows:

(1) Subject to the provisions of RCW 41.40.310 and 41.40.320, upon application of a member, or his or her employer, a member who becomes totally incapacitated for duty as the natural and proximate result of an accident occurring in the actual performance of duty or who becomes totally incapacitated for duty and qualifies to receive benefits under Title 51 RCW as a result of an occupational disease, as now or hereafter defined in RCW 51.08.140, while in the service of an employer, without wilful negligence on his or her part, shall be retired: PROVIDED, The medical adviser after a medical examination of such member made by or under the direction of the said medical adviser shall certify in writing that such member is mentally or physically totally incapacitated for the further performance of his or her duty ((to his employer)) and that such member should be retired: PROVIDED FURTHER, That the ((retirement board)) director concurs in the recommendation of the medical adviser: AND PROVIDED FURTHER, No application shall be valid or a claim thereunder enforceable unless in the case of an accident the claim is filed within two years after the date upon which the injury occurred or, in the case of an occupational disease, the claim is filed within two years after the member separated from service with the employer. The coverage provided for occupational disease under this section may be restricted in the future by the legislature for all current and future members.

(2) The retirement for disability of a judge, who is a member of the retirement system, by the supreme court under Article IV, section 31 of the Constitution of the state of Washington (House Joint Resolution No. 37, approved by the voters November 4, 1980), with the concurrence of the ((retirement board)) director, shall be considered a retirement under subsection (1) of this section."

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Hastings, Hine, Holland, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Appelwick, J. King, Locke and L. Smith.

Passed to Committee on Rules for second reading.

February 27, 1986

ESSB 3416 Prime Sponsor, Committee on Financial Institutions: Providing penalties for persons writing drafts or checks and having insufficient funds. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 23, Laws of 1967 ex. sess. as last amended by section 1, chapter 254, Laws of 1981 and RCW 62A.3-515 are each amended to read as follows:

(1) Whenever a check as defined in RCW 62A.3-104 has been dishonored by nonacceptance or nonpayment the payee or holder of the check is entitled to collect a reasonable handling fee for each such instrument. When such check has not been paid within fifteen days and after the holder of such check sends such notice of dishonor as provided by RCW 62A.3-520 to the drawer at his last known address, then if the instrument does not provide for the payment of interest, or collection costs and attorneys fees, the drawer of such instrument shall also be liable for payment of interest at the rate of twelve percent per annum from the date of dishonor and cost of collection not to exceed forty dollars or the face amount of the check, whichever is the lesser. In addition, in the event of court action on the check the court, after such notice and the expiration of said fifteen days, shall award a reasonable attorneys fee, and three times the face amount of the check or one hundred dollars, whichever is less, as part of the damages payable to the holder of the check. This section shall not apply to any instrument which has been dishonored by reason of any justifiable stop payment order.

(2)(a) Subsequent to the commencement of the action but prior to the hearing, the defendant may tender to the plaintiff as satisfaction of the claim, an amount of money equal to the sum of the amount of the check, a reasonable handling fee, accrued interest, collection costs equal to the face amount of the check not to exceed forty dollars, and the incurred court and service costs.

(b) Nothing in this section precludes the right to commence action in any court under chapter 12.40 RCW for small claims.

Sec. 2. Section 2, chapter 62, Laws of 1969 as amended by section 2, chapter 254, Laws of 1981 and RCW 62A.3-520 are each amended to read as follows:

The notice of dishonor shall be sent by mail to the drawer at his or her last known address, and said notice shall be substantially in the following form:

NOTICE OF DISHONOR OF CHECK

A check drawn by you and made payable by you to in the amount of has not been accepted for payment by which is the drawee bank designated on your check. This check is dated and it is numbered, No.

You are CAUTIONED that unless you pay the amount of this check within fifteen days after the date this letter is postmarked, you may very well have to pay the following additional amounts:

(1) Costs of collecting the amount of the check, including an attorney's fee which will be set by the court; ~~(and)~~

(2) Interest on the amount of the check which shall accrue at the rate of twelve percent per annum from the date of dishonor; and

(3) One hundred dollars or three times the face amount of the check, whichever is less, by award of the court.

You are advised to make your payment to at the following address:

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

MINORITY recommendation: Do not pass. Signed by Representative Locke

Passed to Committee on Rules for second reading.

February 27, 1986

ReESB 3444 Prime Sponsor, Senator Fleming: Establishing the higher education opportunities program. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 20 after "board." strike all material through "universities." on line 21.

Signed by Representatives Sommers, Chair; Allen, Miller, D. Nelson, G. Nelson, Prince, Unsoeld, K. Wilson and Wineberry.

Voting nay: Representative Belcher.

Absent: Representatives Basich, Hastings, Silver and Vander Stoep.

Referred to Committee on Ways & Means.

February 28, 1986

ESSB 3458 Prime Sponsor, Committee on Financial Institutions: Mandating lower insurance rates for persons over 55 who have taken an accident prevention course. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. Any schedule of rates or rating plan for automobile liability and physical damage insurance submitted to or filed with the commissioner shall provide for an appropriate reduction in premium charges except for underinsured motorist coverage for those insureds who are fifty-five years of age and older, for a two-year period after successfully completing a motor vehicle accident prevention course meeting the criteria of the department of licensing with a minimum of eight hours, or additional hours as determined by rule of the department of licensing. This course may be conducted by the department of licensing or by a public or private agency approved by the department.

NEW SECTION. Sec. 2. All insurance companies writing automobile liability and physical damage insurance in this state shall allow an appropriate reduction in premium charges except for underinsured motorist coverage to all eligible persons subject to section 1 of this act.

NEW SECTION. Sec. 3. Upon successfully completing the approved course, each participant shall be issued by the course's sponsoring agency, a certificate that shall be the basis of qualification for the discount on insurance.

NEW SECTION. Sec. 4. Each participant shall take an approved course every two years to continue to be eligible for the discount on insurance.

NEW SECTION. Sec. 5. Sections 1 through 4 of this act shall be added to chapter 48.19 RCW.*

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Grimm, Holland, P. King, Nutley, Prince and Winsley.

Absent: Representatives Locke and West.

Passed to Committee on Rules for second reading.

February 27, 1986

ReESSB 3498 Prime Sponsor, Committee on Commerce & Labor: Regulating recreational water contact facilities. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature recognizes that recreational water contact activities are becoming increasingly popular. Recreational water contact facilities are expanding in number and in the variety of equipment and activities offered. The legislature, to protect the public health, safety, and welfare and promote the safe use of recreational water contact facilities finds it necessary to regulate these facilities.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise the definitions in this section apply throughout this chapter.

(1) 'Recreational water contact facility' means any artificial basin or other structure containing water, used or intended to be used for recreation or therapy, where body contact with the water occurs, or is intended to occur, and any area designated for swimming in natural waters with artificial boundaries within the waters. The term includes, but is not limited to, swimming pools, water slides, hot tubs or spas, wading pools, spray pools, wave pools, and any other water park amusement facility designed for body contact with the water, together with auxiliary buildings and appurtenances, provided with or without charge, regardless of ownership or management.

The term does not include the following: (a) Water contact facilities at single or multi-family owner-occupied residences and residences incorporating ten or less single family units for the use of occupants and invited guests, except transient accommodations as defined in RCW 70.62.210; (b) water contact facilities at medical or health care facilities operated only for patient use; (c) single-use hydrotherapy tubs; (d) boating and associated activities; (e) scuba activities in natural waters; (f) steam baths and saunas, and (g) fountains whose intended uses are for visual and aesthetic purposes.

(2) 'Local health officer' means the health officer of the city, county, or city-county department or district or a representative authorized by the local health officer.

(3) 'Secretary' means the secretary of social and health services.

(4) 'Person' means an individual, firm, partnership, co-partnership, corporation, company, association, club, government entity, or organization of any kind.

(5) 'Department' means the department of social and health services.

(6) 'Board' means the state board of health.

NEW SECTION. Sec. 3. (1) The board shall adopt rules under the administrative procedures act, chapter 34.04 RCW, setting safety, sanitation, and water quality standards for recreational water contact facilities. The rules shall include but not be limited to requirements for design; operation; injury and illness reports; biological and chemical contamination standards; water quality monitoring; inspection; permit application and issuance; fees sufficient to cover the costs incurred by the department for the administration and enforcement of this chapter; and enforcement procedures.

(2) In adopting rules under subsection (1) of this section regarding the operation or design of a recreational water contact facility, the board shall review and consider any recommendations made by the recreational water contact facility advisory committee.

NEW SECTION. Sec. 4. (1) A recreational water contact facility advisory committee is established and shall be appointed by the board which shall consist of the following members:

(a) A representative of the board of health;

(b) A private operator of a recreational water contact facility;

(c) A public operator of a recreational water contact facility;

(d) A representative from the department of social and health services;

(e) A representative of the county health departments;

(f) A representative from those who engage in the construction or design of recreational water contact facilities; and

(g) A representative from those who engage in the manufacturing or design of goods or services for recreational water contact facilities.

(2) The advisory committee shall have the following powers and duties:

(a) To assist in reviewing and drafting proposed rules regarding the design or operation of any recreational water contact facility which recommendations shall be transmitted to the board;

(b) To provide technical assistance regarding the review of new products, equipment and procedures, and periodic program review; and

(c) To provide recommendations upon request in the settlement of grievances.

(3) The committee may appoint subcommittees as it deems necessary.

NEW SECTION. Sec. 5. The secretary shall enforce the rules adopted under this chapter. The secretary may develop joint plans of responsibility with any local health jurisdiction to administer this chapter.

NEW SECTION. Sec. 6. (1) Local health officers may establish and collect fees sufficient to cover their costs incurred in carrying out their duties under this chapter and the rules adopted under this chapter.

(2) The department may establish and collect fees sufficient to cover its costs incurred in carrying out its duties under this chapter. The fees shall be deposited in the state general fund.

(3) A person shall not be required to submit fees at both the state and local levels.

NEW SECTION. Sec. 7. A permit is required for any modification to or construction of any recreational water contact facility after the effective date of this act. The plans and specifications for the modification or construction shall be submitted to the applicable local authority or the department as applicable, but a person shall not be required to submit plans at both the state and local levels or apply for both a state and local permit. The plans shall be reviewed and may be approved or rejected or modifications or conditions imposed consistent with this chapter as the public health or safety may require, and a permit shall be issued or denied.

NEW SECTION. Sec. 8. An operating permit from the department or local health officer, as applicable, is required for each recreational water contact facility operated in this state. The permit shall be renewed annually. The permit shall be conspicuously displayed at the recreational water contact facility.

NEW SECTION. Sec. 9. Nothing in this chapter or the rules adopted under this chapter creates or forms the basis for any liability: (1) On the part of the state and local health jurisdictions, or their officers, employees, or agents, for any injury or damage resulting from the failure of the owner or operator of recreational water contact facilities to comply with this chapter or the rules adopted under this chapter; or (2) by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter or the rules adopted under this chapter on the part of the state and local health jurisdictions, or by their officers, employees, or agents.

All actions of local health officers and the secretary shall be deemed an exercise of the state's police power.

NEW SECTION. Sec. 10. Any person operating a recreational water contact facility shall report to the local health officer or the department any serious injury, communicable disease, or death occurring at or caused by the recreational water contact facility.

NEW SECTION. Sec. 11. County, city, or town legislative authorities and the secretary, as applicable, may establish civil penalties for a violation of this chapter or the rules adopted under this chapter not to exceed five hundred dollars. Each day upon which a violation occurs constitutes a separate violation. A person violating this chapter may be enjoined from continuing the violation.

NEW SECTION. Sec. 12. (1) Any person aggrieved by an order or action of the department may request a hearing under the administrative procedure act, chapter 34.04 RCW. Notice shall be provided by the department as required under chapter 34.04 RCW for contested cases.

(2) Any person aggrieved by an order or action of a local health officer may request a hearing which shall be held consistent with the local health jurisdiction's administrative appeals process. Notice shall be provided by the local health jurisdiction consistent with its due process requirements.

NEW SECTION. Sec. 13. The provisions of this chapter shall not affect (1) local health ordinances existing as of the effective date of this act which regulate water contact facilities; or (2) the design of the existing physical structure of water contact facilities not open to the general public and where no payment of a fee for the use of the facility is made: PROVIDED, That the facilities are operated in compliance with requirements regarding water quality, sanitation, or other safety requirements.

NEW SECTION. Sec. 14. (1) The board may require a water park facility to purchase insurance in an amount not less than five hundred thousand dollars against liability for bodily injury to or death of one or more persons in any one accident arising out of the use of the facility.

(2) For the purposes of this section, 'water park facility' means an artificial water contact facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water. Water park facilities include, but are not limited to, water slides, wave pools, and water amusement lagoons which bring water in contact with the patrons.

NEW SECTION. Sec. 15. The recreational water contact facility advisory committee shall be reviewed under the process provided in chapter 43.131 RCW before December 1, 1989. Unless extended by law, the committee shall be terminated on June 30, 1990, and section 4 of this act shall expire June 30, 1991.

NEW SECTION. Sec. 16. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 57, Laws of 1957, section 115, chapter 141, Laws of 1979 and RCW 70.90.010;

(2) Section 2, chapter 57, Laws of 1957, section 116, chapter 141, Laws of 1979 and RCW 70.90.020;

(3) Section 3, chapter 57, Laws of 1957, section 117, chapter 141, Laws of 1979 and RCW 70.90.030;

(4) Section 4, chapter 57, Laws of 1957, section 118, chapter 141, Laws of 1979 and RCW 70.90.040; and

(5) Section 5, chapter 57, Laws of 1957 and RCW 70.90.900.

NEW SECTION. Sec. 17. Sections 1 through 15 of this act are added to chapter 70.90 RCW.

NEW SECTION. Sec. 18. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 3 of the title, after "70.90.900;" strike "prescribing penalties; and declaring an emergency" and insert "and prescribing penalties"

Signed by Representatives Brække, Chair; Armstrong, Braddock, Brooks, Dellwo, Leonard, Lux, Scott and Tanner.

MINORITY recommendation: Do not pass. Signed by Representatives Day, Vice Chair; Dobbs and Padden.

Voting nay: Representatives Day, Vice Chair; Ballard, Bond, Dobbs, Lewis, Padden and Winsley.

Absent: Representative West.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 3555 Prime Sponsor, Senator Moore: Requiring actions to examine the federal reserve system. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass. Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Crane, P. King, Locke, West and Winsley.

Voting nay: Representative Nutley.

Absent: Representatives Dellwo and Grimm.

Passed to Committee on Rules for second reading.

February 27, 1986

ESSB 3587 Prime Sponsor, Committee on Education: Authorizing the selection of students to attend a compact-authorized program in osteopathic medicine. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass with the following amendments:

Strike all material after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 28B.80 RCW to read as follows:

The legislature requests the higher education coordinating board to review the board's rules regarding Washington's participation in student exchange compact programs.

The board may examine the possibility of expanding Washington's participation in these programs into areas where a significant need exists.

NEW SECTION. Sec. 2. The sum of forty-nine thousand five hundred dollars, or as much thereof as maybe necessary to provide support fees for additional students, is appropriated for the biennium ending June 30, 1987, from the general fund to the higher education coordinating board for the purposes of this act."

On page 1, line 1 of the title, after "medicine;" strike the remainder of the title and insert "adding a new section to chapter 28B.80 RCW; and making an appropriation."

Signed by Representatives Sommers, Chair; Jacobsen, Vice Chair; Basich, Belcher, Hastings, Miller, D. Nelson, G. Nelson, Prince, Silver, Unsoeld, Vander Stoep and K. Wilson.

Absent: Representatives Allen and Wineberry.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 3796 Prime Sponsor, Senator Moore: Requiring in-state representatives of nursing homes. Reported by Committee on Social & Health Services

MAJORITY recommendation: Do pass. Signed by Representatives Brekke, Chair; Day, Vice Chair; Armstrong, Ballard, Bond, Braddock, Brooks, Dellwo, Dobbs, Leonard, Lewis, Lux, Padden, Scott, Tanner and Winsley.

Absent: Representative West.

Passed to Committee on Rules for second reading.

February 27, 1986

SSB 3847 Prime Sponsor, Committee on Ways & Means: Limiting the suspension of pension benefits to retired teachers teaching in public schools in this state. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7 before "Any" insert "(1)"

On page 1, after line 11 strike everything through and including "act" on line 14 and insert: "(2) Subsection (1) of this section" and underline all material through "act." on line 17.

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Basich, Brekke, Bristow, Hastings, Hine, Holland, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, Smitherman, Sommers, Taylor, Tilly, Vander Stoep and B. Williams.

Absent: Representatives Appelwick, Holland, J. King, Locke, Long, Niemi and L. Smith.

Passed to Committee on Rules for second reading.

February 27, 1986

ESB 4481 Prime Sponsor, Senator Talmadge: Modifying provisions detailing reporting of abuse or neglect of children or adult dependents. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 3, chapter 13, Laws of 1965 as last amended by section 2, chapter 259, Laws of 1985 and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered or licensed nurse, social worker, psychologist, pharmacist, or employee of the department has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect, he shall report such incident, or cause a report to be made, to the proper law enforcement agency or to the department as provided in RCW 26.44.040. The report shall be made at the first opportunity, but in no case longer than forty-eight hours after there is reasonable cause to believe that the child or adult has suffered abuse or neglect.

(2) Any other person who has reasonable cause to believe that a child or adult dependent person has suffered abuse or neglect may report such incident to the proper law enforcement agency or to the department of social and health services as provided in RCW 26.44.040.

(3) The department, upon receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means or who has been subjected to sexual abuse, shall report such incident in writing to the proper law enforcement agency.

(4) Any law enforcement agency receiving a report of an incident of abuse or neglect pursuant to this chapter, involving a child or adult dependent person who has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who has been subjected to sexual abuse, shall report such incident in writing as provided in RCW 26.44.040 to the proper county prosecutor or city attorney for appropriate action whenever the law enforcement agency's investigation reveals that a crime may have been committed. The law enforcement agency shall also notify the department of all reports received and the law enforcement agency's disposition of them.

(5) Any county prosecutor or city attorney receiving a report under subsection (4) of this section shall notify the victim, any persons the victim requests, and the local office of the department, of the decision to charge or decline to charge a crime, within five days of making the decision.

(6) The department may conduct ongoing case planning and consultation with those persons or agencies required to report under this section and with designated representatives of Washington Indian tribes if the client information exchanged is pertinent to cases currently

receiving child protective services or department case services for the developmentally disabled. Upon request, the department shall conduct such planning and consultation with those persons required to report under this section if the department determines it is in the best interests of the child or developmentally disabled person. Information considered privileged by statute and not directly related to reports required by this section shall not be divulged without a valid written waiver of the privilege.

(7) Persons or agencies exchanging information under subsection (6) of this section shall not further disseminate or release the information except as authorized by state or federal statute. Violation of this subsection is a misdemeanor."

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 4490 Prime Sponsor, Senator Talmadge: Revising the business corporations act. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Hargrove, P. King, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives Appelwick, G. Nelson, Schoon and Tilly.

Passed to Committee on Rules for second reading.

February 27, 1986

SSB 4525 Prime Sponsor, Committee on Governmental Operations: Enacting provisions relating to legal representation of the legislature. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 43.10 RCW to read as follows:

The legislature may employ or retain counsel of its own choosing. However, the legislature shall notify the attorney general whenever it makes a decision to use the services of such counsel to represent it or any of its members in a particular judicial or administrative proceeding. With respect to any such proceeding where the legislature has not so notified the attorney general, the attorney general shall represent the legislature until so notified. For purposes of this section, 'legislature' means the senate and house of representatives together, either the senate or the house of representatives by itself, or any committee or entity of the legislative branch having the authority to select its own employees. The major purposes of this section are to confirm and implement in statute law the constitutional power of the legislative branch to select its own counsel."

Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Taylor, Todd, van Dyke, Vekich and Walk.

Voting nay: Representative Taylor.

Absent: Representatives Brooks and Sanders.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 4535 Prime Sponsor, Senator Halsan: Changing provisions relating to professional service corporations. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 25 strike "licensed health care"

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Hargrove, Lewis, Locke, Schmidt, Schoon, Tilly, Van Luven and Wang.

MINORITY recommendation: Do not pass. Signed by Representatives P. King, Locke, Niemi, Padden and West.

Absent: Representative Schoon.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 4540 Prime Sponsor, Senator Bender: Establishing procedures for canceling written agreements between insurance companies and agents. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 23 after "insurance;" strike "or"

On page 1, line 24 after "policies" insert "or (c) agents whose licenses are then or become subject to an outstanding order of the commissioner issued pursuant to RCW 48.17.540"

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Locke, Nutley, Prince, West and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 4546 Prime Sponsor, Senator Hansen: Revising the definition of manufacturing for the purposes of business and occupation taxation. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Bristow, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

Absent: Representatives Baugher, Ballard, Bristow, Chandler and Kremen.

Referred to Committee on Ways & Means.

February 28, 1986

SSB 4563 Prime Sponsor, Committee on Agriculture: Authorizing leases of agricultural fair property by first class or larger counties. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass. Signed by Representatives Vekich, Chair; Baugher, Vice Chair; Bristow, Brooks, Chandler, Doty, Kremen, Madsen, Nealey and Peery.

Absent: Representatives Ballard and Chandler.

Passed to Committee on Rules for second reading.

February 27, 1986

SSB 4571 Prime Sponsor, Committee on Governmental Operations: Authorizing cities to pay rewards under certain circumstances. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, page 124, Laws of 1886 as last amended by section 1, chapter 211, Laws of 1981 and RCW 10.85.030 are each amended to read as follows:

The legislative authority of any county in the state ((or)), a port commission, or the governing body of a city or town, when in its opinion the public good requires it, is hereby authorized to offer and pay a suitable reward to any person or persons for information leading to:

(a) The arrest of a specified person or persons convicted of or charged with any criminal offense; or

(b) The arrest and conviction of a person or persons committing a specified criminal offense.

In the event of crimes against county ((or)), port district, city or town property, including but not limited to road signs, vehicles, buildings, or any other type of county ((or)), port district, city or town property, the legislative authority of any county ((or)), a port commission, or the governing body of a city or town may offer and pay a suitable reward to any person or persons who shall furnish information leading to the arrest and conviction of any person of any offense against this county ((or)), port district, city or town property, including but not limited to those offenses set forth in RCW 9A.48.070 through 9A.48.090, whether or not the offense is a felony, gross misdemeanor, or misdemeanor.

Sec. 2. Section 3, page 124, Laws of 1886 as amended by section 2, chapter 53, Laws of 1979 ex. sess. and RCW 10.85.040 are each amended to read as follows:

When more than one claimant applies for the payment of any reward, offered by any county legislative authority, board of commissioners of a port district, or city or town governing body, the county legislative authority, board of commissioners of a port district, or city or town

governing body shall determine to whom the same shall be paid, and if to more than one person, in what proportion to each; and their determination shall be final and conclusive.

Sec. 3. Section 2, page 124, Laws of 1886 as amended by section 3, chapter 53, Laws of 1979 ex. sess. and RCW 10.85.050 are each amended to read as follows:

Whenever any reward has been offered by any county legislative authority, board of commissioners of a port district, or city or town governing body in the state under RCW 10.85-.030, the person or persons providing the information shall be entitled to the reward, and the county legislative authority, board of commissioners of a port district, or city or town governing body which has offered the reward is authorized to draw a warrant or warrants out of any money in the county, port district, or city or town treasury, as appropriate, not otherwise appropriated."

Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Brough, Doty, Ebersole, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Absent: Representatives Bristow and Hine.

Passed to Committee on Rules for second reading.

February 27, 1986

SB 4584 Prime Sponsor, Senator Benitz: Revising provisions relating to library districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 7, chapter 366, Laws of 1977 ex. sess. as last amended by section 22, chapter 35, Laws of 1982 1st ex. sess. and RCW 54.28.055 are each amended to read as follows:

(1) After computing the tax imposed by RCW 54.28.025(1), the department of revenue shall instruct the state treasurer to distribute the amount collected as follows:

(a) Fifty percent to the state general fund for the support of schools; and

(b) Twenty-two percent to the counties, twenty-three percent to the cities, three percent to the fire protection districts, and two percent to the library districts.

(2) Each county, city, fire protection district and library district shall receive a percentage of the amount for distribution to counties, cities, fire protection districts and library districts, respectively, in the proportion that the population of such district residing within the impacted area bears to the total population of all such districts residing within the impacted area. For the purposes of this chapter, the term 'library district' includes only regional libraries as defined in RCW 27.12.010(4), rural county library districts as defined in RCW 27.12.010(5), intercounty rural library districts as defined in RCW 27.12.010(6), and island library districts as defined in RCW 27.12.010(7). The population of a library district, for purposes of such a distribution, shall not include any population within the library district and the impact area that also is located within a city or town.

(3) If any distribution pursuant to subsection (1)(b) of this section cannot be made, then that share shall be prorated among the state and remaining local districts.

(4) All distributions directed by this section to be made on the basis of population shall be calculated in accordance with data to be provided by the office of financial management.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, strike "and amending RCW 54.28.055" and insert "amending RCW 54.28.055; and declaring an emergency"

Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Brough, Doty, Ebersole, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Absent: Representative Hine.

Passed to Committee on Rules for second reading.

February 28, 1986

ESSB 4611 Prime Sponsor, Committee on Judiciary: Regulating vicious dogs. Reported by Committee on Agriculture

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 16.08 RCW to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout sections 2 through 7 of this act.

(1) 'Animal control authority' means a local government entity having responsibility for enforcement of animal control laws and for the shelter and welfare of animals, and means the county's chief law enforcement officer with respect to any area not served by such an entity.

(2) 'Enclosure' means a fence, dwelling, or other method of confinement, which fence, dwelling, or method of confinement is adequate to keep the dog within the enclosed area, has a conspicuous sign indicating that there is a vicious dog within the enclosure, and is adequate to prevent the entry of young children.

(3) 'Leashed' means the condition under which a dog is secured by a chain, strap, or other device held by the keeper and which method of security is adequate to control the dog and prevent it from wandering.

(4) 'Muzzled' means the condition in which a dog's jaws are adequately held together by a device designed to prevent the dog from biting.

(5) 'Provoked' or 'provocation' has its customary meaning, except that a person will not be considered to have provoked a dog or engaged in conduct constituting provocation if the person acted reasonably in attempting to protect his or her property or to prevent bodily injury.

(6) 'Vicious dog' means:

(a) Any dog that when unprovoked has bitten a human being, either on public or private property;

(b) Any dog with a propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings; or

(c) Any dog trained for dog fighting.

For purposes of section 6 of this act, 'vicious dog' means a dog which bites or kills any farm animal or domestic animal.

NEW SECTION, Sec. 2. A new section is added to chapter 16.08 RCW to read as follows:

(1) Except as otherwise provided in subsection (2) of this section, each animal control authority shall confiscate, and promptly destroy in an expeditious and humane manner, any vicious dog within its jurisdiction if the dog is outside of an enclosure without being leashed and muzzled.

(2) The authority may permit the keeper to retain the dog if each of the following occur:

(a) The keeper requests that he or she be permitted to retain the dog; (b) the authority believes that the keeper did not know or have reason to know that the dog was vicious; and (c) the destruction of the dog is not required under section 4 of this act.

NEW SECTION, Sec. 3. A new section is added to chapter 16.08 RCW to read as follows:

(1) Any keeper of a vicious dog who fails to confine the dog to an enclosure at any time while the dog is not leashed and muzzled is guilty of a misdemeanor. This subsection only applies if, at the time of the keeper's failure, the keeper knew or had reason to know that the dog was a vicious dog.

(2) Any keeper of a vicious dog who fails to confine the dog to an enclosure at any time while the dog is not leashed and muzzled is guilty of a crime under this subsection if, as a result of such failure, the dog bites any person. Except as provided under subsection (3) of this section, this crime is punishable as a gross misdemeanor. This subsection only applies if, at the time of the keeper's failure, the keeper knew or had reason to know that the dog was a vicious dog. This subsection does not apply if the person bitten provoked the dog.

(3) Any person who has a previous conviction under subsection (1) of this section and who is subsequently convicted under subsection (2) of this section is guilty of a class C felony under chapter 9A.20 RCW for such subsequent conviction. Any person who has a previous conviction under subsection (2) of this section and who is subsequently convicted again under subsection (2) of this section is guilty of a class B felony under chapter 9A.20 RCW for such subsequent conviction.

NEW SECTION, Sec. 4. A new section is added to chapter 16.08 RCW to read as follows:

(1) Each animal control authority shall promptly, expeditiously, and humanely destroy any dog within its jurisdiction, regardless of whether the dog is within the definition of 'vicious dog' provided in section 1 of this act, if the dog:

(a) Has severely bitten or maimed any child under the age of ten years; or

(b) Without provocation, has bitten or maimed any person.

(2) The word 'maim' has its customary definition, but a bite injury will not be excluded from this definition merely because it can be corrected by restorative surgery.

NEW SECTION, Sec. 5. A new section is added to chapter 16.08 RCW to read as follows:

In any civil action brought by or on behalf of a person bitten by a dog and in which damages are awarded for injuries resulting from the dog bite, the following rules apply:

(1) If damages for the injuries are awarded, the court shall award the person his or her court costs and reasonable attorney's fees. However, this subsection does not apply if the damages awarded are not at least twenty percent greater than the highest amount offered by the defendant as a settlement; and

(2) In addition to the person's general and special damages awarded, an amount equal to double such damages, but not exceeding ten thousand dollars, shall be awarded if the trier of fact finds that:

(a) The person did not provoke the dog;

(b) The dog was a vicious dog; and

(c) The injuries would not have occurred but for the failure of the defendant to confine the dog within an enclosure, or to keep it leashed and muzzled when not within an enclosure, and that, at the time of such failure, the defendant knew or should have known that the dog was a vicious dog.

NEW SECTION, Sec. 6. A new section is added to chapter 16.08 RCW to read as follows:

In any civil action in which the owner of a farm animal or a domestic animal, such as a dog or cat, recovers damages for losses resulting from a vicious dog biting or killing such animal, the court shall award attorney's fees and costs to the owner if the trier of fact finds that the biting or killing occurred on the property of the owner and that the losses would not have occurred had the dog been confined to an enclosure or kept leashed when not so confined. The court shall award such fees and costs regardless of whether the keeper of the dog had any prior knowledge that the dog was a vicious dog. This section does not apply if the damages awarded are not at least twenty percent greater than the highest amount offered as a settlement by the defendant.

NEW SECTION, Sec. 7. A new section is added to chapter 16.08 RCW to read as follows:

(1) Sections 1 through 6 of this act do not apply to any dog which is used and owned by a law enforcement agency.

(2) Nothing in sections 1 through 6 of this act shall provide any defense to the prosecution of any crime that is defined in a chapter other than this chapter.

Sec. 8. Section 9, chapter 114, Laws of 1982 and RCW 16.52.117 are each amended to read as follows:

(1) Any person who does any of the following is guilty of a ~~((gross misdemeanor punishable by imprisonment not to exceed one year, or by a fine not to exceed five thousand dollars, or by both fine and imprisonment))~~ class C felony punishable under chapter 9A.20 RCW:

(a) Owns, possesses, keeps, or trains any dog with the intent that the dog shall be engaged in an exhibition of fighting with another dog;

(b) For amusement or gain causes any dog to fight with another dog, or causes any dogs to injure each other; or

(c) Permits any act in violation of (a) or (b) of this subsection to be done on any premises under his charge or control, or aids or abets any such act.

(2) Any person who is knowingly present, as a spectator, at any place or building where preparations are being made for an exhibition of the fighting of dogs, with the intent to be present at such preparations, or is knowingly present at such exhibition or at any other fighting or injuring as described in subsection (1)(b) of this section, with the intent to be present at such exhibition, fighting, or injuring, is guilty of a misdemeanor.

(3) Nothing in this section may prohibit the following:

(a) The use of dogs in the management of livestock, as defined by chapter 16.57 RCW, by the owner of the livestock or the owner's employees or agents or other persons in lawful custody of the livestock;

(b) The use of dogs in hunting as permitted by law; or

(c) The training of dogs or the use of equipment in the training of dogs for any purpose not prohibited by law.

NEW SECTION, Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "vicious dogs;" strike the remainder of the title and insert "amending RCW 16.52.117; adding new sections to chapter 16.08 RCW; and prescribing penalties."

Signed by Representatives Vekich, Chair; Bristow, Chandler, Doty, Kremen, Madsen and Peery.

MINORITY recommendation: Do not pass. Signed by Representatives Baugher, Vice Chair and Brooks.

Voting nay: Representatives Baugher, Vice Chair; Brooks and Nealey.

Absent: Representative Ballard.

Passed to Committee on Rules for second reading.

February 27, 1986

ESSB 4630 Prime Sponsor, Committee on Judiciary: Revising provisions relating to civil actions. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:
Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 100. PREAMBLE. Tort law in this state has generally been developed by the courts on a case-by-case basis. While this process has resulted in some significant changes in the law, including amelioration of the harshness of many common law doctrines, the legislature has periodically intervened in order to bring about needed reforms. The purpose of this chapter is to enact further reforms in order to create a more equitable distribution of the cost and risk of injury and increase the availability and affordability of insurance.

The legislature finds that counties, cities, and other governmental entities are faced with increased exposure to lawsuits and awards and dramatic increases in the cost of insurance coverage. These escalating costs ultimately affect the public through higher taxes, loss of essential services, and loss of the protection provided by adequate insurance. In order to improve the availability and affordability of quality governmental services, comprehensive reform is necessary.

The legislature also finds comparable cost increases in professional liability insurance. Escalating malpractice insurance premiums discourage physicians and other health care providers from initiating or continuing their practice or offering needed services to the public and contribute to the rising costs of consumer health care. Other professionals, such as architects and engineers, face similar difficult choices, financial instability, and unlimited risk in providing services to the public.

The legislature also finds that general liability insurance is becoming unavailable or unaffordable to many businesses, individuals, and nonprofit organizations in amounts sufficient to cover potential losses. High premiums have discouraged socially and economically desirable activities and encourage many to go without adequate insurance coverage.

Therefore, it is the intent of the legislature to reduce costs associated with the tort system, while assuring that adequate and appropriate compensation for persons injured through the fault of others is available.

PART I

ACCELERATED WAIVER OF PHYSICIAN-PATIENT PRIVILEGE

Sec. 101. Section 294, page 187, Laws of 1854 as last amended by section 1, chapter 56, Laws of 1982 and RCW 5.60.060 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment.

(3) A clergyman or priest shall not, without the consent of a person making the confession, be examined as to any confession made to him in his professional character, in the course of discipline enjoined by the church to which he belongs.

(4) A ~~((regular))~~ physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him to prescribe or act for the patient, ~~((but this exception shall not apply in any judicial proceeding regarding a child's injuries, neglect or sexual abuse, or the cause thereof))~~ except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Ninety days after filing an action for personal injuries or wrongful death, the claimant shall be deemed to have waived the physician-patient privilege with respect to the same or similar condition at issue in the action. There shall be no ex parte contact with such physician without at least five days' written notice to the patient.

(5) A public officer shall not be examined as a witness as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

PART II

OFFERS OF SETTLEMENT

Sec. 201. Sections 368 and 369, page 201, Laws of 1854 as last amended by section 1, page 337, Laws of 1890 and RCW 4.84.030 are each amended to read as follows:

In any action in the superior court of Washington, the prevailing party shall be entitled to his costs and disbursements ~~((but the plaintiff shall in no case be entitled to costs taxed as attorneys' fees in actions within the jurisdiction of a justice of the peace when commenced in the superior court))~~.

Sec. 202. Section 1, chapter 84, Laws of 1973 as last amended by section 88, chapter 258, Laws of 1984 and RCW 4.84.250 are each amended to read as follows:

Notwithstanding any other provisions of chapter 4.84 RCW and RCW 12.20.060, in any action for damages (~~where the amount pleaded by the prevailing party as hereinafter defined, exclusive of costs, is seven thousand five hundred dollars or less, there shall be taxed and allowed to the prevailing party as a part of the costs of the action~~), a reasonable amount to be fixed by the court as attorneys' fees (~~(After July 1, 1985, the maximum amount of the pleading under this section shall be ten thousand dollars)~~) incurred after the making of the final offer of settlement by the prevailing party shall be taxed and allowed to the prevailing party, as defined in RCW 4.84.260 and 4.84.270, as a part of the costs of the action. In the event costs, including attorneys' fees are awarded to the defendant, the court shall subtract the costs from the award in favor of the plaintiff, if there is an award of damages to the plaintiff. If there is no award of damages in favor of the plaintiff or the award is insufficient to reimburse the defendant for its costs, the defendant shall receive a judgment against the plaintiff for its costs that exceed the award, as defined in this chapter.

NEW SECTION. Sec. 203. A new section is added to chapter 4.84 RCW to read as follows:

The payment of attorneys' fees under RCW 4.84.250 may be excused or modified, in the discretion of the court, where the interests of justice so dictate. If payment is excused or modified, the court shall enter written findings setting forth in detail the basis for the decision to excuse payment.

NEW SECTION. Sec. 204. A new section is added to chapter 4.84 RCW to read as follows:

A prevailing party seeking an award of attorneys' fees under RCW 4.84.250 shall submit an affidavit of attorneys' fees with the cost bill submitted under RCW 4.84.090. In determining the attorneys' fees to be awarded, the court shall take into consideration the criteria for attorneys' fees outlined in the rules of professional conduct as adopted by the supreme court.

Sec. 205. Section 3, chapter 84, Laws of 1973 as amended by section 2, chapter 94, Laws of 1980 and RCW 4.84.270 are each amended to read as follows:

The defendant, or party resisting relief, shall be deemed the prevailing party within the meaning of RCW 4.84.250, if the plaintiff, or party seeking relief in an action for damages (~~where the amount pleaded, exclusive of costs, is equal to or less than the maximum allowed under RCW 4.84.250~~;) recovers nothing, or if the recovery, exclusive of costs, is the same or less than the amount offered in settlement by the defendant, or the party resisting relief, as set forth in RCW 4.84.280.

Sec. 206. Section 6, chapter 84, Laws of 1973 as amended by section 4, chapter 94, Laws of 1980 and RCW 4.84.300 are each amended to read as follows:

The provisions of RCW 4.84.250 through 4.84.290 and sections 203 and 204 of this 1986 act shall apply regardless of whether the action is commenced in (justice) district court or superior court (~~except as provided in RCW 4.84.280~~); This section shall not be construed as conferring jurisdiction on either court.

Sec. 207. Section 85, page 237, Laws of 1854 as last amended by section 2, chapter 240, Laws of 1985 and RCW 12.20.060 are each amended to read as follows:

When the prevailing party in district court is entitled to recover costs as authorized in RCW 4.84.010 in a civil action, the judge shall add the amount thereof to the judgment; in case of failure of the plaintiff to recover or of dismissal of the action, the judge shall enter up a judgment in favor of the defendant for the amount of his costs (~~(and in case any party so entitled to costs is represented in the action by an attorney, the judge shall include attorney's fees of fifty dollars as part of the costs. PROVIDED, HOWEVER, That the plaintiff shall not be entitled to such attorney fee unless he obtains, exclusive of costs, a judgment in the sum of twenty-five dollars or more)~~). Costs shall include attorneys' fees as provided in chapter 4.84 RCW.

Sec. 208. Section 1, page 176, Laws of 1885 as last amended by section 1, chapter 48, Laws of 1895 and RCW 4.84.020 are each amended to read as follows:

In all cases of foreclosure of mortgages (~~and in all other cases in which attorneys' fees are allowed~~), the amount (~~thereof~~) of attorneys' fees allowed shall be fixed by the court at such sum as the court shall deem reasonable, any stipulations in the note, mortgage or other instrument to the contrary notwithstanding; but in no case shall said fee be fixed above contract price stated in said note or contract.

NEW SECTION. Sec. 209. Sections 201 through 208 of this act shall take effect on January 1, 1987.

NEW SECTION. Sec. 210. If any provision of sections 201 through 209 of this act or its application to any person or circumstance is held invalid, the remainder of sections 201 through 209 of this act shall be null and void.

PART III
ATTORNEYS' FEES

Sec. 301. Section 12, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 7.70.070 are each amended to read as follows:

The court shall, upon petition by a named party or the attorney of a named party in any tort action (~~under this chapter~~), determine the reasonableness of ~~(each)~~ that party's attorney fees. Any petition under this section shall be made within thirty days after entry of judgment. The court shall take into consideration the following:

- (1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) The fee customarily charged in the locality for similar legal services;
- (4) The amount involved and the results obtained;
- (5) The time limitations imposed by the client or by the circumstances;
- (6) The nature and length of the professional relationship with the client;
- (7) The experience, reputation, and ability of the lawyer or lawyers performing the services;

(8) Whether the fee is fixed or contingent;

(9) Whether the fixed or contingent fee agreement was in writing and whether the client was aware of his or her right to petition the court under this section.

NEW SECTION, Sec. 302. RCW 7.70.070, as amended by this 1986 act, is recodified as a section in chapter 4.24 RCW.

NEW SECTION, Sec. 303. Section 301 of this act applies to agreements for attorney's fees entered into after the effective date of this section.

NEW SECTION, Sec. 304. If any provision of sections 301 through 303 of this act or its application to any person or circumstance is held invalid, the remainder of sections 301 through 303 of this act shall be null and void.

PART IV APPORTIONMENT OF DAMAGES

Sec. 401. Section 11, chapter 27, Laws of 1981 and RCW 4.22.030 are each amended to read as follows:

If more than one person is liable to a claimant on an indivisible claim for the same injury, death or harm, the liability of such persons shall be joint and several, except that a person whose percentage of fault is less than that allocated to the claimant is liable to the claimant only for the person's own percentage of the damages.

PART V LIMITATION OF ACTIONS--FELONY

NEW SECTION, Sec. 501. A new section is added to chapter 4.24 RCW to read as follows:

It is a defense to any action for damages for personal injury or wrongful death that the person injured or killed was engaged in the commission of a felony at the time the injury or death was caused if the commission of the felony was related to the injury or death as to time, place, or activity. Nothing in this section affects the right of action under 42 U.S.C. Sec. 1983.

PART VI INDEMNIFICATION AGREEMENTS

Sec. 601. Section 2, chapter 46, Laws of 1967 ex. sess. and RCW 4.24.115 are each amended to read as follows:

A covenant, promise, agreement or understanding in, or in connection with or collateral to, a contract or agreement relative to the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of, any building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including moving and demolition in connection therewith, purporting to indemnify against liability for damages arising out of bodily injury to persons or damage to property;

(1) Caused by or resulting from the sole negligence of the indemnitee, his agents or employees is against public policy and is void and unenforceable;

(2) Caused by or resulting from the concurrent negligence of (a) the indemnitee or the indemnitee's agents or employees, and (b) the indemnitor or the indemnitor's agents or employees, is valid and enforceable only to the extent of the indemnitor's negligence and only if the agreement specifically and expressly provides therefor, and may waive the indemnitor's immunity under industrial insurance, Title 51 RCW, only if the agreement specifically and expressly provides therefor and the waiver was mutually negotiated by the parties. This subsection applies to agreements entered into after the effective date of this 1986 section.

PART VII BUILDER LIMITATION

Sec. 701. Section 2, chapter 43, Laws of 1955 and RCW 4.16.160 are each amended to read as follows:

The limitations prescribed in this chapter shall apply to actions brought in the name or for the benefit of any county or other municipality or quasimunicipality of the state, in the same manner as to actions brought by private parties: PROVIDED, That, except as provided in RCW 4.16.310, there shall be no limitation to actions brought in the name or for the benefit of the state, and no claim of right predicated upon the lapse of time shall ever be asserted against the state: AND FURTHER PROVIDED, That no previously existing statute of limitations shall be

interposed as a defense to any action brought in the name or for the benefit of the state, although such statute may have run and become fully operative as a defense prior to February 27, 1903, nor shall any cause of action against the state be predicated upon such a statute.

Sec. 702. Section 2, chapter 75, Laws of 1967 and RCW 4.16.310 are each amended to read as follows:

All claims or causes of action as set forth in RCW 4.16.300 shall accrue, and the applicable statute of limitation shall begin to run only during the period within six years after substantial completion of construction, or during the period within six years after the termination of the services enumerated in RCW 4.16.300, whichever is later. The phrase 'substantial completion of construction' shall mean the state of completion reached when an improvement upon real property may be used or occupied for its intended use. Any cause of action which has not accrued within six years after such substantial completion of construction, or within six years after such termination of services, whichever is later, shall be barred: PROVIDED, That this limitation shall not be asserted as a defense by any owner, tenant or other person in possession and control of the improvement at the time such cause of action accrues. The limitations prescribed in this section apply to all claims or causes of action as set forth in RCW 4.16.300 brought in the name or for the benefit of the state which are made or commenced after the effective date of this 1986 section.

Sec. 703. Section 1, chapter 75, Laws of 1967 and RCW 4.16.300 are each amended to read as follows:

RCW 4.16.300 through 4.16.320 shall apply to all claims or causes of action of any kind against any person, arising from such person having constructed, altered or repaired any improvement upon real property, or having performed or furnished any design, planning, surveying, architectural or construction or engineering services, or supervision or observation of construction, or administration of construction contracts for any construction, alteration or repair of any improvement upon real property. This section is intended to benefit only those persons referenced herein and shall not apply to claims or causes of action against manufacturers.

PART VIII
PERIODIC PAYMENTS

NEW SECTION. Sec. 801. (1) In an action for personal injuries, wrongful death, or property damage in which a verdict or award of future damages is in excess of the amount established under subsection (4) of this section, the court may, at the request of a party, enter a judgment for periodic installments of such future damages as provided in this chapter.

(2) The court shall enter judgment in lump sum for past damages, attorney fees, costs, and litigation expenses of the plaintiff.

(3) If a judgment for periodic installments is to be entered under subsection (1) of this section, the court prior to entry of judgment shall request each party to submit a proposal for periodic payment of such future damages to compensate the claimant. Proposals shall include the following provisions: The name of the recipient or recipients of the payments, the dollar amount of the payments, the intervals between payments, the number of payments or the period of time over which the payments shall be made, modification for hardship or unforeseen circumstances, posting of adequate security, payment of interest, and any other factor the court deems relevant under the circumstances. After each party has submitted a proposal, the court shall select the proposal which, in the discretion of the court and the interests of justice, best provides for the future needs of the claimant.

(4) On the effective date of this section, the minimum amount referenced in subsection (1) of this section shall be one hundred thousand dollars. On July 1, 1987, and on July 1 of each year thereafter, the office of the administrator for the courts shall adjust the minimum amount in accordance with the change in the federal consumer price index during the previous year.

NEW SECTION. Sec. 802. (1) As a condition of entering a judgment for periodic installments of future damages under section 801 of this act, the court may require a judgment debtor who has not made adequate provision for payment of periodic installments to post security sufficient to assure full payment of such future damages.

(2) If the court determines that a judgment debtor has not made adequate provision for payment of periodic installments and is unable to post security sufficient to assure full payment of the future damages, then the court may enter a judgment for the lump sum of the damages, past and future, incurred by the plaintiff against the judgment debtor.

(3) Upon satisfaction of the judgment for periodic installments, the security, or so much as remains, shall be ordered returned to the judgment debtor.

NEW SECTION. Sec. 803. If at any time following entry of judgment for periodic installments under section 801 of this act, a judgment debtor fails for any reason to make a payment in a timely fashion according to the terms of the judgment, the judgment creditor may petition the court which rendered the original judgment for an order requiring payment by the judgment debtor of the outstanding payments in a lump sum. In calculating the amount of the lump sum judgment, the court shall total the remaining periodic payments due and owing to the judgment creditor, and shall not convert these amounts to their present value. The court shall also

require the payment of interest on the outstanding judgment and shall award the petitioner reasonable attorneys' fees and costs.

NEW SECTION. Sec. 804. In cases in which future damages are payable in periodic installments under this chapter:

(1) Unless otherwise agreed between the parties, the liability for payment of any installments for medical or other costs of health care or noneconomic loss not yet due at the death of the judgment creditor terminates upon the death of the person; and

(2) The portion of any periodic payment allocatable to loss of future earnings shall not be reduced or terminated by reason of the death of the judgment creditor, but shall be considered part of the estate of the judgment creditor. In such cases, the court which rendered the original judgment may, upon petition of any party in interest, convert those portions of such periodic payments allocatable to the loss of future earnings to a lump sum by calculating the present value of such payments in order to assist in the settlement of the estate of the judgment creditor.

NEW SECTION. Sec. 805. (1) If, at any time after entry of judgment, a judgment creditor or successor in interest can establish that the continued payment of the judgment in periodic installments will impose a severe hardship, the court may, in its discretion, order that the remaining payments or a portion thereof shall be made to the judgment creditor in a lump sum. The court shall, before entering such an order, consider the following: (a) Whether unanticipated and substantial medical or other needs have arisen that warrant the payment of the remaining payments, or a portion thereof, in a lump sum; (b) whether ordering such a lump sum payment would impose an unreasonable financial burden on the judgment debtor or debtors; (c) whether ordering such a lump sum payment will accommodate the future medical and other needs of the judgment creditor; and (d) whether ordering such a lump sum payment would further the interests of justice.

(2) If a lump sum payment is ordered by the court, such lump sum shall be calculated on the basis of the present value of remaining periodic payments, or portions thereof, that are converted into a lump sum payment. The remaining future periodic payments, if any, shall be reduced accordingly.

NEW SECTION. Sec. 806. Nothing in this chapter shall be construed to limit the right of a plaintiff, defendant or defendants, and any insurer to settle claims as they consider appropriate and in their complete discretion.

NEW SECTION. Sec. 807. Section 5, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 4.56.240 are each repealed.

NEW SECTION. Sec. 808. Sections 801 through 806 of this act shall constitute a new chapter in Title 4 RCW.

NEW SECTION. Sec. 809. If any provision of sections 801 through 807 of this act or its application to any person or circumstance is held invalid, the remainder of sections 801 through 807 of this act shall be null and void.

PART IX MISCELLANEOUS

Sec. 901. Section 2, chapter 103, Laws of 1979 as last amended by section 3, chapter 265, Laws of 1985 and RCW 7.06.020 are each amended to read as follows:

(1) All civil actions, except for appeals from municipal or justice courts, which are at issue in the superior court in counties which have authorized arbitration, where the sole relief sought is a money judgment, and where no party asserts a claim in excess of ~~((ten))~~ twenty-five thousand dollars, or if approved by the superior court of a county by two-thirds or greater vote of the judges thereof, up to ~~((twenty-five))~~ one hundred thousand dollars, exclusive of interest and costs, are subject to mandatory arbitration. For purposes of RCW 2.08.067, 'implementing a mandatory arbitration program to the maximum extent permissible' under this subsection means authorizing arbitration in civil claims of at least twenty-five thousand dollars.

(2) If approved by majority vote of the superior court judges of a county which has authorized arbitration, all civil actions which are at issue in the superior court in which the sole relief sought is the establishment, termination or modification of maintenance or child support payments are subject to mandatory arbitration. The arbitrability of any such action shall not be affected by the amount or number of payments involved.

Sec. 902. Section .19.03, chapter 79, Laws of 1947 and RCW 48.19.030 are each amended to read as follows:

Rates shall be used, subject to the other provisions of this chapter, only if made in accordance with the following provisions:

(1) In the case of insurances under standard fire policies and that part of marine and transportation insurances not exempted under RCW 48.19.010, manual, minimum, class or classification rates, rating schedules or rating plans, shall be made and adopted; except as to specific rates on inland marine risks individually rated, which risks are not reasonably susceptible to manual or schedule rating, and which risks by general custom of the business are not written according to manual rates or rating plans.

(2) In the case of casualty and surety insurances:

(a) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.

(b) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.

(3) Due consideration in making rates for all insurances shall be given to:

(a) Past and prospective loss experience within and outside this state ~~(-and)~~; PROVIDED, That, in the case of rates for fire insurance, due consideration shall be given to the loss experience of insurers as to insurance against fire during a period of not less than the most recent five-year period for which such experience is available. In addition, casualty rates and rating schedules shall be supported, whenever possible, by loss experience for this state. If such information is not available or is not statistically credible, an insurer may use loss experience from the state of Idaho, Montana, and Oregon in support of a rate filing or rating schedule. Loss experience from states other than Washington, Idaho, Montana, and Oregon may be used in support of a rate filing or rating schedule only after it has been demonstrated to the satisfaction of the commissioner that the loss experience from those states is either not available or is not statistically credible.

(b) Conflagration and catastrophe hazards, where present.

(c) A reasonable margin for underwriting profit and contingencies.

(d) Dividends, savings and unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers.

(e) All other relevant factors within and outside this state.

(4) In addition to other factors required by this section, rates filed by an insurer on its own behalf may also be related to the insurer's plan of operation and plan of risk classification.

(5) Except to the extent necessary to comply with RCW 48.19.020 uniformity among insurers in any matter within the scope of this section is neither required nor prohibited.

(6) Under no circumstances shall any filing pursuant to the requirements of this chapter be made which would constitute more than a fifteen percent increase over the rate in use one year before the date of filing. No insurance company may cancel a policy as the result of this limitation.

NEW SECTION. Sec. 903. The insurance commissioner shall submit a report to the legislature by January 1, 1989, on the effects of this act on insurance rates and the availability of insurance coverage and the impact on the civil justice system.

NEW SECTION. Sec. 904. If any provision of section 901 or 902 of this act or its application to any person or circumstance is held invalid, the remainder of sections 901 and 902 of this act shall be null and void.

NEW SECTION. Sec. 905. A new section is added to chapter 4.44 RCW to read as follows:

In any action in superior court for damages for personal injury or wrongful death, the court shall require all parties to the action to participate in a settlement conference no less than fourteen days before the date set for trial. A judge or court commissioner shall preside at the conference and shall encourage the parties to negotiate in good faith on each issue in controversy. The presiding judge or commissioner shall recommend for each issue a settlement that may be accepted or rejected by the parties. The proceedings of the settlement conference and the recommendations of the presiding judge or commissioner are not admissible in any subsequent trial on the action, and the presiding judge or commissioner shall not hear the case in any subsequent trial on the action.

NEW SECTION. Sec. 906. A new section is added to chapter 4.24 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a member of the board of directors or an officer of any nonprofit corporation incorporated under the laws of this state is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence.

(2) Nothing in this section shall limit or modify in any manner the duties or liabilities of a director or officer of a corporation to the corporation or the corporation's shareholders.

NEW SECTION. Sec. 907. A new section is added to chapter 7.70 RCW to read as follows:

Members of the board of directors or other governing body of a public or private hospital are not individually liable for injuries resulting from health care administered by a health care provider granted privileges to provide health care at the hospital unless the decision to grant the privilege to provide health care at the hospital constitutes gross negligence.

NEW SECTION. Sec. 908. A new section is added to chapter 4.44 RCW to read as follows:

In an action for damages for personal injury, wrongful death, or damage to property, the court shall instruct the jury that if the jury finds a verdict awarding damages, it shall in its verdict specify the damages that have been incurred prior to the verdict and amounts intended to

compensate for damages to be incurred in the future. Specification of damages shall include each category of damages considered by the jury.

Sec. 909. Section 4, chapter 136, Laws of 1895 as last amended by section 1, chapter 147, Laws of 1983 and RCW 4.56.110 are each amended to read as follows:

Interest on judgments shall accrue as follows:

(1) Judgments founded on written contracts, providing for the payment of interest until paid at a specified rate, shall bear interest at the rate specified in the contracts(~~(-PROVIDED; That said)),~~ The interest rate ((ts)) shall be set forth in the judgment.

(2) Except as provided under subsection (1) of this section, judgments shall bear interest from the date of ((entry)) filing of the action upon which the judgment is based at the maximum rate permitted under RCW 19.52.020 on the date of ((entry thereof; PROVIDED, That in any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered)) filing.

Sec. 910. Section 1, chapter 26, Laws of 1975 as amended by section 2, chapter 147, Laws of 1983 and RCW 4.56.115 are each amended to read as follows:

Judgments founded on the tortious conduct of the state of Washington or of the political subdivisions, municipal corporations, and quasi-municipal corporations of the state, whether acting in their governmental or proprietary capacities, shall bear interest from the date of ((entry)) filing of the action upon which the judgment is based at the maximum rate permitted under RCW 19.52.020 on the date of ((entry thereof; PROVIDED, That in any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered)) filing.

NEW SECTION. Sec. 911. Except as provided in sections 209, 303, and 702 of this act, this act applies to all causes of action arising on or after November 1, 1986.

NEW SECTION. Sec. 912. If any provision of the sections of this act not listed in section 210, 304, 809, or 904 of this act or the application of such provision to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "civil actions;" strike the remainder of the title and insert "amending RCW 5.60.060, 4.84.030, 4.84.250, 4.84.270, 4.84.300, 12.20.060, 4.84.020, 7.70.070, 4.22-.030, 4.24.115, 4.16.160, 4.16.310, 4.16.300, 7.06.020, 48.19.030, 4.56.110, and 4.56.115; adding new sections to chapter 4.24 RCW; adding new sections to chapter 4.44 RCW; adding new sections to chapter 4.84 RCW; adding a new section to chapter 7.70 RCW; adding a new chapter to Title 4 RCW; creating new sections; recodifying RCW 7.70.070; repealing RCW 4.56.240; and providing an effective date."

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Padden, Schmidt, Schoon, Tilly, Van Luven and West.

MINORITY recommendation: Do not pass. Signed by Representatives Niemi and Wang.

Voting nay: Representatives P. King, Niemi and Wang.

Passed to Committee on Rules for second reading.

February 28, 1986

ESSB 4917

Prime Sponsor, Committee on Financial Institutions: Modifying provisions of Title 30 RCW. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 30.04.030, chapter 33, Laws of 1955 and RCW 30.04.030 are each amended to read as follows:

The supervisor shall have power to adopt uniform rules and regulations in accordance with the administrative procedure act, chapter 34.04 RCW, to govern examinations and reports of banks and trust companies and the form in which they shall report their assets, liabilities, and reserves, charge off bad debts and otherwise keep their records and accounts, and otherwise to govern the administration of this title. He shall mail a copy of the rules and regulations to each bank and trust company at its principal place of business(~~(-and they shall be effective thirty days after the mailing thereof. The person doing the mailing shall make and file his affidavit thereof in the office of the supervisor).~~)

The supervisor shall have the power, and broad administrative discretion, to administer and interpret the provisions of this title to facilitate the delivery of financial services to the citizens of the state of Washington by the banks and trust companies subject to this title.

Sec. 2. Section 1. chapter 245, Laws of 1977 ex. sess. and RCW 30.04.075 are each amended to read as follows:

(1) All examination reports and all information obtained by the supervisor and the supervisor's staff in conducting examinations of banks, trust companies, or alien banks is confidential and privileged information and shall not be made public or otherwise disclosed to any person, firm, corporation, agency, association, governmental body, or other entity (~~except as provided by RCW 39.58.105~~).

(2) Subsection (1) of this section notwithstanding, the supervisor may furnish all or any part of examination reports prepared by the supervisor's office to:

(a) Federal agencies empowered to examine state banks, trust companies, or alien banks; ((to the examined bank, trust company, or alien bank as provided in subsection (4) of this section; and to))

(b) Officials empowered to investigate criminal charges subject to legal process, valid search warrant, or subpoena. If the supervisor furnishes any examination report to officials empowered to investigate criminal charges, the supervisor may only furnish that part of the report which is necessary and pertinent to the investigation, and the supervisor may do this only after notifying the affected bank, trust company, or alien bank and any customer of the bank, trust company, or alien bank who is named in that part of the examination or report ((of the order to furnish the part of the examination report)) ordered to be furnished unless the officials requesting the report first obtain a waiver of the notice requirement from a court of competent jurisdiction for good cause;

(c) The examined bank, trust company, or alien bank, or holding company thereof;

(d) The attorney general in his or her role as legal advisor to the supervisor;

(e) Liquidating agents of a distressed bank, trust company, or alien bank;

(f) A person or organization officially connected with the bank as officer, director, attorney, auditor, or independent attorney or independent auditor;

(g) The Washington public deposit protection commission as provided by RCW 39.58.105.

(3) All examination reports furnished under subsections (2) and (4) of this section shall remain the property of the division of banking, and be confidential and no person, agency, or authority to whom reports are furnished or any officer, director, or employee thereof shall disclose or make public any of the reports or any information contained therein except in published statistical material that does not disclose the affairs of any individual or corporation: PROVIDED, That nothing herein shall prevent the use in a criminal prosecution of reports furnished under subsection (2) of this section.

(4) The examination report made by the division of banking is designed for use in the supervision of the bank, trust company, or alien bank (~~and the supervisor may furnish a copy of the report to the bank, trust company, or alien bank examined~~). The report shall remain the property of the supervisor and will be furnished to the bank, trust company, or alien bank solely for its confidential use. Under no circumstances shall the bank, trust company, or alien bank or any of its directors, officers, or employees disclose or make public in any manner the report or any portion thereof, to any person or organization not connected with the bank as officer, director, employee, attorney, auditor, or candidate for executive office with the bank. The bank may also, after execution of an agreement not to disclose information in the report, disclose the report or relevant portions thereof to a party proposing to acquire or merge with the bank.

(5) Examination reports and information obtained by the supervisor and the supervisor's staff in conducting examinations shall not be subject to public disclosure under chapter 42.17 RCW.

(6) In any civil action in which the reports are sought to be discovered or used as evidence, any party may, upon notice to the supervisor, petition the court for an in camera review of the report. The court may permit discovery and introduction of only those portions of the report which are relevant and otherwise unobtainable by the requesting party. This subsection shall not apply to an action brought or defended by the supervisor.

(7) This section shall not apply to investigation reports prepared by the supervisor and the supervisor's staff concerning an application for a new bank or trust company or an application for a branch of a bank, trust company, or alien bank: PROVIDED, That the supervisor may adopt rules making confidential portions of the reports if in the supervisor's opinion the public disclosure of the portions of the report would impair the ability to obtain the information which the supervisor considers necessary to fully evaluate the application.

(8) Every person who violates any provision of this section shall (~~forfeit the person's office or employment and~~) be guilty of a gross misdemeanor.

NEW SECTION. Sec. 3. The total loans and extensions of credit by a bank or trust company to a person outstanding at any one time shall not exceed twenty percent of the capital and surplus of such bank or trust company. The following loans and extensions of credit shall not be subject to this limitation:

(1) Loans or extensions of credit arising from the discount of commercial or business paper evidencing an obligation to the person negotiating it with recourse;

(2) Loans or extensions of credit secured by bonds, notes, certificates of indebtedness, or treasury bills of the United States or by other such obligations wholly guaranteed as to principal and interest by the United States;

(3) Loans or extensions of credit to or secured by unconditional takeout commitments or guarantees of any department, agency, bureau, board, commission, or establishment of the United States or any corporation wholly owned directly or indirectly by the United States;

(4) Loans or extensions of credit fully secured by a segregated deposit account or accounts in the lending bank;

(5) Loans or extensions of credit secured by collateral having a readily ascertained market value of at least one hundred fifteen percent of the outstanding amount of the loan or extension of credit;

(6) Loans or extensions of credit secured by bills of lading, warehouse receipts, or similar documents transferring or securing title to readily marketable staples shall be subject to a limitation of thirty-five percent of capital and surplus in addition to the general limitations, if the market value of the staples securing each additional loan or extension of credit at all times equals or exceeds one hundred fifteen percent of the outstanding amount of the loan or extension of credit. The staples shall be fully covered by insurance whenever it is customary to insure the staples;

(7) The purchase of bankers' acceptances of the kind described in section 13 of the federal reserve act and issued by other banks shall not be subject to any limitation based on capital and surplus;

(8) The unpaid purchase price of a sale of bank property, if secured by such property.

For the purposes of this section 'capital' shall include the amount of common stock outstanding and unimpaired, the amount of preferred stock outstanding and unimpaired, and capital notes or debentures issued pursuant to chapter 30.36 RCW.

For the purposes of this section 'surplus' shall include capital surplus, reflecting the amounts paid in excess of the par or stated value of capital stock, or amounts contributed to the bank other than for capital stock, and amounts transferred to surplus from undivided profits pursuant to resolution of the board of directors.

The term 'person' shall include an individual, sole proprietor, partnership, joint venture, association, trust, estate, business trust, corporation, sovereign government or agency, instrumentality, or political subdivision thereof, or any similar entity or organization.

The supervisor may prescribe rules to administer and carry out the purposes of this section, including rules to define or further define terms used in this section and to establish limits or requirements other than those specified in this section for particular classes or categories of loans or extensions of credit, and to determine when a loan putatively made to a person shall, for purposes of this section, be attributed to another person.

Sec. 4. Section 30.04.120, chapter 33, Laws of 1955 as amended by section 1, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.120 are each amended to read as follows:

The shares of stock of every bank and trust company shall be deemed personal property. No such corporation shall hereafter make any loan or discount on the security of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; in which case the stocks so purchased or acquired shall be sold at public or private sale, or otherwise disposed of, within six months from the time of its purchase or acquisition. Except as hereinafter provided or otherwise permitted by law, nothing herein contained shall authorize the purchase by any such bank or trust company for its own account of any shares of stock of any corporation, except a federal reserve bank of which such corporation shall become a member, and then only to the extent required by such federal reserve bank: PROVIDED, That any ((such)) bank or trust company may purchase, acquire and hold shares of stock in any other corporation which shares have been previously pledged as security to any loan or discount made in good faith and such purchase shall be necessary to prevent loss upon a debt previously contracted in good faith and stock so purchased or acquired shall be sold at public or private sale or otherwise disposed of within two years from the time of its purchase or acquisition. Any time limit imposed in this section may be extended by the supervisor upon cause shown. Banks and trust companies are authorized to make loans on the security of the capital stock of a bank or trust company other than the lending corporation.

NEW SECTION. Sec. 5. Unless otherwise prohibited by law, any state bank or trust company may invest in the capital stock of corporations organized to conduct the following businesses:

(1) A safe deposit business: PROVIDED, That the amount of investment does not exceed fifteen percent of its capital stock and surplus;

(2) A corporation holding the premises of the bank or its branches: PROVIDED, That without the approval of the supervisor, the investment of such stock shall not exceed, together with all loans made to the corporation by the bank, a sum equal to the amount permitted to be invested in the premises by RCW 30.04.210;

(3) Stock in a small business investment company licensed and regulated by the United States as authorized by the small business act, Public Law 85-536, 72 Statutes at Large 384, in an amount not to exceed five percent of its capital and surplus;

(4) Capital stock of a banking service corporation or corporations. The total amount that a bank may invest in the shares of such corporation may not exceed ten percent of its capital and surplus. A bank service corporation may not engage in any activity other than those permitted by the bank service corporation act, 12 U.S.C. Sec. 1861, et seq., as subsequently amended and in effect on the effective date of this act. The performance of any service, and any records maintained by any such corporation for a bank, shall be subject to regulation and examination by the supervisor and appropriate federal agencies to the same extent as if the services or records were being performed or maintained by the bank on its own premises;

(5) Capital stock of a federal reserve bank to the extent required by such federal reserve bank;

(6) A corporation engaging in business activities that have been determined by the board of governors of the federal reserve system or by the United States congress to be closely related to the business of banking, as of the effective date of this act;

(7) A governmentally sponsored corporation engaged in secondary marketing of loans and the stock of which must be owned in order to participate in its marketing activities;

(8) A corporation in which all of the voting stock is owned by the bank and that engages exclusively in nondeposit-taking activities that are authorized to be engaged in by the bank or trust company.

Sec. 6. Section 30.04.130, chapter 33, Laws of 1955 and RCW 30.04.130 are each amended to read as follows:

Any debt due a bank or trust company on which interest is one year or more past due and unpaid, unless such debt be well secured and in the course of collection by legal process or probate proceedings, or unless such debt be represented by or secured by bonds or other collateral having a ((determinable)) readily ascertainable market value ((currently quoted on the New York stock exchange)) shall be considered a bad debt, and shall be charged off of the books of such corporation. Such ((bonds)) assets shall be carried on the books of such corporation at such value as the supervisor may from time to time direct, but in no event shall such carrying value exceed the market value thereof. A judgment held by a bank or trust company shall not be considered an asset of the corporation after two years from the date of its rendition unless with the written permission of the supervisor specifying an additional period: PROVIDED, That time consumed by any appeal shall be excluded.

All assets or portion thereof that the supervisor may have required a bank or trust company to charge off shall be charged off. No bank or trust company shall enter or at any time carry on its books any of its assets at a valuation exceeding the actual cost. However, accreting the discount on securities is permitted on a pro rata basis, over the life of the security.

Sec. 7. Section 30.04.140, chapter 33, Laws of 1955 as last amended by section 6, chapter 157, Laws of 1983 and RCW 30.04.140 are each amended to read as follows:

No bank or trust company shall pledge or hypothecate any of its securities or assets to any depositor, except that it may qualify as depository for United States deposits, ((postal savings funds)) or other public funds, or funds held in trust and deposited by any public officer by virtue of his office, or as a depository for the money of estates under the statutes of the United States pertaining to bankruptcy or funds deposited by a trustee or receiver in bankruptcy appointed by any court of the United States or any referee thereof, or funds held by the United States or the state of Washington, or any officer thereof in trust, or for funds of corporations owned or controlled by the United States, and may give such security for such deposits as are required by law or by the officer making the same; and it may give security to its trust department for deposits with itself which represent trust funds invested in savings accounts or which represent fiduciary funds awaiting investment or distribution.

Sec. 8. Section 30.04.180, chapter 33, Laws of 1955 as last amended by section 1, chapter 89, Laws of 1981 and RCW 30.04.180 are each amended to read as follows:

No bank or trust company shall declare or pay any dividend to an amount greater than its net profits then on hand ((which net profits shall be determined only after deducting:

(1) All losses;

(2) All assets or depreciation that the supervisor or a duly appointed examiner may have required to be charged off; and no bank or trust company shall enter or at any time carry on its books any of its assets at a valuation exceeding the actual cost. However, amortizing the discount on municipal and United States government securities is permitted on a pro rata basis, over the life of the security, providing that the approval of the supervisor has been obtained and maintained by each individual bank;

(3) All expenses, interest and taxes due or accrued from said bank or trust company;

(4) Bad debts as defined by RCW 30.04.130 owing to such bank or trust company).

(After providing for the above deductions) The board of directors of any bank or trust company may ((at any regular meeting thereof)) declare a dividend out of so much of the undivided profits of such bank or trust company as they shall judge expedient: PROVIDED, HOWEVER, That before any such dividend is declared or the net profits in any way disposed of,

not less than one-tenth of such net profits shall be carried to a surplus fund until the amount in such surplus fund shall be equal to twenty-five percent of the paid-in common (~~capital~~) stock of such bank or trust company: PROVIDED, FURTHER, That for the purposes of this section, any amounts paid into a fund for the retirement of any preferred stock of any such bank and trust company out of its net profits for such period or periods shall be deemed to be additions to its surplus fund if, upon the retirement of such preferred stock, the amounts so paid into such retirement fund may then properly be carried to surplus. In any such case the bank and trust company shall be obligated to transfer to surplus the amounts so paid into such retirement fund on account of the preferred stock as such stock is retired: PROVIDED FURTHER, That the supervisor shall in his discretion have the power to require any bank or trust company to suspend the payment of any and all dividends until all requirements that may have been made by the supervisor (~~or any duly appointed examiner~~) shall have been complied with; and upon such notice to suspend dividends no bank or trust company shall thereafter declare or pay any dividends until such notice has been rescinded in writing. (~~As to banks or trust companies having segregated savings, sums carried to surplus shall be apportioned between or among departments as the capital is apportioned:-~~) A dividend is payable in property or capital stock.

Sec. 9. Section 30.04.210, chapter 33, Laws of 1955 as last amended by section 4, chapter 329, Laws of 1985 and RCW 30.04.210 are each amended to read as follows:

A bank or trust company may purchase, hold, and convey real estate for the following purposes (~~and no other~~):

(1) Such as shall be necessary for the convenient transaction of its business, including with its banking offices other (~~apartments~~) space in the same building to rent as a source of income: PROVIDED, That any bank or trust company shall not invest for such purposes more than the greater of: (a) Fifty percent of its capital, surplus, and undivided profits; or (b) one hundred twenty-five percent of its capital stock without the approval of the supervisor.

(2) Such as shall be purchased or conveyed to it in satisfaction, or on account of, debts previously contracted in the course of its business.

(3) Such as it shall purchase at sale under judgments, decrees, liens, or mortgage foreclosures, (~~against securities held by~~) from debts owed to it.

(4) Such as a trust company receives in trust or acquires pursuant to the terms or authority of any trust.

(5) Such as it may take title to or for the purpose of investing in real estate conditional sales contracts.

(6) Such as shall be purchased, held, or conveyed in accordance with RCW 30.04.212 granting banks the power to invest directly or indirectly in unimproved or improved real estate.

No real estate specified in subdivision (4) shall be considered an asset of the bank or trust company holding the same in trust nor shall any real estate except that specified in subdivision (1) be carried as an asset on the bank's or trust company's books for a longer period than five years from the date title is acquired thereto, unless an extension of time be granted by the supervisor.

Sec. 10. Section 7, chapter 136, Laws of 1969 as amended by section 8, chapter 157, Laws of 1983 and RCW 30.04.215 are each amended to read as follows:

(1) Notwithstanding any other provisions of law, in addition to all powers enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business activities that have been determined by the board of governors of the federal reserve system or by the United States Congress to be closely related to the business of banking, as of (~~April 25, 1983~~) the effective date of this 1986 act. At least thirty days before investment in corporations or other entities under this chapter, notification by letter shall be made to the supervisor in accordance with such terms and conditions as the supervisor might establish by rule.

(2) A bank that desires to perform an activity that is not expressly authorized by subsection (1) of this section shall first apply to the supervisor for authorization to conduct such activity. Within thirty days of the receipt of this application, the supervisor shall determine whether the activity is closely related to the business of banking, whether the public convenience and advantage will be promoted, whether the activity is apt to create an unsafe or unsound practice by the bank and whether the applicant is capable of performing such an activity. If the supervisor finds the activity to be closely related to the business of banking and the bank is otherwise qualified, he shall forthwith inform the applicant that the activity is authorized. If the supervisor determines that such activity is not closely related to the business of banking or the bank is not otherwise qualified, he shall forthwith inform the applicant in writing. The applicant shall have the right to appeal from an unfavorable determination in accordance with the procedures of the Administrative Procedure Act, chapter 34.04 RCW. In determining whether a particular activity is closely related to the business of banking, the supervisor shall be guided by the rulings of the board of governors of the federal reserve system and the comptroller of the currency in making determinations in connection with the powers exercisable by bank holding companies, and the activities performed by other commercial banks or their holding companies. Any activity which may be performed by a bank, except the taking of deposits, may be performed by a corporation, all of the outstanding stock of which is owned by the

bank. ~~((A bank shall not invest a sum greater than twenty-five percent of its capital and surplus in the capital stock of corporations organized to perform activities authorized by this section.))~~

(3) In addition to all powers enumerated by this title, and those necessarily implied therefrom, a bank may engage in other business activities that are determined by the supervisor, by regulation adopted pursuant to chapter 34.04 RCW, to be closely related to the business of banking, or necessary or convenient thereto, and the exercise thereof will promote the public convenience and advantage. Provided, however, that such other business activities shall also have been determined by the board of governors of the federal reserve system or by the United States congress to be closely related to the business of banking.

NEW SECTION. Sec. 11. In the absence of an express prohibition in its articles of incorporation, the making of contributions or gifts for the public welfare, or for charitable, scientific, or educational purposes by a state bank or trust company is within its powers and shall be deemed to inure to the benefit of the bank.

Sec. 12. Section 1, chapter 305, Laws of 1985 and RCW 30.04.238 are each amended to read as follows:

(1) Notwithstanding any other provision of this title, a bank, with the prior approval of the supervisor, may purchase shares of its own capital stock. ~~((However, no bank may purchase and hold at any time more than five percent of its outstanding shares. Shares purchased under this section shall not be held for a period greater than six months.))~~

(2) When a bank purchases such shares, its capital accounts shall be reduced appropriately. The shares shall be held as authorized but unissued shares ~~((but may be resold at any time within six months after acquisition for a price equal to or greater than the higher of the acquisition price or par value. Except as provided in this subsection, shares shall not be sold without the prior written approval of the supervisor.))~~

Sec. 13. Section 9, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.380 are each amended to read as follows:

Any bank or trust company ~~((which is a member of the federal reserve system.))~~ may invest an amount not exceeding ten per centum of its paid-in capital stock and surplus in the stock of one or more banks or corporations chartered under the laws of the United States, or of any state thereof, and principally engaged in international or foreign banking, or banking in a dependency or insular possession of the United States, either directly or through the agency, ownership or control of local institutions in foreign countries, or in such dependencies or insular possessions.

Sec. 14. Section 10, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.04.390 are each amended to read as follows:

Any bank or trust company ~~((which is a member of the federal reserve system.))~~ may acquire and hold, directly or indirectly, stock or other evidence of indebtedness ~~((of))~~ or ownership in one or more banks organized under the law of a foreign country or a dependency or insular possession of the United States.

Sec. 15. Section 2, chapter 246, Laws of 1977 ex. sess. as amended by section 5, chapter 305, Laws of 1985 and RCW 30.04.405 are each amended to read as follows:

(1) It is unlawful for any person to acquire control of a bank until thirty days after filing with the supervisor a copy of the notice of change of control required to be filed with the federal deposit insurance corporation or a completed application. The notice or application shall be under oath and contain substantially all of the following information plus any additional information that the supervisor may prescribe as necessary or appropriate in the particular instance for the protection of bank depositors, borrowers, or shareholders and the public interest:

(a) The identity, banking and business experience of each person by whom or on whose behalf acquisition is to be made;

(b) The financial and managerial resources and future prospects of each person involved in the acquisition;

(c) The terms and conditions of any proposed acquisition and the manner in which the acquisition is to be made;

(d) The source and amount of the funds or other consideration used or to be used in making the acquisition, and a description of the transaction and the names of the parties if any part of these funds or other consideration has been or is to be borrowed or otherwise obtained for the purpose of making the acquisition;

(e) Any plan or proposal which any person making the acquisition may have to liquidate the bank, to sell its assets, to merge it with any other bank, or to make any other major change in its business or corporate structure for management;

(f) The identification of any person employed, retained, or to be compensated by the acquiring party, or by any person on its behalf, who makes solicitations or recommendations to shareholders for the purpose of assisting in the acquisition and a brief description of the terms of the employment, retainer, or arrangement for compensation; and

(g) Copies of all invitations for tenders or advertisements making a tender offer to shareholders for the purchase of their stock to be used in connection with the proposed acquisition.

(2) Notwithstanding any other provision of this section, a bank or domestic bank holding company as defined in RCW 30.04.230 need only notify the supervisor of an intent to acquire control and the date of the proposed acquisition of control at least thirty days before the date of the acquisition of control.

(3) When a person, other than an individual or corporation, is required to file an application under this section, the supervisor may require that the information required by subsection (1)(a), (b), and (f) of this section be given with respect to each person, as defined in RCW 30.04.400(3), who has an interest in or controls a person filing an application under this subsection.

(4) When a corporation is required to file an application under this section, the supervisor may require that information required by subsection (1)(a), (b), and (f) of this section be given for the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of twenty-five percent or more of the outstanding voting securities of the corporation.

(5) If any tender offer, request, or invitation for tenders or other agreements to acquire control is proposed to be made by means of a registration statement under the Securities Act of 1933 (48 Stat. 74, 15 U.S.C., Sec. 77(a)), as amended, or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934 (48 Stat. 881, 15 U.S.C., Sec. 78(a)), as amended, the registration statement or application may be filed with the supervisor in lieu of the requirements of this section.

(6) Any acquiring party shall also deliver a copy of any notice or application required by this section to the bank proposed to be acquired within two days after the notice or application is filed with the supervisor.

(7) Any acquisition of control in violation of this section shall be ineffective and void.

~~((7))~~ (8) Any person who wilfully or intentionally violates this section or any rule adopted pursuant thereto is guilty of a gross misdemeanor pursuant to chapter 9A.20 RCW. Each day's violation shall be considered a separate violation, and any person shall upon conviction be fined not more than one thousand dollars for each day the violation continues.

NEW SECTION. Sec. 16. Any investment by a bank other than a loan, if legal and authorized when made, may continue to be held by the bank notwithstanding a change in circumstances or change in the law.

Sec. 17. Section 30.08.010, chapter 33, Laws of 1955 as last amended by section 3, chapter 104, Laws of 1973 1st ex. sess. and RCW 30.08.010 are each amended to read as follows:

When authorized by the supervisor, as hereinafter provided, five or more natural persons, citizens of the United States, may incorporate a bank or trust company in the manner herein prescribed. No bank or trust company shall incorporate for less amount nor commence business unless it ~~((have))~~ has a paid-in capital ~~((as follows:~~

in cities, villages or communities having a population of less than	25,000	\$ 50,000.00
in cities having a population of 25,000 and less than 100,000	100,000.00
in cities having a population of 100,000 or more	200,000.00

~~PROVIDED: That on request of any persons desiring to incorporate a bank in a city having a population of twenty-five thousand or over, the supervisor shall make an order defining the boundaries of the central business district of such city, which shall include the district in which is carried on the principal retail, financial and office business of such city and banks may be incorporated with a paid-up capital of not less than fifty thousand dollars to be located in such city outside of the central business district of such city as defined by the order of the supervisor, which shall be stated in its articles of incorporation, but any such bank which shall be hereafter incorporated to be located outside such central business district, which shall thereafter change its location into such central business district without increasing its capital stock and surplus to the amount required by then existing laws to incorporate a bank within such central business district, shall forfeit its charter and right to do business. The supervisor may from time to time change the boundaries of said central business district, if, in his judgment, such action is proper.~~

~~in addition to the foregoing:)) stock, surplus and undivided profits in the amount as may be determined by the supervisor after consideration of the proposed location, management, and the population and economic characteristics for the area, the nature of the proposed activities and operation of the bank or trust company, and other factors deemed pertinent by the supervisor. Each bank and trust company shall before commencing business have subscribed and paid into it in the same manner as is required for capital stock, an ~~((additional))~~ amount equal to at least ten percent of the capital stock above required~~((-such additional amount))~~, that shall be carried in the undivided profit account and may be used to defray organization and operating expenses of the company ~~((deemed reasonable by the supervisor))~~. Any sum not so used shall be transferred to the surplus fund of the company before any dividend shall be declared to the stockholders.~~

Sec. 18. Section 30.08.020, chapter 33, Laws of 1955 as last amended by section 1, chapter 73, Laws of 1981 and RCW 30.08.020 are each amended to read as follows:

Persons desiring to incorporate a bank or trust company shall file with the supervisor a notice of their intention to organize a bank or trust company in such form and containing such information as the supervisor shall prescribe by regulation, together with proposed articles of incorporation, which shall be submitted for examination to the supervisor at his office in Olympia.

The proposed articles of incorporation shall state:

- (1) The name of such bank or trust company.
- (2) The city, village or locality and county where the head office of such corporation is to be located.
- (3) The nature of its business, whether that of a commercial bank, ~~((a savings bank or both))~~ or a trust company.
- (4) The amount of its capital stock, which shall be divided into shares of ~~((not less than ten dollars each, nor more than one hundred dollars each:))~~ a par or no par value as may be provided in the articles of incorporation.
- (5) ~~((The period for which such corporation is organized, which may be for a stated number of years or perpetual:~~
- (6)) The names and places of residence and mailing addresses of the persons who as directors are to manage the corporation until the first annual meeting of its stockholders.
- ~~((7) In articles filed on or before June 1, 1985, for four years from the date of approval of the articles (a) no voting share of the corporation shall, without the prior written approval of the supervisor, be affirmatively voted for any proposal which would have the effect of sale, conversion, merger, or consolidation to or with, any other banking entity or affiliated financial interest, whether through transfer of stock ownership, sale of assets, or otherwise. (b) the corporation shall take no action to consummate any sale, conversion, merger, or consolidation in violation of this subdivision. (c) this provision of the articles shall not be revoked, altered, or amended by the shareholders without the prior written approval of the supervisor, and (d) all stock issued by the corporation shall be subject to this subdivision and a copy hereof shall be placed upon all certificates of stock issued by the corporation:))~~
- (6) If there is to be preferred or special classes of stock, a statement of preferences, voting rights, if any, limitations and relative rights in respect of the shares of each class; or a statement that the shares of each class shall have the attributes as shall be determined by the bank's board of directors from time to time with the approval of the supervisor.
- (7) Any provision granting the shareholders the preemptive right to acquire additional shares of the bank and any provision granting shareholders the right to cumulate their votes.
- (8) Any provision, not inconsistent with law, which the incorporators elect to set forth in the articles of incorporation for the regulation of the internal affairs of the corporation, including any provision restricting the transfer of shares and any provision which under this title is required or permitted to be set forth in the bylaws.
- (9) Any provision the incorporators elect to so set forth, not inconsistent with law or the purposes for which the bank is organized, or any provision limiting any of the powers granted in this title.

It shall not be necessary to set forth in the articles of incorporation any of the corporate powers granted in this title. The articles of incorporation shall be signed by all of the incorporators and acknowledged before an officer to take acknowledgments.

Sec. 19. Section 30.08.050, chapter 33, Laws of 1955 as last amended by section 16, chapter 302, Laws of 1981 and RCW 30.08.050 are each amended to read as follows:

In case of approval the supervisor shall forthwith give notice thereof to the proposed incorporators and file one of the triplicate articles of incorporation in his own office, and shall transmit another triplicate to the secretary of state, and the last to the incorporators. Upon receipt from the proposed incorporators of the same fees as are required for filing and recording other articles of incorporation the secretary of state shall file such articles and record the same. Upon the filing of articles of incorporation ~~((in triplicate:))~~ approved as aforesaid by the supervisor, with the secretary of state, all persons named therein and their successors shall become and be a corporation, which shall have the powers and be subject to the duties and obligations prescribed by this title, and whose existence shall continue from the date of the filing of such articles ~~((for the term mentioned in its articles of incorporation unless sooner))~~ until terminated pursuant to law; but such corporation shall not transact any business except as is necessarily preliminary to its organization until it has received a certificate of authority as provided herein.

Sec. 20. Section 30.08.060, chapter 33, Laws of 1955 as last amended by section 17, chapter 302, Laws of 1981 and RCW 30.08.060 are each amended to read as follows:

Before any bank or trust company shall be authorized to do business, and within ninety days after approval of the articles of incorporation or such other time as the supervisor may allow, it shall furnish proof satisfactory to the supervisor that such corporation has a paid-in capital in the amount ~~((fixed by its articles of incorporation and by this title))~~ determined by the supervisor, that the requisite surplus or reserve fund has been accumulated or paid in cash, and that it has in good faith complied with all the requirements of law and fulfilled all the conditions precedent to commencing business imposed by this title. If so satisfied, and within thirty

days after receipt of such proof, the supervisor shall issue under his hand and official seal, in triplicate, a certificate of authority for such corporation. The certificate shall state that the corporation therein named has complied with the requirements of law, that it is authorized to transact ~~((at the place designated in its articles of incorporation))~~ the business of a bank or trust company, or both, as the case may be: PROVIDED, HOWEVER, That the supervisor may make his issuance of the certificate to a bank or trust company authorized to accept deposits, conditional upon the granting of deposit insurance by the federal deposit insurance corporation, and in such event, shall set out such condition in a written notice which shall be delivered to the corporation.

One of the triplicate certificates shall be transmitted by the supervisor to the corporation and one of the other two shall be filed by the supervisor in the ~~((same offices where the articles of incorporation are filed))~~ office of the secretary of state and shall be attached to said articles of incorporation ~~((and the one filed with the secretary of state shall be recorded))~~: PROVIDED, HOWEVER, That if the issuance of the certificate is made conditional upon the granting of deposit insurance by the federal deposit insurance corporation, the supervisor shall not transmit or file the certificate until such condition is satisfied.

Sec. 21. Section 30.08.070, chapter 33, Laws of 1955 as amended by section 18, chapter 302, Laws of 1981 and RCW 30.08.070 are each amended to read as follows:

Every corporation heretofore or hereafter authorized by the laws of this state to do business as a bank ~~((:))~~ or trust company, ~~((mutual savings bank or industrial loan company:))~~ which corporation shall have failed to organize and commence business within six months after certificate of authority to commence business has been issued by the supervisor, shall forfeit its rights and privileges as such corporation, which fact the supervisor shall certify to the secretary of state, and such certificate of forfeiture shall be filed and recorded in the office of the secretary of state in the same manner as the certificate of authority: PROVIDED, That the supervisor may, upon showing of cause satisfactory to him, issue an order under his hand and seal extending for not more than three months the time within which such organization may be effected and business commenced, such order to be transmitted to the office of the secretary of state and filed and recorded therein.

Sec. 22. Section 4, chapter 89, Laws of 1981 and RCW 30.08.082 are each amended to read as follows:

(1) Notwithstanding any other provisions of law and if so authorized by its articles of incorporation or amendments thereto made in the manner provided in the case of a capital increase, any bank ((and)) or trust company may, pursuant to action taken by its board of directors from time to time with the approval of the supervisor, ((and in the manner provided in the case of a capital increase;)) issue shares of preferred ((stock of one or more classes)) or special classes of stock with the attributes and in such amounts and with such par value, if any, as shall be ((approved by)) determined by the board of directors from time to time with the approval of the supervisor((and make such amendments to its articles of incorporation as may be necessary for this purpose; but, in the case of any newly organized bank and trust company which has not yet issued common stock, the requirements of notice to and vote of shareholders shall not apply)). No increase of preferred stock shall be valid until the amount thereof shall have been subscribed and actually paid in and a certificate of increase is received from the supervisor.

(2) If provided in its articles of incorporation, a bank or trust company may issue shares of preferred or special classes having any one or several of the following provisions:

(a) Subjecting the shares to the right of the bank or trust company to repurchase or retire any such shares at the price fixed by the articles of incorporation for the repurchase or retirement thereof;

(b) Entitling the holders thereof to cumulative, noncumulative, or partially cumulative dividends;

(c) Having preference over any other class or classes of shares as to the payment of dividends;

(d) Having preference in the assets of the bank or trust company over any other class or classes of shares upon the voluntary or involuntary liquidation of the bank or trust company;

(e) Having voting or nonvoting rights; and

(f) Being convertible into shares of any other class or into shares of any series of the same or any other class, except a class having prior or superior rights and preferences as to dividends or distribution of assets upon liquidation.

NEW SECTION. Sec. 23. A new section is added to chapter 30.08 RCW to read as follows:

(1) If the articles of incorporation shall expressly vest authority in the board of directors, then, to the extent that the articles of incorporation shall not have established series, and fixed and determined the variations in the relative rights and preferences as between series, the board of directors have authority to divide any or all of the classes into series and, within the limitation set forth in this section and in the articles of incorporation, fix and determine the relative rights and preferences of the shares of any series so established.

(2) In order for the board of directors to establish a series, where authority to do so is contained in the articles of incorporation, the board of directors shall adopt a resolution setting

forth the designation of the series and fixing and determining the relative rights and preferences thereof, or so much thereof as is not fixed and determined by the articles of incorporation.

(3) Prior to the issue of any shares of a series established by resolution adopted by the board of directors, the corporation shall file and execute in the manner provided in this section a statement setting forth:

(a) The name of the bank;

(b) A copy of the resolution establishing and designating the series, and fixing and determining the relative rights and preferences thereof;

(c) The date of adoption of such resolution; and

(d) That the resolution was duly adopted by the board of directors.

(4) The statement shall be executed in triplicate by the bank by one of its officers and shall be delivered to the supervisor. If the supervisor finds that the statement conforms to law, the supervisor shall, when all fees have been paid as provided in this title:

(a) Endorse on each of the triplicate originals the word 'Filed,' and the effective date of the filing thereof;

(b) File two of the originals; and

(c) Return the other original to the bank or its representative.

(5) Upon the filing of the statement by the supervisor with the secretary of state, the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective and shall constitute an amendment of the articles of incorporation.

Sec. 24. Section 5, chapter 89, Laws of 1981 and RCW 30.08.084 are each amended to read as follows:

Notwithstanding any other provisions of law, whether relating to restriction upon the payment of dividends upon capital stock or otherwise, the holders of shares of preferred (~~stock issued pursuant to section 5 of this act~~) or special classes of stock shall be entitled to receive such (~~cumulative~~) dividends on the purchase price received by the bank (~~and~~) or trust company for such stock (~~and shall have such voting and conversion rights and such control of management and in the event of the retirement of such stock shall receive such retirement price, not in excess of such purchase price plus all accumulated dividends;~~) as may be provided by the articles of incorporation or by the board of directors of the bank or trust company with the approval of the supervisor.

(~~The holders of such preferred stock shall not be held individually responsible as such holders for any debts, contracts, or engagements of such bank and trust company and shall not be liable for assessments to restore impairments in the capital of such bank and trust company as is now provided by law with reference to holders of common stock;~~)

No dividends shall be declared or paid on common stock until (~~the~~) cumulative dividends, if any, on the shares of preferred or special classes of stock shall have been paid in full; and, if the supervisor takes possession of a bank or trust company for purposes of liquidation, no payments shall be made to the holders of the common stock until the holders of the shares of preferred or special classes of stock shall have been paid in full such amount as may be provided (~~in the articles of incorporation with the approval of the supervisor, not in excess of such purchase price of such preferred stock~~) under the terms of said shares plus all accumulated dividends, if any.

Sec. 25. Section 6, chapter 89, Laws of 1981 and RCW 30.08.086 are each amended to read as follows:

If any part of the capital of a bank and trust company consists of preferred stock, the determination of whether or not the capital of such bank is impaired and the amount of such impairment shall be based on the (~~par~~) value of its stock as established at the time it was issued, or its par value, if any, even though the amount which the holders of such preferred stock shall be entitled to receive in the event of retirement or liquidation shall be in excess of the originally established value or the par value of such preferred stock.

Sec. 26. Section 1, chapter 140, Laws of 1965 as amended by section 1, chapter 106, Laws of 1979 and RCW 30.08.087 are each amended to read as follows:

Any bank or trust company may provide in its articles of incorporation or amendments thereto for authorized but unissued shares of its capital stock (~~for the following purposes:~~

(1) For issuance and sale pursuant to approved stock option plans, stock purchase plans, stock bonus plans, or other similar plans approved by the supervisor;

(2) For issuing and selling minimum qualifying shares to new directors;

(3) For any other purpose, when the total amount of such shares is not more than fifty percent of the currently issued and outstanding stock;

If such shares are issued pursuant to approved stock option plans, the consideration received for such shares shall not be less than the higher of par value or one hundred percent of fair market value of the shares at the time the option is granted. If such shares are issued pursuant to approved stock purchase plans, the consideration received for such shares shall not be less than the higher of par value or one hundred percent of fair market value of the shares at the time of purchase. If such shares are issued in order to qualify a new director of

~~the corporation, the consideration received shall not be less than the higher of par value or ninety-five percent of the fair value of the shares at the time of the sale). The shares may be issued for such consideration as shall be established by the board from time to time but for not less than the par value, if any, and all consideration received therefor shall be allocated to the capital stock or surplus of the corporation.~~

Sec. 27. Section 2, chapter 140, Laws of 1965 as amended by section 2, chapter 106, Laws of 1979 and RCW 30.08.088 are each amended to read as follows:

~~((Any amendments to articles of incorporation which provide for authorized but unissued stock shall be made as provided in the case of a capital increase which is to be paid in full before becoming effective. However:))~~ The authorized but unissued shares shall not become a part of the capital stock ~~((except for the purposes hereof))~~ until they have been issued and paid for ~~((in cash))~~. Prior to the issuance of authorized but unissued stock, the bank shall notify the supervisor of the proposed issuance and the consideration to be received therefor and receive the supervisor's approval thereof, except that such notification and such approval shall not be required if the authorized but unissued stock is issued to employees of the bank pursuant to approved stock option, stock purchase, stock bonus or other similar plans approved by the supervisor.

Sec. 28. Section 30.08.090, chapter 33, Laws of 1955 as amended by section 3, chapter 140, Laws of 1965 and RCW 30.08.090 are each amended to read as follows:

Any bank or trust company may increase or decrease its capital stock or otherwise amend its articles of incorporation, in any manner not inconsistent with the provisions of this title, by a vote of the stockholders representing two-thirds of ~~((its issued capital stock))~~ each class of shares entitled to vote under the terms of the shares at any regular meeting, or special meeting duly called for that purpose in the manner prescribed by its bylaws~~((PROVIDED: That notice of a meeting to increase or decrease authorized capital stock shall first be published once a week for four weekly issues in a newspaper published in the place in which such corporation is located, or if there be no newspaper published in such place, then in some newspaper published in the same county. The notice shall state the purpose of the meeting, the amount of the present authorized capital stock of the bank or trust company and the proposed new authorized capital stock))~~. A certificate of the fact and the terms of the amendment shall be executed by a majority of the directors and filed as required herein for articles of incorporation. ~~((Except when an amendment provides for authorized but unissued shares as permitted in this title:))~~ No ~~((increase of authorized))~~ issuance of capital stock shall be valid, until the amount thereof shall have been ~~((subscribed and))~~ actually paid in and a certificate of increase is received from the supervisor. No reduction of the capital stock shall be made to an amount less than is required for capital~~((: nor be valid, nor warrant the cancellation of stock certificates, nor diminish the personal liabilities of the stockholders until such reduction has been approved by the supervisor, nor shall any reduction relieve any stockholder from any liability of the corporation incurred prior thereto))~~ by the supervisor. No amendment shall be made whereby a bank becomes a trust company unless such bank shall first receive permission from the supervisor.

Banks having authorized but unissued stock shall disclose on all statements of condition the amount of authorized stock and the amount of issued and paid in stock, as certified by the supervisor. The supervisor shall certify to each bank having authorized but unissued stock the amount of its issued and paid in capital stock and this amount shall be used in all statements of condition and in computing the capital of the bank for purposes of determining loan or investment limits ~~((and branching powers))~~ until a new certificate is issued by the supervisor. In cases where a bank issues authorized but unissued stock as permitted by this title, a new certificate need not be requested upon each stock issue. However, if the bank so requests and the supervisor approves, a certificate of issued and paid in capital stock shall be issued by the supervisor. A new certificate must be requested at such time as any increase of paid in capital stock represents five percent of the authorized capital stock and at such time as there is no remaining authorized but unissued stock.

Sec. 29. Section 30.08.140, chapter 33, Laws of 1955 as amended by section 3, chapter 248, Laws of 1957 and RCW 30.08.140 are each amended to read as follows:

Upon the issuance of a certificate of authority to a bank, the persons named in the articles of incorporation and their successors shall thereupon become a corporation and shall have power:

- (1) To adopt and use a corporate seal.
- (2) To have perpetual succession ~~((for the term mentioned in its articles of incorporation))~~.
- (3) To make contracts.
- (4) To sue and be sued, the same as a natural person.
- (5) To elect directors who, subject to the provisions of the corporation's bylaws, shall have power to appoint such officers as may be necessary or convenient, to define their powers and duties and to dismiss them at pleasure, and who shall also have general supervision and control of the affairs of such corporation.
- (6) ~~((To prescribe by its stockholders bylaws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors and officers elected or appointed, its~~

stockholders convened for general or special meetings, its property transferred, its general business conducted and the privileges granted to it by law exercised and enjoyed.

(7)) To make and alter bylaws, not inconsistent with its articles of incorporation or with the laws of this state, for the administration and regulation of its affairs.

(7) To invest and reinvest its funds in marketable obligations evidencing the indebtedness of any person, copartnership, association, or corporation in the form of bonds, notes, or debentures commonly known as investment securities except as may by regulation be limited by the supervisor.

(8) To discount and negotiate promissory notes, drafts, bills of exchange and other evidences of debt, to receive deposits of money and commercial paper, to lend money ((on real or personal security)) secured or unsecured, to issue all forms of letters of credit, to buy and sell bullion, coins and bills of exchange.

((8)) (9) To take and receive as bailee for hire upon terms and conditions to be prescribed by the corporation, for safekeeping and storage, jewelry, plate, money, specie, bullion, stocks, bonds, mortgages, securities and valuable paper of any kind and other valuable personal property, and to rent vaults, safes, boxes and other receptacles for safekeeping and storage of personal property.

((9)) (10) If the bank be located in a city of not more than five thousand inhabitants, to act as insurance agent. A bank exercising this power may continue to act as an insurance agent notwithstanding a change of the population of the city in which it is located.

((10)) (11) To accept drafts or bills of exchange drawn upon it having not more than six months sight to run, which grow out of transactions involving the importation or exportation of goods; or which grow out of transactions involving the domestic shipment of goods, providing shipping documents conveying or securing title are attached at the time of acceptance; or which are secured at the time of acceptance by a warehouse receipt or other such document conveying or securing title to readily marketable staples. No bank shall accept, either in a foreign or a domestic transaction, for any one person, company, firm or corporation, to an amount equal at any one time in the aggregate to more than ten percent of its paid up and unimpaired capital stock and surplus unless the bank is secured by attached documents or by some other actual security growing out of the same transaction as the acceptance; and no bank shall accept such bills to an amount equal at any time in the aggregate to more than one-half of its paid up and unimpaired capital stock and surplus: PROVIDED, HOWEVER, That the supervisor, under such general regulations applicable to all banks irrespective of the amount of capital or surplus, as he may prescribe may authorize any bank to accept such bills to an amount not exceeding at any time in the aggregate one hundred percent of its paid up and unimpaired capital stock and surplus: PROVIDED, FURTHER, That the aggregate of acceptances growing out of domestic transactions shall in no event exceed fifty percent of such capital stock and surplus.

((11)) (12) To accept drafts or bills of exchange drawn upon it, having not more than three months sight to run, drawn under regulations to be prescribed by the supervisor by banks or bankers in foreign countries or dependencies or insular possessions of the United States for the purpose of furnishing dollar exchange as required by the usages of trade in the respective countries, dependencies or insular possessions. Such drafts or bills may be acquired by banks in such amounts and subject to such regulations, restrictions and limitations as may be provided by the supervisor: PROVIDED, HOWEVER, That no bank shall accept such drafts or bills of exchange referred to in this subdivision for any one bank to an amount exceeding in the aggregate ten percent of the paid up and unimpaired capital and surplus of the accepting bank unless the draft or bill of exchange is accompanied by documents conveying or securing title or by some other adequate security, and that no such drafts or bills of exchange shall be accepted by any bank in an amount exceeding at any time the aggregate of one-half of its paid up and unimpaired capital and surplus: PROVIDED FURTHER, That compliance by any bank which is a member of the federal reserve system of the United States with the rules, regulations and limitations adopted by the federal reserve board thereof with respect to the acceptance of drafts or bills of exchange by members of such federal reserve system shall be a sufficient compliance with the requirements of this subdivision or paragraph relating to rules, regulations and limitations prescribed by the supervisor.

((12) This section is retroactive as of June 10, 1931, and the powers hereby conferred shall inure to the benefit of any bank now holding such certificate, the persons named in the articles of incorporation of said bank and their successors:))

(13) To have and exercise all powers necessary or convenient to effect its purposes.

(14) To serve as custodian of an individual retirement account and pension and profit sharing plans qualified under internal revenue code section 401(a), the assets of which are invested in deposits of the bank or trust company or are invested, pursuant to directions from the customer owning the account, in securities traded on a national securities market: PROVIDED, That the bank or trust company shall accept no investment responsibilities over the account unless it is granted trust powers by the supervisor.

(15) To be a limited partner in a limited partnership that engages in only such activities as are authorized for the bank.

Sec. 30. Section 30.12.010, chapter 33, Laws of 1955 as last amended by section 8, chapter 196, Laws of 1982 and RCW 30.12.010 are each amended to read as follows:

Every bank and trust company shall be managed by not less than five directors. ~~((excepting that a bank having a capital of fifty thousand dollars or less may have only three directors)) who need not be residents of this state.~~ Directors shall be elected by the stockholders and hold office for ~~((one year)) such term as is specified in the articles of incorporation, not exceeding three years,~~ and until their successors are elected and have qualified. In the first instance the directors shall be those named in the articles of incorporation and afterwards, those elected at the annual meeting of the stockholders to be held at least once each year on a day to be specified by the bank's or trust company's bylaws ~~((but not later than May 15th of each year)).~~ Shareholders may not cumulate their votes unless the articles of incorporation specifically so provide. If for any cause no election is held at that time, it may be held at an adjourned meeting or at a subsequent meeting called for that purpose in the manner prescribed by the corporation's bylaws. The directors shall meet at least once each month and whenever required by the supervisor. A majority of the then serving board of directors shall constitute a quorum for the transaction of business. At all stockholders' meetings, each share shall be entitled to one vote, unless the articles of incorporation provide otherwise. Any stockholder may vote in person or by written proxy. ~~((Every director must own in his own right shares of the capital stock of the bank or trust company of which he is a director the aggregate par value of which shall not be less than four hundred dollars, unless the capital of the bank or trust company shall not exceed fifty thousand dollars, in which case he must own in his own right shares of such capital stock the aggregate par value of which shall not be less than two hundred dollars, or an equivalent interest, as determined by the supervisor of banking, in any company which has control over such bank or trust company within the meaning of section 2 of the federal bank holding company act of 1956, as now or hereafter amended. Any director who ceases to be the owner of the required number of shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place.))~~

Immediately upon election, each director shall take, subscribe, swear to, and file with the supervisor an oath that he will, so far as the duty devolves upon him, diligently and honestly administer the affairs of such corporation and will not knowingly violate or willingly permit to be violated any provision of law applicable to such corporation ~~((and that he is the beneficial owner in good faith of the number of shares of stock required by this section, and that the same is fully paid, is not hypothecated or in any way pledged as security for any loan or debt)).~~ Vacancies in the board of directors shall be filled by the board.

Sec. 31. Section 30.12.020, chapter 33, Laws of 1955 as amended by section 9, chapter 136, Laws of 1969 and RCW 30.12.020 are each amended to read as follows:

All meetings of the stockholders of any bank or trust company, except organization meetings, and meetings held with the consent of all stockholders, must be held in the ~~((town or city)) county in which the head office or any branch of the corporation is located.~~ Meetings of the directors of any bank or trust company may be held either within or without this state. Every such corporation shall keep ~~((a book)) records~~ in which shall be recorded the names and residences of the stockholders thereof, the number of shares held by each, ~~((when each person became a stockholder))~~ and also the transfers of stock, showing the time when made, the number of shares and by whom transferred. In all actions, suits and proceedings, said ~~((book)) records~~ shall be prima facie proof of the facts shown therein. All of the corporate books, including the certificate book, stockholders' ledger and minute book or a copy thereof shall be kept at the corporation's principal place of business ~~((and not elsewhere)).~~ Any books, record, and minutes may be in written form or any other form capable of being converted to written form within a reasonable time.

~~((Whenever in the opinion of the supervisor the condition of any bank or trust company is such that any transfer of the capital stock of such bank or trust company would be detrimental to the interests of its depositors, the supervisor may, by written order served upon the directors of such bank or trust company, direct that no transfer of stock shall be made until further order of the supervisor.))~~

NEW SECTION. Sec. 32. A new section is added to chapter 30.12 RCW to read as follows:

Any person who has been a shareholder of record at least six months immediately preceding his or her demand or who is the holder of record of at least five percent of all the outstanding shares of a bank or trust company, upon written demand stating the purpose thereof, has the right to examine, in person, or by agent or attorney, at any reasonable time or times, for any proper purpose, the bank or trust company's minutes of the proceedings of its shareholders, its shareholder records, and its existing publicly available records. The person is entitled to make extracts therefrom, except that the person is not entitled to view or make extracts of any portion of minutes that refer or relate to information which is confidential.

Any officer or agent who, or a bank or trust company that, refuses to allow any such shareholder or his or her agent or attorney, to examine and make extracts from its minutes of the proceedings of its shareholders, record of shareholders, or existing publicly available books and records, for any proper purpose, shall be liable to the shareholder for actual damages or other remedy afforded the shareholder by law.

It is a defense to any action for penalties under this section that the person suing therefor has, within two years: (1) Sold or offered for sale any list of shareholders for shares of such bank or trust company or any other bank or trust company; (2) aided or abetted any person in procuring any list of shareholders for any such purpose; (3) improperly used any information secured through any prior examination of existing publicly available books and records, or minutes, or record of shareholders of such bank or trust company or any other bank or trust company; or (4) not acted in good faith or for a proper purpose in making his or her demand.

Nothing in this section impairs the power of any court of competent jurisdiction, upon proof by a shareholder of proper purpose, irrespective of the period of time during which the shareholder has been a shareholder of record, and irrespective of the number of shares held by him or her, to compel the production for examination by the shareholder of the existing publicly available books and records, minutes, and record of shareholders of a bank or trust company.

Upon the written request of any shareholder of a bank or trust company, the bank or trust company shall mail to the shareholder its most recent financial statements showing in reasonable detail its assets and liabilities and the results of its operations. As used in this section, 'shareholder' includes the holder of voting trust certificates for shares.

Sec. 33. Section 30.12.030, chapter 33, Laws of 1955 and RCW 30.12.030 are each amended to read as follows:

(1) Except as otherwise permitted by the supervisor under specified terms and conditions, the board of directors of each bank and trust company shall direct and require good and sufficient surety company fidelity bonds issued by a company authorized to engage in the insurance business in the state of Washington on all active officers and employees, whether or not they draw salary or compensation, which bonds shall provide for indemnity to such bank or trust company, on account of any losses sustained by it as the result of any dishonest, fraudulent or criminal act or omission committed or omitted by them acting independently or in collusion or combination with any person or persons. Such bonds may be individual, schedule or blanket form, and the premiums therefor shall be paid by the bank or trust company.

(2) The said directors shall also direct and require suitable insurance protection to the bank or trust company against burglary, robbery, theft and other similar insurance hazards to which the bank or trust company may be exposed in the operations of its business on the premises or elsewhere.

The said directors shall be responsible for prescribing at least once in each year the amount or penal sum of such bonds or policies and the sureties or underwriters thereon, after giving due consideration to all known elements and factors constituting such risk or hazard. Such action shall be recorded in the minutes of the board of directors ~~((and thereafter be reported to the supervisor and be subject to his approval))~~.

Sec. 34. Section 30.12.050, chapter 33, Laws of 1955 and RCW 30.12.050 are each amended to read as follows:

A director, officer, employee or other agent of any bank shall not purchase, or be interested in the purchase, directly or indirectly, of any of its assets without the previous ~~((written))~~ consent of ~~((the supervisor and of))~~ a majority of ~~((the))~~ disinterested directors of the bank; PROVIDED, That if the fair market value of the asset or assets exceed ten thousand dollars, not less than ten days' prior notice of the sale shall be given to the supervisor. ((Whoever knowingly does or participates or aids in the doing of any act in violation of this section shall be guilty of a gross misdemeanor and be punished accordingly, and also shall forfeit to the state double the amount of any loss suffered by the bank or trust company on account of the unlawful purchase, the recovery to be one-half for the use of the bank or trust company and the rest for the use of the state.))

Sec. 35. Section 30.12.110, chapter 33, Laws of 1955 and RCW 30.12.110 are each amended to read as follows:

~~((Every))~~ No officer, director, agent, employee or stockholder of any bank or trust company ~~((who))~~ shall, directly or indirectly, receive a bonus, commission, compensation, remuneration, gift, speculative interest or gratuity of any kind from any person, firm or corporation other than the bank or as allowed by section 36 of this 1986 act for granting, procuring or endeavoring to procure, for any person, firm or corporation, any loan by or out of the funds of such bank or trust company or the purchase or sale of any securities or property for or on account of such bank or trust company or for granting or procuring permission for any person, firm or corporation to overdraw any account with such bank or trust company((:)). Any person violating this section shall be guilty of a ((felony)) gross misdemeanor.

NEW SECTION. Sec. 36. A new section is added to chapter 30.12 RCW to read as follows:

(1) If a transaction is fair to a corporation at the time it is authorized, approved, or ratified, the fact that a director or an officer had a direct or indirect interest in the transaction is not grounds for either invalidating the transaction or imposing liability on the director or officer.

(2) In any proceeding seeking to invalidate a transaction with the corporation in which a director or an officer had a direct or indirect interest in a transaction with the corporation, the person asserting the validity of the transaction has the burden of proving fairness unless:

(a) The material facts of the transaction and the director's or officer's interest was disclosed or known to the board of directors, or a committee of the board, and the board or committee authorized, approved, or ratified the transaction; or

(b) The material facts of the transaction and the director's or officer's interest was disclosed or known to the shareholders entitled to vote, and they authorized, approved, or ratified the transaction.

(3) For purposes of this section, a director or an officer of a corporation has an indirect interest in a transaction with the corporation if:

(a) Another entity in which the director or officer has a material financial interest, or in which such person is a general partner, is a party to the transaction; or

(b) Another entity of which the director or officer is a director, officer, or trustee is a party to the transaction, and the transaction is or should be considered by the board of directors of the corporation.

(4) For purposes of subsection (3)(a) of this section, a transaction is authorized, approved, or ratified only if it receives the affirmative vote of a majority of the directors on the board of directors or on the committee who have no direct or indirect interest in the transaction. If a majority of the directors who have no direct or indirect interest in the transaction vote to authorize, approve, or ratify the transaction, a quorum is present for the purpose of taking action under this section. The presence of, or a vote cast by, a director with a direct or indirect interest in the transaction does not affect the validity of any action taken under subsection (3)(a) of this section if the transaction is otherwise authorized, approved, or ratified as provided in that subsection.

(5) For purposes of subsection (3)(b) of this section, a transaction is authorized, approved, or ratified only if it receives the vote of a majority of shares entitled to be counted under this subsection. All outstanding shares entitled to vote under this title or the articles of incorporation are entitled to be counted under this subsection except shares owned by or voted under the control of a director or an officer who has a direct or indirect interest in the transaction. Shares owned by or voted under the control of an entity described in subsection (3)(a) of this section shall not be counted to determine whether shareholders have authorized, approved, or ratified a transaction for purposes of subsection (3)(b) of this section. The vote of the shares owned by or voted under the control of a director or an officer who has a direct or indirect interest in the transaction and shares owned by or voted under the control of an entity described in subsection (3)(a) of this section, however, shall be counted in determining whether the transaction is approved under other sections of this title and for purposes of determining a quorum.

NEW SECTION. Sec. 37. A new section is added to chapter 30.12 RCW to read as follows:

Subject to any restrictions in its articles of incorporation and in accordance with and subject to the provisions of RCW 30.08.088, the board of directors of a bank or trust company may grant options entitling the holders thereof to purchase from the corporation shares of any class of its stock. The instrument evidencing the option shall state the terms upon which, the time within which, and the price at which such shares may be purchased from the corporation upon the exercise of such option. If any such options are granted by contract, or are to be granted pursuant to a plan, to officers or employees of the bank or trust company, then the contract or the plan shall require the approval, within twelve months of its approval by the board of directors, of the holders of a majority of its voting capital stock. Subsequent amendments to any such contract or plan which do not change the price or duration of any option, the maximum number of shares which may be subject to options, or the class of employees eligible for options may be made by the board of directors without further shareholder approval.

Subject to any restrictions in its articles of incorporation, the board of directors of a bank or trust company shall have the authority to enter into any plans or contracts providing for compensation for its officers and employees, including, but not being limited to, incentive bonus contracts, stock purchase or bonus plans and profit sharing plans.

Sec. 38. Section 30.20.060, chapter 33, Laws of 1955 as last amended by section 3, chapter 280, Laws of 1961 and RCW 30.20.060 are each amended to read as follows:

~~((Any))~~ A bank or trust company ~~((which shall conduct a savings account department))~~ shall repay all deposits to the depositor or his lawful representative when required at such time or times and with such interest as the regulations of the corporation shall prescribe. Such regulations shall be prescribed by the directors of ~~((any such))~~ the bank or trust company and may contain provisions with respect to the terms and conditions upon which any ~~((such savings))~~ account or deposit will be maintained by said bank or trust company. Such regulations and any amendments thereto shall be posted in a conspicuous place in a room where the ~~((savings account))~~ deposit business of ~~((any such))~~ the bank or trust company shall be transacted and shall ~~((be))~~ remain available to depositors upon request. All such rules and regulations and all amendments thereto from time to time in effect shall be binding upon all depositors. At the option of the bank, a passbook shall be issued to each savings account depositor, or a (ledger) record maintained in lieu of a passbook((covering such deposits in which shall be entered each deposit by and each payment to such depositor, and no payment or checks

~~against any savings account shall be made unless accompanied by and entered in any passbook issued therefor, except for good cause and assurance satisfactory to the corporation; PROVIDED, HOWEVER, That in any event, a passbook shall be issued upon request)). A deposit contract may be adopted by the bank or trust company in lieu of or in addition to account rules and regulations and shall be enforceable and amendable in the same manner as provided herein for account rules and regulations or as provided in the deposit contract. A copy of such contract shall be provided to the depositor.~~

Sec. 39. Section 30.40.020, chapter 33, Laws of 1955 as last amended by section 2, chapter 73, Laws of 1981 and RCW 30.40.020 are each amended to read as follows:

~~A bank or trust company ((having a paid-in capital of not less than five hundred thousand dollars)) may, with the approval of the supervisor, establish and operate branches ((in any city or town)) anywhere within the state. ((A bank or trust company having a paid-in capital of not less than two hundred thousand dollars may, with the approval of the supervisor, establish and operate branches within the limits of the county in which its principal place of business is located.)) A bank having a paid-in capital of not less than one million dollars may, with the approval of the supervisor, establish and operate branches in any foreign country. The supervisor's approval of a branch within this state shall be conditioned on a finding that the resources in the neighborhood of the proposed location and in the surrounding country offer a reasonable promise of adequate support for the proposed branch and that the proposed branch is not being formed for other than the legitimate objects covered by this title. The supervisor's approval of a branch in a foreign country shall be conditioned on a finding that the proposed location offers a reasonable promise of adequate support for the proposed branch, that the proposed branch is not being formed for other than the legitimate objects covered by this title((- and that the principal purpose for establishing such branch is to aid in financing or facilitating exports and/or imports and the exchange of commodities with any foreign country or the agencies or nationals thereof.~~

~~The aggregate paid-in capital stock of every bank or trust company operating branches shall at no time be less than the aggregate of the minimum capital required by law for the establishment of an equal number of banks or trust companies in the cities or towns wherein the principal office or place of business of such bank or trust company and its branches are located.~~

~~No bank or trust company shall establish or operate any branch, except a branch in a foreign country, in any city or town outside the city or town in which its principal place of business is located in which any bank, trust company or national banking association regularly transacts a banking or trust business, except by taking over or acquiring an existing bank, trust company or national banking association or the branch of any bank, trust company or national banking association operating in such city or town. However, on and after July 1, 1981, a bank or trust company having a paid-in capital of not less than five hundred thousand dollars may, with the approval of the supervisor, establish and operate branches within the limits of the county in which its principal place of business is located, including within any city or town located in such county and whether or not an existing bank, trust company, or national banking association or branch thereof is operating in the city or town. On and after July 1, 1985, a bank or trust company having a paid-in capital of not less than five hundred thousand dollars may, with the approval of the supervisor, establish and operate a branch anywhere within the state, including within cities and towns where an existing bank, trust company, or national banking association or a branch thereof is operating)).~~

Sec. 40. Section 1, chapter 196, Laws of 1982 and RCW 30.04.550 are each amended to read as follows:

A state banking corporation may, with the approval of the supervisor of banking and the affirmative vote of the shareholders of such corporation owning at least two-thirds of ((its capital stock outstanding, reorganize)) each class of shares entitled to vote under the terms of such shares, be reorganized to become a subsidiary of a bank holding company or a company that will, upon consummation of such reorganization, become a bank holding company, as defined in the federal bank holding company act of 1956, as amended.

Sec. 41. Section 2, chapter 196, Laws of 1982 and RCW 30.04.555 are each amended to read as follows:

A reorganization authorized under RCW 30.04.550 shall be carried out in the following manner:

(1) A plan of reorganization specifying the manner in which the reorganization shall be carried out must be approved by a majority of the entire board of directors of the banking corporation. The plan shall specify the name of the acquiring corporation, the amount of cash, securities of the bank holding company, other consideration, or any combination thereof to be paid to the shareholders of the reorganizing corporation in exchange for their shares of the stock of the corporation. The plan shall also specify the exchange date or the manner in which such exchange date shall be determined, the manner in which the exchange shall be carried out, and such other matters, not inconsistent with this chapter, as shall be determined by the board of directors of the corporation.

(2) The plan of reorganization shall be submitted to the shareholders of the reorganizing corporation at a meeting to be held on the call of the directors. Notice of the meeting of ~~((stockholders))~~ shareholders at which the plan shall be considered shall be given ~~((by publication in a newspaper of general circulation in the place where the principal office of each banking corporation is located at least once each week for four successive weeks, and))~~ by certified mail at least twenty days before the date of the meeting, to each stockholder of record of the banking corporation. The notice shall state that dissenting ~~((stockholders))~~ shareholders will be entitled to payment of the value of only those shares which are voted against approval of the plan.

Sec. 42. Section 3, chapter 196, Laws of 1982 and RCW 30.04.560 are each amended to read as follows:

If the shareholders approve the reorganization by a two-thirds vote of ~~((the capital stock outstanding))~~ each class of shares entitled to vote under the terms of such shares, and if it is thereafter approved by the supervisor and consummated, any shareholder of the banking corporation who has voted shares against such reorganization at such meeting or has given notice in writing at or prior to such meeting to the banking corporation that he or she dissents from the plan of reorganization and has not voted in favor of the reorganization, shall be entitled to receive the value of the shares determined as provided in RCW 30.04.565. Such dissenter's rights must be exercised by making written demand which shall be delivered to the corporation at any time within thirty days after the date of shareholder approval, accompanied by the surrender of the appropriate stock certificates.

Sec. 43. Section 30.49.010, chapter 33, Laws of 1955 and RCW 30.49.010 are each amended to read as follows:

As used in this chapter:

'Merging bank' means a party to a merger;

'Converting bank' means a bank converting from a state to a national bank, or the reverse;

'Merger' includes consolidation;

'Resulting bank' means the bank resulting from a merger or conversion.

Wherever reference is made to a vote of stockholders or a vote of classes of stockholders it shall mean only a vote of those entitled to vote under the terms of such shares.

NEW SECTION. Sec. 44. Prior to the approval of the reorganization, the supervisor, upon request of the board of directors of the bank, or not less than ten percent of its shareholders, shall hold a public hearing at which bank shareholders and other interested parties may appear. Notice of the public hearing shall be sent to each shareholder and otherwise publicized in accordance with the administrative procedure act, chapter 34.04 RCW.

The approval of the reorganization by the supervisor of banking shall be conditioned on a finding that the terms of the reorganization are fair to the shareholders and other interested parties.

Sec. 45. Section 1, chapter 166, Laws of 1974 ex. sess. as amended by section 1, chapter 137, Laws of 1979 and RCW 30.43.010 are each amended to read as follows:

As used in this chapter the term 'financial institution' means any bank or trust company established in this state pursuant to Title 12, United States Code, chapter 2, or Title 30 RCW, any mutual savings bank established in this state pursuant to Title 32 RCW, any savings and loan association established in this state pursuant to Title 12, United States Code, chapter 12, or Title 33 RCW, and any credit union established in this state pursuant to Title 12, United States Code, chapter 14 or chapters 31.12 and 31.13 RCW.

As used in this chapter, the term 'supervisor' means, if applicable to banks, trust companies, or mutual savings banks, the supervisor of banking and, if applicable to savings and loan associations and credit unions, the supervisor of savings and loan associations, or the National Credit Union Administration in the case of federally chartered credit unions.

As used in this chapter, the term 'satellite facility' means an unmanned facility at which transactions, including, but not being limited to account transfers, payments, and instructions for deposits and withdrawals may be conducted and which is not a part of a branch or main office of the financial institution: PROVIDED, That such a facility shall not be construed to be the establishment of a branch: PROVIDED FURTHER, That ~~((in considering any application for authority to open a new branch or to establish a new financial institution, the supervisor shall disregard the existence of facilities established pursuant to this chapter in determining whether there is reasonable promise of adequate support for the new branch or proposed new financial institution.))~~ an unmanned facility which is connected to a dispenser of goods or services and that originates or communicates funds transfer instructions for the payment of such goods or services shall not be a 'satellite facility.'

NEW SECTION. Sec. 46. Any action required by this title to be taken at a meeting of the shareholders of a corporation, or any action that may be taken at a meeting of the shareholders, may be taken without a meeting if a consent in writing, setting forth the action so taken, is signed by all of the shareholders entitled to vote with respect to the subject matter thereof.

The consent shall have the same force and effect as a unanimous vote of shareholders and may be stated as such in any articles or documents filed under this title.

NEW SECTION, Sec. 47. Unless otherwise provided by the articles of incorporation or bylaws, any action required by this title to be taken at a meeting of the directors of a bank or trust company, or any action which may be taken at any meeting of the directors or of a committee, may be taken without a meeting if a consent in writing, setting forth the action so taken, shall be signed by all of the directors, or all of the members of the committee, as the case may be. Such consent shall have the same effect as a unanimous vote.

NEW SECTION, Sec. 48. Except as may be otherwise restricted by the articles of incorporation or bylaws, members of the board of directors or any committee designated by the board of directors may participate in a meeting of the board or committee by means of a conference telephone or similar communications equipment by means of which all persons participating in the meeting can hear each other at the same time. Participation by such means shall constitute presence, in person, at a meeting.

Sec. 49. Section 30.49.040, chapter 33, Laws of 1955 as amended by section 9, chapter 196, Laws of 1982 and RCW 30.49.040 are each amended to read as follows:

This section is applicable where there is to be a resulting state bank, except in the case of reorganization and exchange as authorized by this title.

(1) The board of directors of each merging state bank shall, by a majority of the entire board, approve a merger agreement which shall contain:

(a) The name of each merging state or national bank and location of each office;

(b) With respect to the resulting state bank, (i) the name and location of the principal and other offices; (ii) the name and (~~(residence)~~) mailing address of each director to serve until the next annual meeting of the stockholders; (iii) the name and (~~(residence)~~) mailing address of each officer; (iv) the amount of capital, the number of shares and the par value, if any, of each share; and (v) the amendments to its charters and bylaws;

(c) Provisions governing the exchange of shares of the merging state or national banks for such consideration as has been agreed to in the merger agreement;

(d) A statement that the agreement is subject to approval by the supervisor of banking and the stockholders of each merging state or national bank;

(e) Provisions governing the manner of disposing of the shares of the resulting state bank if such shares are to be issued in the transaction and are not taken by dissenting shareholders of merging state or national banks;

(f) Such other provisions as the supervisor of banking requires to discharge his or her duties with respect to the merger;

(2) After approval by the board of directors of each merging state bank, the merger agreement shall be submitted to the supervisor of banking for approval, together with certified copies of the authorizing resolutions of each board of directors showing approval by a majority of the entire board and evidence of proper action by the board of directors of any merging national bank;

(3) Within sixty days after receipt by the supervisor of banking of the papers specified in subsection (2) of this section, the supervisor of banking shall approve or disapprove of the merger agreement, and if no action is taken, the agreement shall be deemed approved. The supervisor of banking shall approve the agreement if it appears that:

(a) The resulting state bank meets the requirements of state law as to the formation of a new state bank;

(b) The agreement provides an adequate capital structure including surplus in relation to the deposit liabilities of the resulting state bank and its other activities which are to continue or are to be undertaken;

(c) The agreement is fair;

(d) The merger is not contrary to the public interest.

If the supervisor of banking disapproves an agreement, he or she shall state his or her objections and give an opportunity to the merging state or national banks to amend the merger agreement to obviate such objections.

NEW SECTION, Sec. 50. A new section is added to chapter 30.12 RCW to read as follows:

The shareholders of a banking corporation organized under the laws of this state and the deposits of which are insured by the federal deposit insurance corporation shall not be liable for any debts or obligations of the bank.

NEW SECTION, Sec. 51. The following acts or parts of acts are each repealed:

(1) Section 30.04.040, chapter 33, Laws of 1955, section 79, chapter 81, Laws of 1971 and RCW 30.04.040;

(2) Section 30.04.100, chapter 33, Laws of 1955 and RCW 30.04.100;

(3) Section 30.04.110, chapter 33, Laws of 1955, section 1, chapter 136, Laws of 1969, section 4, chapter 157, Laws of 1983 and RCW 30.04.110;

(4) Section 1, chapter 302, Laws of 1955 and RCW 30.04.122;

(5) Section 2, chapter 302, Laws of 1955 and RCW 30.04.124;

(6) Section 1, chapter 185, Laws of 1959, section 1, chapter 124, Laws of 1979 and RCW 30.04.126;

(7) Section 2, chapter 194, Laws of 1963, section 5, chapter 157, Laws of 1983 and RCW 30.04.128;

- (8) Section 30.04.160, chapter 33, Laws of 1955, section 7, chapter 157, Laws of 1983, section 97, chapter 7, Laws of 1985 and RCW 30.04.160;
- (9) Section 30.04.170, chapter 33, Laws of 1955 and RCW 30.04.170;
- (10) Section 30.04.190, chapter 33, Laws of 1955 and RCW 30.04.190;
- (11) Section 2, chapter 356, Laws of 1955 and RCW 30.04.340;
- (12) Section 3, chapter 356, Laws of 1955 and RCW 30.04.350;
- (13) Section 4, chapter 356, Laws of 1955 and RCW 30.04.360;
- (14) Section 30.12.080, chapter 33, Laws of 1955, section 3, chapter 106, Laws of 1959, section 5, chapter 140, Laws of 1965, section 3, chapter 106, Laws of 1979 and RCW 30.12.080;
- (15) Section 30.12.140, chapter 33, Laws of 1955 and RCW 30.12.140;
- (16) Section 30.12.150, chapter 33, Laws of 1955 and RCW 30.12.150;
- (17) Section 30.12.160, chapter 33, Laws of 1955 and RCW 30.12.160;
- (18) Section 30.12.170, chapter 33, Laws of 1955 and RCW 30.12.170;
- (19) Section 30.12.200, chapter 33, Laws of 1955, section 1, chapter 296, Laws of 1955 and RCW 30.12.200;
- (20) Section 4, chapter 140, Laws of 1965, section 4, chapter 106, Laws of 1979 and RCW 30.12.210;
- (21) Section 30.20.070, chapter 33, Laws of 1955 and RCW 30.20.070;
- (22) Section 30.20.080, chapter 33, Laws of 1955 and RCW 30.20.080; and
- (23) Section 7, chapter 106, Laws of 1979, section 1, chapter 9, Laws of 1980 and RCW 30.40.060.

NEW SECTION. Sec. 52. Sections 3, 5, 16, 44, and 46 through 48 of this act are each added to chapter 30.04 RCW.

NEW SECTION. Sec. 53. Financial institutions have been subjected to significant changes in the recent past. Regulated financial institutions have come under pressure from nonregulated financial institutions for markets that were formerly the sole province of the regulated institutions. The legislature has been repeatedly asked to expand the powers of regulated institutions so they may compete on an equal basis. It is the intent of the legislature, in enacting section 54 of this act, to develop the information with which it can respond to requests from financial institutions for new powers.

NEW SECTION. Sec. 54. A new section is added to chapter 30.04 RCW to read as follows:

(1) The supervisor of banking shall study the financial institution structure in the state and report to the governor and the appropriate standing committees of the house of representatives and the senate on changes which should be made to enable commercial banks to remain safe and sound and yet be competitive with other financial institutions. In conducting the study the supervisor shall consider:

- (a) The powers which commercial banks under state regulatory authority should be entitled to exercise;
- (b) The level of supervision that is necessary to assure safe and sound commercial banks without unnecessarily restricting the operation of the institutions;
- (c) Whether the distinction between commercial banks, savings banks, and savings and loan associations should be retained, and if so, whether there should continue to be differences in their powers;

- (d) The general corporate powers that should be authorized for banking corporations; and
- (e) Any other matters deemed by the supervisor to be relevant.

(2) The supervisor, in conducting the study required by subsection (1) of this section shall consult with the supervisor of savings and loans and with representatives from all types of financial institutions, including large and small, urban and rural, commercial banks, savings banks, and savings and loan associations. The supervisor shall also advise the appropriate standing committees of the house of representatives and the senate of all meetings held to consider the study conducted under this section.

(3) The supervisor of banking shall submit the report required by subsection (1) of this section not later than November 1, 1987. A progress report shall be submitted to the governor and the respective standing committees of the house of representatives and the senate not later than December 1, 1986.*

On page 1, line 1 of the title, after "companies;" strike the remainder of the title and insert "amending RCW 30.04.030, 30.04.075, 30.04.120, 30.04.130, 30.04.140, 30.04.180, 30.04.210, 30.04.215, 30.04.238, 30.04.380, 30.04.390, 30.04.405, 30.08.010, 30.08.020, 30.08.050, 30.08.060, 30.08.070, 30.08.082, 30.08.084, 30.08.086, 30.08.087, 30.08.088, 30.08.090, 30.08.140, 30.12.010, 30.12.020, 30.12.030, 30.12.050, 30.12.110, 30.20.060, 30.40.020, 30.04.550, 30.04.560, 30.49.010, 30.43.010, and 30.49.040; adding new sections to chapter 30.04 RCW; adding a new section to chapter 30.08 RCW; adding new sections to chapter 30.12 RCW; creating new sections; repealing RCW 30.04.040, 30.04.100, 30.04.110, 30.04.122, 30.04.124, 30.04.126, 30.04.128, 30.04.160, 30.04.170, 30.04.190, 30.04.340, 30.04.350, 30.04.360, 30.12.080, 30.12.140, 30.12.150, 30.12.160, 30.12.170, 30.12.200, 30.12.210, 30.20.070, 30.20.080, and 30.40.060."

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Grimm, Holland, P. King, Locke, Nutley, Prince, West and Winsley.

Absent: Representative Dellwo.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 4960 Prime Sponsor, Senator Moore: Declaring that contract bridge is not gambling. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 139, Laws of 1981 as last amended by section 1, chapter 170, Laws of 1985 and by section 2, chapter 473, Laws of 1985 and RCW 9.46.030 are each reenacted and amended to read as follows:

(1) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct bingo games, raffles, amusement games, and fund raising events, and to utilize punch boards and pull-tabs and to allow their premises and facilities to be used by only members, their guests, and members of a chapter or unit organized under the same state, regional, or national charter or constitution, to play social card games authorized by the commission, when licensed, conducted or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(2) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of raffles, are hereby authorized to conduct raffles without obtaining a license to do so from the commission when such raffles are held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules of the commission; when gross revenues from all such raffles held by the organization during the calendar year do not exceed five thousand dollars; and when tickets to such raffles are sold only to, and winners are determined only from among, the regular members of the organization conducting the raffle: PROVIDED, That the term members for this purpose shall mean only those persons who have become members prior to the commencement of the raffle and whose qualification for membership was not dependent upon, or in any way related to, the purchase of a ticket, or tickets, for such raffles.

(3) Bona fide charitable or bona fide nonprofit organizations organized primarily for purposes other than the conduct of such activities are hereby authorized to conduct bingo, raffles, and amusement games, without obtaining a license to do so from the commission but only when:

(a) Such activities are held in accordance with all other requirements of chapter 9.46 RCW as now or hereafter amended, other applicable laws, and rules of the commission; and

(b) Said activities are, alone or in any combination, conducted no more than twice each calendar year and over a period of no more than twelve consecutive days each time, notwithstanding the limitations of RCW 9.46.020(2) as now or hereafter amended: PROVIDED, That a raffle conducted under this subsection may be conducted for a period longer than twelve days; and

(c) Only bona fide members of that organization, who are not paid for such services, participate in the management or operation of the activities; and

(d) Gross revenues to the organization from all the activities together do not exceed five thousand dollars during any calendar year; and

(e) All revenue therefrom, after deducting the cost of prizes and other expenses of the activity, is devoted solely to the purposes for which the organization qualifies as a bona fide charitable or nonprofit organization; and

(f) The organization gives notice at least five days in advance of the conduct of any of the activities to the local police agency of the jurisdiction within which the activities are to be conducted of the organization's intent to conduct the activities, the location of the activities, and the date or dates they will be conducted; and

(g) The organization conducting the activities maintains records for a period of one year from the date of the event which accurately show at a minimum the gross revenue from each activity, details of the expenses of conducting the activities, and details of the uses to which the gross revenue therefrom is put.

(4) The legislature hereby authorizes any person, association or organization operating an established business primarily engaged in the selling of food or drink for consumption on the premises to conduct social card games and to utilize punch boards and pull-tabs as a commercial stimulant to such business when licensed and utilized or operated pursuant to the provisions of this chapter and rules and regulations adopted pursuant thereto.

(5) The legislature hereby authorizes any person to conduct or operate amusement games when licensed and operated pursuant to the provisions of this chapter and rules and regulations adopted by the commission at such locations as the commission may authorize.

(6) The legislature hereby authorizes any person, association, or organization to conduct sports pools without a license to do so from the commission but only when the outcome of which is dependent upon the score, or scores, of a certain athletic contest and which is conducted only in the following manner:

(a) A board or piece of paper is divided into one hundred equal squares, each of which constitutes a chance to win in the sports pool and each of which is offered directly to prospective contestants at one dollar or less; and

(b) The purchaser of each chance or square signs his or her name on the face of each square or chance he or she purchases; and

(c) At some time not later than prior to the start of the subject athletic contest the pool is closed and no further chances in the pool are sold; and

(d) After the pool is closed a prospective score is assigned by random drawing to each square; and

(e) All money paid by entrants to enter the pool less taxes is paid out as the prize or prizes to those persons holding squares assigned the winning score or scores from the subject athletic contest; and

(f) The sports pool board is available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand at all times prior to the payment of the prize; and

(g) The person or organization conducting the pool is conducting no other sports pool on the same athletic event; and

(h) The sports pool conforms to any rules and regulations of the commission applicable thereto.

(7) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission, golfing sweepstakes permitting wagers of money, and the same shall not constitute such gambling or lottery as otherwise in this chapter prohibited, or be subject to civil or criminal penalties thereunder, but this only when the outcome of such golfing sweepstakes is dependent upon the score, or scores, or the playing ability, or abilities, of a golfing contest between individual players or teams of such players, conducted in the following manner:

(a) Wagers are placed by buying tickets on any players in a golfing contest to 'win', 'place' or 'show' and those holding tickets on the three winners may receive a payoff similar to the system of betting identified as parimutuel, such moneys placed as wagers to be used primarily as winners proceeds, except moneys used to defray the expenses of such golfing sweepstakes or otherwise used to carry out the purposes of such organization; or

(b) Participants in any golfing contest(s) pay a like sum of money into a common fund on the basis of attaining a stated number of points ascertainable from the score of such participants, and those participants attaining such stated number of points share equally in the moneys in the common fund, without any percentage of such moneys going to the sponsoring organization; and

(c) Participation is limited to members of the sponsoring organization and their bona fide guests.

(8) The legislature hereby authorizes bowling establishments to conduct, without the necessity of obtaining a permit or license to do so, as a commercial stimulant, a bowling activity which permits bowlers to purchase tickets from the establishment for a predetermined and posted amount of money which tickets are then selected by the luck of the draw and the holder of the matching ticket so drawn has an opportunity to bowl a strike and if successful receives a predetermined and posted monetary prize: PROVIDED, That all sums collected by the establishment from the sale of tickets shall be returned to purchasers of tickets and no part of the proceeds shall inure to any person other than the participants winning in the game or a recognized charity. The tickets shall be sold, and accounted for, separately from all other sales of the establishment. The price of any single ticket shall not exceed one dollar. Accounting records shall be available for inspection during business hours by any person purchasing a chance thereon, by the commission or its representatives, or by any law enforcement agency.

(9) (a) The legislature hereby authorizes its bona fide charitable or nonprofit organization which is licensed pursuant to RCW 66.24.400, and its officers and employees, to allow the use of the premises, furnishings, and other facilities not gambling devices of such organization by members of the organization, and members of a chapter or unit organized under the same state, regional, or national charter or constitution, who engage as players in the following types of gambling activities only:

(i) Social card games as defined in RCW 9.46.020(20)(a), (b), (c), and (d); and

(ii) Social dice games, which shall be limited to contests of chance, the outcome of which are determined by one or more rolls of dice.

(b) Bona fide charitable or nonprofit organizations shall not be required to be licensed by the commission in order to allow use of their premises in accordance with this subsection; however, the following conditions must be met:

(i) No organization, corporation, or person shall collect or obtain or charge any percentage of or shall collect or obtain any portion of the money or thing of value wagered or won by any of the players: PROVIDED, That a player may collect his or her winnings; and

(ii) No organization, corporation, or person shall collect or obtain any money or thing of value from, or charge or impose any fee upon, any person which either enables him or her to play or results in or from his or her playing: PROVIDED, That this subparagraph (ii) shall not

preclude collection of a membership fee which is unrelated to participation in gambling activities authorized under this subsection.

(10)(a) The legislature hereby authorizes promotional contests of chance conducted in this state, or partially in this state, in which a person is required, in order to participate in the contest equally with other participants, to do only one or more of the following:

(i) Listen to or watch a television or radio program or subscribe to a cable television service;

(ii) Fill out and return a coupon or entry blank or facsimile which is received through the mail, or published in a bona fide newspaper or magazine, or in a program sold in conjunction with and at a regularly scheduled sporting event, or the purchase of such newspaper, magazine, or program;

(iii) Send a coupon or entry blank by United States mail to a designated address;

(iv) Visit a business establishment to obtain or deposit a coupon or entry blank;

(v) Merely register, without the purchase of goods or services;

(vi) Expend time, thought, attention, and energy in perusing promotional material;

(vii) Place or answer a telephone call in a prescribed manner or otherwise make a prescribed response, guess, or answer;

(viii) Furnish the container of a product as packaged by the manufacturer, or a particular portion thereof, but only if furnishing a plain piece of paper or card with the name of the manufacturer or product handwritten thereon is acceptable in lieu thereof; or

(ix) Pay an admission fee to gain admission to any bona fide exposition, fair, or show for the display or promotion of goods, wares, or services, or any agricultural fair authorized under chapter 15.76 or 36.37 RCW, if (A) the scheme is conducted for promotional or advertising purposes, not including the promotion or advertisement of the scheme itself; and (B) the person or organization conducting the scheme receives no portion of the admission fee either directly or indirectly and receives no other money for conducting the scheme either directly or indirectly, other than what might be received indirectly as a result of the success of the promotional or advertising aspect of the scheme.

(b) Notwithstanding any other provision of this subsection, where any contest of chance is conducted by or on behalf of in-state retail grocery outlets in connection with business promotions, no such in-state retail grocery outlet may conduct more than one such contest of chance during each calendar year and the period of the contest of chance and its promotion shall not extend for more than fourteen consecutive days: PROVIDED, That if the sponsoring organization has more than one outlet in the state, such contests of chance must be held in all such outlets at the same time except that a sponsoring organization with more than one outlet may conduct a separate contest of chance in connection with the initial opening of any such outlet: PROVIDED FURTHER, That such contests of chance may be conducted on an ongoing basis if the prizes awarded or accumulated to award do not exceed thirty dollars a day or five thousand dollars a year in the aggregate for all outlets of the sponsoring organizations. Nothing in this paragraph (b) applies to contests of chance conducted by or in connection with business promotions by manufacturers.

For purposes of this section, in-state retail grocery outlet includes any establishment or recognized grocery department thereof in which more than twenty percent of the gross receipts result from the sale of food items for off-premises preparation. These food items include such products as meat, poultry, fish, bread, cereals, vegetables, fruit, dairy products, coffee, tea, cocoa, carbonated and uncarbonated beverages, candy, condiments, spices, and canned goods, and like products; but not including prepared hot foods or hot food products ready for immediate consumption.

(c) For the purposes of this chapter, radio and television broadcasting is hereby declared to be preempted by applicable federal statutes and the applicable rules of the federal communications commission. Broadcast programming, including advertising for others and station promotion, that complies with federal statutes and regulations is hereby authorized.

(11) The penalties provided for professional gambling in this chapter shall not apply to the activities authorized by this section when conducted in compliance with the provisions of this chapter and in accordance with the rules and regulations of the commission.

(12) The legislature hereby authorizes bona fide charitable or nonprofit organizations to conduct, without the necessity of obtaining a permit or license to do so from the commission, turkey shoots permitting wagers of money. Such contests shall not constitute such gambling or lottery as otherwise in this chapter prohibited, or be subject to civil or criminal penalties. Such organizations must be organized for purposes other than the conduct of turkey shoots.

Such turkey shoots shall be held in accordance with all other requirements of chapter 9.46 RCW, other applicable laws, and rules that may be adopted by the commission. Gross revenues from all such turkey shoots held by the organization during the calendar year shall not exceed five thousand dollars. Turkey shoots conducted under this section shall meet the following requirements:

(a) The target shall be divided into one hundred or fewer equal sections, with each section constituting a chance to win. Each chance shall be offered directly to a prospective contestant for one dollar or less;

(b) The purchaser of each chance shall sign his or her name on the face of the section he or she purchases;

(c) The person shooting at the target shall not be a participant in the contest, but shall be a member of the organization conducting the contest;

(d) Participation in the contest shall be limited to members of the organization which is conducting the contest and their guests;

(e) The target shall contain the following information:

(i) Distance from the shooting position to the target;

(ii) The gauge of the shotgun;

(iii) The type of choke on the barrel;

(iv) The size of shot that will be used; and

(v) The prize or prizes that are to be awarded in the contest;

(f) The targets, shotgun, and ammunition shall be available for inspection by any person purchasing a chance thereon, the commission, or by any law enforcement agency upon demand, at all times before the prizes are awarded;

(g) The turkey shoot shall award the prizes based upon the greatest number of shots striking a section;

(h) No turkey shoot may offer as a prize the right to advance or continue on to another turkey shoot or turkey shoot target; and

(i) Only bona fide members of the organization who are not paid for such service may participate in the management or operation of the turkey shoot, and all income therefrom, after deducting the cost of prizes and other expenses, shall be devoted solely to the lawful purposes of the organization.

(13) The legislature hereby authorizes certain gambling activities involving bridge in which players risk something of value. Bridge operated under this subsection must be licensed and shall comply with rules and regulations of the commission. In issuing rules implementing this subsection, the commission shall consider whether the person operating the game is certified by the American Contract Bridge League. A person operating bridge under this subsection shall not collect more than ten dollars daily per player in any fees or charges and shall not share in any of the wagers. A proprietor or employee may participate in the game provided he or she does not share in any winnings or losses of wagers and shall not be considered a 'player' as defined in RCW 9.46.020(16)."

On page 1, line 2 of the title, strike "9.46.020" and insert "9.46.030"

Signed by Representatives Wang, Chair; Cole, Vice Chair; Ebersole, Fisch, Fisher, R. King, O'Brien and J. Williams.

MINORITY recommendation: Do not pass. Signed by Representatives Betzoff, Chandler, Patrick, Sayan, C. Smith and Walker.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 4977 Prime Sponsor, Senator Gaspard: Establishing hotline to report hazardous working conditions. Reported by Committee on Commerce & Labor

MAJORITY recommendation: Do pass. Signed by Representatives Wang, Chair; Cole, Vice Chair; Ebersole, Fisch, Fisher, R. King, O'Brien and Sayan.

MINORITY recommendation: Do not pass. Signed by Representatives Chandler, Patrick, C. Smith and Walker.

Voting nay: Representatives Betzoff, Chandler, Patrick, C. Smith and Walker.

Absent: Representative J. Williams.

Referred to Committee on Ways & Means.

February 28, 1986

SJM 113 Prime Sponsor, Senator McManus: Requesting Congress to retain the Small Business Administration. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Dobbs, Doty, Lundquist, May, Niemi, Rayburn, Schoon, Silver, L. Smith, Smitherman, Tanner, Thomas, van Dyke, Vekich and B. Williams.

Absent: Representatives McMullen, Chair; Hargrove, J. King, Niemi, Scott, Vekich and Wineberry.

Passed to Committee on Rules for second reading.

February 28, 1986

SJM 133 Prime Sponsor, Senator Bottiger: Requesting that U.S. Congress establish satellite remote sensing receiving station in Hawaii and allocate funds for purchase of oceanographic color display. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Hargrove, J. King, Niemi, Rayburn, Scott, Smitherman, Tanner, van Dyke, Vekich and Wineberry.

Absent: Representatives Dobbs, Doty, Lundquist, May, Schmidt, Schoon, Scott, Silver, L. Smith, Thomas and B. Williams.

Passed to Committee on Rules for second reading.

February 28, 1986

SSJM 135 Prime Sponsor, Committee on Commerce & Labor: Requesting federal enactment of legislation to provide additional customs inspectors for the West Coast. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Hargrove, J. King, Niemi, Rayburn, Scott, Smitherman, Tanner, van Dyke, Vekich and Wineberry.

Absent: Representatives Dobbs, Doty, Lundquist, May, Schmidt, Schoon, Scott, Silver, L. Smith, Thomas and B. Williams.

Passed to Committee on Rules for second reading.

February 28, 1986

SSB 3419 Prime Sponsor, Committee on Governmental Operations: Modifying requirements for approval of plats. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 5, strike all material through "RCW 58.17.100." on page 2, line 23 and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 58.17 RCW to read as follows:

A county, city, or town may adopt an ordinance providing for the administrative review of a preliminary plat without a public hearing by adopting an ordinance providing for such administrative review. The ordinance may specify a threshold number of lots in a subdivision above which a public hearing must be held, and may specify other factors which necessitate the holding of a public hearing. The administrative review process shall include the following minimum conditions:

(1) The notice requirements of RCW 58.17.090 shall be followed, except that the publication shall be made within ten days of the filing of the application. Additionally, at least ten days after the filing of the application notice both shall be: (a) Posted on or around the land proposed to be subdivided in at least five conspicuous places designed to attract public awareness of the proposal; and (b) mailed to the owner of each lot or parcel of property located within at least three hundred feet of the site. The applicant shall provide the county, city, or town with a list of such property owners and their addresses. The notice shall include notification that no public hearing will be held on the application, except as provided by this section. The notice shall set out the procedures and time limitations for persons to require a public hearing and make comments.

(2) Any person shall have a period of twenty days from the date of the notice to comment upon the proposed preliminary plat. All comments received shall be provided to the applicant. The applicant has seven days from receipt of the comments to respond thereto.

(3) A public hearing on the proposed subdivision shall be held if any person files a request for a hearing with the county, city, or town within twenty-one days of the publishing of such notice. If such a hearing is requested, notice requirements for the public hearing shall be in conformance with RCW 58.17.090, and the ninety-day period for approval or disapproval of the proposed subdivision provided for in RCW 58.17.140 shall commence with the date of the filing of the request for a public hearing. Any hearing ordered under this subsection shall be conducted by the planning commission or hearings officer as required by county or city ordinance.

(4) On its own initiative within twenty-one days of the filing of the request for approval of the subdivision, the governing body, or a designated employee or official, of the county, city,

or town, shall be authorized to cause a public hearing to be held on the proposed subdivision within ninety days of the filing of the request for the subdivision.

(5) If the public hearing is waived as provided in this section, the planning commission or planning agency shall complete the review of the proposed preliminary plat and transmit its recommendation to the legislative body as provided in RCW 58.17.100."

On page 3, after line 22, insert the following:

"Sec. 4. Section 7, chapter 189, Laws of 1967 and RCW 36.93.070 are each amended to read as follows:

The members of each boundary review board shall elect from its members a chairman, vice chairman, and shall employ a nonmember as chief clerk, who shall be the secretary of the board. The board shall determine its own rules and order of business and shall provide by resolution for the time and manner of holding all regular or special meetings(~~(-and)~~); PROVIDED, That all meetings shall be subject to the provisions of chapter 42.30 RCW. The board shall keep a journal of its proceedings which shall be a public record. A majority of all the members shall constitute a quorum for the transaction of business.

The chief clerk of the board shall have the power to administer oaths and affirmations, certify to all official acts, issue subpoenas to any public officer or employee ordering him to testify before the board and produce public records, papers, books or documents. The chief clerk may invoke the aid of any court of competent jurisdiction to carry out such powers.

The board by rule may provide for hearings by panels of members consisting of not less than five board members, the number of hearing panels and members thereof, and for the impartial selection of panel members. A majority of a panel shall constitute a quorum thereof.

At the request of the board, the state attorney general, or at the board's option, the county prosecuting attorney, shall provide counsel for the board.

The planning departments of the county, other counties, and any city, and any state or regional planning agency shall furnish such information to the board at its request as may be reasonably necessary for the performance of its duties.

Each member of the board shall be compensated from the county current expense fund at the rate of twenty-five dollars per day, or a major portion thereof, for time actually devoted to the work of the boundary review board. Each board of county commissioners shall provide such funds as shall be necessary to pay the salaries of the members and staff, and such other expenses as shall be reasonably necessary.

Sec. 5. Section 7, chapter 10, Laws of 1982 as amended by section 28, chapter 281, Laws of 1985 and RCW 36.93.090 are each amended to read as follows:

Whenever any of the following described actions are proposed in a county in which a board has been established, the initiators of the action shall file within one hundred eighty days a notice of intention with the board(~~(-which)~~); PROVIDED, That when the initiator is the legislative body of a governmental unit, the notice of intention may be filed immediately following the body's first acceptance or approval of the action. The board may review any such proposed actions pertaining to:

(1) The: (a) Creation, incorporation, or change in the boundary, other than a consolidation, of any city, town, or special purpose district; (b) consolidation of special purpose districts, but not including consolidation of cities and towns; or (c) dissolution or disincorporation of any city, town, or special purpose district, except that a board may not review the dissolution or disincorporation of a special purpose district which was dissolved or disincorporated pursuant to the provisions of chapter 36.96 RCW; or

(2) The assumption by any city or town of all or part of the assets, facilities, or indebtedness of a special purpose district which lies partially within such city or town; or

(3) The establishment of or change in the boundaries of a mutual water and sewer system or separate sewer system by a water district pursuant to RCW 57.08.065 or chapter 57.40 RCW, as now or hereafter amended; or

(4) The establishment of or change in the boundaries of a mutual sewer and water system or separate water system by a sewer district pursuant to RCW 56.20.015 or chapter 56.36 RCW, as now or hereafter amended; or

(5) The extension of permanent water or sewer service outside of its existing corporate boundaries by a city, town, or special purpose district.

In addition to any other required notification, the initiators of actions exempted from boundary review board review pursuant to RCW 36.93.100(1) shall provide notification to those persons residing outside, but within a one-half mile radius, of the area being considered for the proposed action. Notification shall consist of posting a notice in ten locations in the area described for five days not more than fifteen days after the filing of the notice of intention. In addition, notice of the proposed action shall be given by publication in a newspaper of general circulation in the area at least three times, the last publication of which shall be not more than thirty days after the filing of the notice of intention.

Sec. 6. Section 10, chapter 189, Laws of 1967 as last amended by section 1, chapter 76, Laws of 1983 and RCW 36.93.100 are each amended to read as follows:

The board shall review and approve, disapprove, or modify any of the actions set forth in RCW 36.93.090 when any of the following shall occur within ~~((sixty))~~ forty-five days of the filing of a notice of intention:

(1) ~~((The chairman or any))~~ Three members of ~~((the))~~ a five-member boundary review board or five members of a boundary review board in a class AA county files a request for review: PROVIDED, That the members of the boundary review board shall not be authorized to file a request for review of the following actions:

(a) The incorporation or change in the boundary of any city, town, or special district;

(b) The extension of permanent water service outside of its existing corporate boundaries by a city, town, or special district where such extension is through the installation of water mains of six inches in diameter or less; or

(c) The extension of permanent sewer service outside of its existing corporate boundaries by a city, town, or special district where such extension is through the installation of sewer mains of eight inches in diameter or less;

(2) Any governmental unit affected or the elected county executive or a majority of the legislative authority of the county in which the action occurs files a request for review of the specific action:

(3) A petition requesting review is filed and is signed by:

(a) Five percent of the registered voters residing within the area which is being considered for the proposed action (as determined by the boundary review board in its discretion subject to immediate review by writ of certiorari to the superior court); or

(b) An owner or owners of property consisting of five percent of the assessed valuation within such area;

(4) The majority of the members of the boundary review board, acting in a public meeting, concur with a request for review when a petition requesting the review is filed and signed by five percent of the registered voters residing outside the area being considered for the proposed action but within one-half mile of the boundary of the governmental unit proposing the action, and who deem themselves affected by the action.

If a period of ~~((sixty))~~ forty-five days shall elapse without the board's jurisdiction having been invoked as set forth in this section, the proposed action shall be deemed approved.

If a review of a proposal is requested, the board shall make a finding as prescribed in RCW 36.93.150 within one hundred twenty days after the filing of such a request for review. If this period of one hundred twenty days shall elapse without the board making a finding as prescribed in RCW 36.93.150, the proposal shall be deemed approved unless the board and the person who submitted the proposal agree to an extension of the one hundred twenty day period.

Sec. 7. Section 11, chapter 189, Laws of 1967 as amended by section 42, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.93.110 are each amended to read as follows:

~~((In case of annexation to a city or a town.))~~ Where ~~((the))~~ an area proposed for annexation is less than ten acres and less than ~~((eight hundred thousand))~~ two million dollars in assessed valuation, the chairman of the review board may by written statement declare that review by the board is not necessary for the protection of the interest of the various parties, in which case the board shall not review such annexation.

Sec. 8. Section 12, chapter 189, Laws of 1967 as amended by section 6, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.120 are each amended to read as follows:

A fee of ~~((twenty-five))~~ fifty dollars shall be paid by all initiators and in addition if the jurisdiction of the review board is invoked pursuant to RCW 36.93.100, the person or entity seeking review, except for the boundary review board itself, shall pay to the county treasurer and place in the county current expense fund the ~~((sum))~~ fee of ((one)) two hundred dollars: PROVIDED, That the boundary review board may, at its discretion, waive all or part of the fee.

Sec. 9. Section 13, chapter 189, Laws of 1967 as amended by section 7, chapter 111, Laws of 1969 ex. sess. and RCW 36.93.130 are each amended to read as follows:

The notice of intention shall contain the following information:

(1) The nature of the action sought;

(2) A brief statement of the reasons for the proposed action;

(3) The legal description of the boundaries proposed to be created, abolished or changed by such action: PROVIDED, That the legal description may be altered, with concurrence of the initiators of the proposed action, if a person designated by the county legislative authority, as one who has expertise in legal descriptions, makes a determination that the legal description is erroneous; and

(4) A county assessor's map on which the boundaries proposed to be created, abolished or changed by such action are designated: PROVIDED, That at the discretion of the boundary review board a map other than the county assessor's map may be accepted.

Sec. 10. Section 15, chapter 189, Laws of 1967 as last amended by section 13, chapter 5, Laws of 1979 ex. sess. and RCW 36.93.150 are each amended to read as follows:

The board, upon review of any proposed action, shall take such of the following actions as it deems necessary to best carry out the intent of this chapter:

(1) Approval of the proposal as submitted;

(2) Subject to RCW 35.02.170, modification of the proposal by adjusting boundaries to add or delete territory: PROVIDED, That any proposal for annexation by the board shall be subject to RCW 35.21.010 and shall not add additional territory, the amount of which is greater than that included in the original proposal: PROVIDED FURTHER, That such modifications shall not interfere with the authority of a city, town, or special district to require or not require preannexation agreements, covenants, or petitions;

(3) Determination of a division of assets and liabilities between two or more governmental units where relevant;

(4) Determination whether, or the extent to which, functions of a special purpose district are to be assumed by an incorporated city or town, metropolitan municipal corporation, or another existing special purpose district; or

(5) Disapproval of the proposal except that the board shall not have jurisdiction to disapprove the dissolution or disincorporation of a special purpose district which is not providing services but shall have jurisdiction over the determination of a division of the assets and liabilities of a dissolved or disincorporated special purpose district: PROVIDED, That a board shall not have jurisdiction over the division of assets and liabilities of a special purpose district that is dissolved or disincorporated pursuant to chapter 36.96 RCW.

Unless the board shall disapprove a proposal, it shall be presented under the appropriate statute for approval of a public body and, if required, a vote of the people. A proposal that has been modified shall be presented under the appropriate statute for approval of a public body and if required, a vote of the people. If a proposal, other than that for a city, town, or special district annexation, after modification does not contain enough signatures of persons within the modified area, as are required by law, then the initiating party, parties or governmental unit has thirty days after the modification decision to secure enough signatures to satisfy the legal requirement. If the signatures cannot be secured then the proposal may be submitted to a vote of the people, as required by law.

The addition or deletion of property by the board shall not invalidate a petition which had previously satisfied the sufficiency of signature provisions of RCW 35.13.130 or 35A.14.120.

When the board, after due proceedings held, disapproves a proposed action, such proposed action shall be unavailable, the proposing agency shall be without power to initiate the same or substantially the same as determined by the board, and any succeeding acts intended to or tending to effectuate that action shall be void, but such action may be reintiated after a period of twelve months from date of disapproval and shall again be subject to the same consideration.

The board shall not modify or deny a proposed action unless there is evidence on the record to support a conclusion that the action is inconsistent with one or more of the objectives under RCW 36.93.180. Every such determination to modify or deny a proposed action shall be made in writing pursuant to a motion, and shall be supported by appropriate written findings and conclusions, based on the record.

Sec. 11. Section 16, chapter 189, Laws of 1967 as last amended by section 97, chapter 81, Laws of 1971 and RCW 36.93.160 are each amended to read as follows:

(1) When the jurisdiction of the boundary review board has been invoked, the board shall set the date, time and place for a public hearing on the proposal. The board shall give at least thirty days' advance written notice of the date, time and place of the hearing to the governing body of each governmental unit having jurisdiction within the boundaries of the territory proposed to be annexed, formed, incorporated, disincorporated, dissolved or consolidated, or within the boundaries of a special district whose assets and facilities are proposed to be assumed by a city or town, and to the governing body of each city within three miles of the exterior boundaries of such area and to the proponent of such change. Notice shall also be given by publication in any newspaper of general circulation in the area of the proposed boundary change at least three times, the last publication of which shall be not less than five days prior to the date set for the public hearing. Notice shall also be posted in ten public places in the area affected for five days when the area is ten acres or more. When the area affected is less than ten acres, five notices shall be posted in five public places for five days. ~~(If the board after such hearing shall determine to modify the proposal by adding territory, then the board shall set a date, time and place for an additional hearing on the modification, for which notice shall be given as provided in this subsection.)~~ Notice as provided in this subsection must include any territory which the board has determined to consider adding in accordance with RCW 36.93.150(2).

(2) A verbatim record shall be made of all testimony presented at the hearing and upon request and payment of the reasonable costs thereof, a copy of the transcript of such testimony shall be provided to any person or governmental unit.

(3) The chairman upon majority vote of the board or a panel may direct the chief clerk of the boundary review board to issue subpoenas to any public officer to testify, and to compel the production by him of any records, books, documents, public records or public papers.

(4) Within forty days after the conclusion of the final hearing on the proposal, the board shall file its written decision, setting forth the reasons therefor, with the board of county commissioners and the clerk of each governmental unit directly affected. The written decision shall

indicate whether the proposed change is approved, rejected or modified and, if modified, the terms of such modification. The written decision need not include specific data on every factor required to be considered by the board, but shall indicate that all standards were given consideration. Dissenting members of the board shall have the right to have their written dissents included as part of the decision.

(5) Unanimous decisions of the hearing panel or a decision of a majority of the members of the board shall constitute the decision of the board and shall not be appealable to the whole board. Any other decision shall be appealable to the entire board within ten days. Appeals shall be on the record, which shall be furnished by the appellant, but the board may, in its sole discretion, permit the introduction of additional evidence and argument. Decisions shall be final and conclusive unless within ten days from the date of said action a governmental unit affected by the decision or any person owning real property or residing in the area affected by the decision files in the superior court a notice of appeal.

The filing of such notice of appeal within such time limit shall stay the effective date of the decision of the board until such time as the appeal shall have been adjudicated or withdrawn. On appeal the superior court shall not take any evidence other than that contained in the record of the hearing before the board.

(6) The superior court may affirm the decision of the board or remand the case for further proceedings; or it may reverse the decision if any substantial rights may have been prejudiced because the administrative findings, inferences, conclusions, or decisions are:

- (a) In violation of constitutional provisions, or
- (b) In excess of the statutory authority or jurisdiction of the board, or
- (c) Made upon unlawful procedure, or
- (d) Affected by other error of law, or
- (e) Unsupported by material and substantial evidence in view of the entire record as submitted, or
- (f) Arbitrary or capricious.

An aggrieved party may secure a review of any final judgment of the superior court by appeal to the supreme court or the court of appeals. Such appeal shall be taken in the manner provided by law for appeals from the superior court in other civil cases."

On page 1, line 1 of the title, after "RCW 58.17.140" insert ", 36.93.070, 36.93.100, 36.93.110, 36.93.120, 36.93.130, 36.93.150, and 36.93.160"

Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Passed to Committee on Rules for second reading.

February 28, 1986

2SSB 3487 Prime Sponsor, Committee on Energy & Utilities: Requiring guidelines for state agencies to implement energy conservation procedures. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds that:

(1) Capital investments in energy conservation in buildings can produce significant reductions in energy use, reducing the need to import or extract fossil fuels and lowering the cost of operating buildings.

(2) The state of Washington has an obligation to operate state buildings efficiently and to implement all cost-effective energy conservation measures so that citizens are assured that public funds are spent wisely and so that citizens have an example of the savings possible from energy conservation.

(3) The state has completed energy consumption and walk-through surveys of its buildings and other facilities and has established a schedule for technical assistance studies which is the basis for implementing energy conservation measure installations to meet the milestones in RCW 43.19.680. However, there is uncertainty that the milestones will be met.

(4) The potential savings from energy conservation can be more readily realized by explicitly considering conservation measures and procedures in the state's budgeting and long-range planning process.

Sec. 2. Section 5, chapter 172, Laws of 1980 as last amended by section 1, chapter 313, Laws of 1983 and RCW 43.19.680 are each amended to read as follows:

(1) Upon completion of each walk-through survey required by RCW 43.19.675, the director of general administration or the agency responsible for the facility if other than the department of general administration shall implement energy conservation maintenance and operation procedures that may be identified for any state-owned facility. These procedures shall be implemented as soon as possible but not later than twelve months after the walk-through survey.

(2) By December 31, 1981, for the capitol campus the director of general administration, in cooperation with the director of the state energy office, shall prepare and transmit to the governor and the legislature an implementation plan.

(3) By December 31, 1983, for all other state-owned facilities, the director of general administration in cooperation with the director of the state energy office shall prepare and transmit to the governor and the legislature the results of the energy consumption and walk-through surveys and a schedule for the conduct of technical assistance studies. This submission shall contain the energy conservation measures planned for installation during the ensuing biennium. Priority considerations for scheduling technical assistance studies shall include but not be limited to a facility's energy efficiency, responsible agency participation, comparative cost and type of fuels, possibility of outside funding, logistical considerations such as possible need to vacate the facility for installation of energy conservation measures, coordination with other planned facility modifications, and the total cost of a facility modification, including other work which would have to be done as a result of installing energy conservation measures. Energy conservation measure acquisitions and installations shall be scheduled to be twenty-five percent complete by June 30, 1985, or at the end of the capital budget biennium which includes that date, whichever is later, fifty-five percent complete by June 30, 1989, or at the end of the capital budget biennium which includes that date, whichever is later, eighty-five percent complete by June 30, 1993, or at the end of the capital budget biennium which includes that date, whichever is later, and fully complete by June 30, 1995, or at the end of the capital budget biennium which includes that date, whichever is later. Each state agency shall implement energy conservation measures with a payback period of twenty-four months or less that have a positive cash flow in the same biennium.

For each biennium until all measures are installed, the director of general administration shall report to the governor and legislature installation progress, measures planned for installation during the ensuing biennium, and changes, if any, to the technical assistance study schedule. This report shall be submitted by December 31, 1984, or at the end of the following year whichever immediately precedes the capital budget adoption, and every two years thereafter until all measures are installed. The office of financial management shall indicate which of the measures in the foregoing report are included in the biennial budget request and the total cost to accomplish those measures which are not included.

(4) The director of general administration shall adopt rules to facilitate private investment in energy conservation measures for state-owned buildings consistent with state law.

NEW SECTION, Sec. 3. (1) The office of financial management shall develop policy guidelines for state agencies to use in budgeting for and implementing energy conservation maintenance and operation procedures and energy conservation measures, including those mandated under RCW 43.19.680:

(2) The guidelines shall require that agencies budget for the timely implementation of cost-effective measures and procedures or explain why any measures or procedures should not be funded;

(3) In developing the guidelines the office of financial management shall ensure that to the extent possible the budget process shall allow state agencies implementing energy conservation to retain the resulting cost savings for other purposes, including further energy conservation; and

(4) The office of financial management shall consult with the state energy office and the department of general administration, as necessary, to administer this section properly. The office of financial management shall establish the guidelines by December 31, 1986.

NEW SECTION, Sec. 4. The state energy office shall provide the office of financial management with energy consumption data necessary to implement section 3 of this act. Facilities or the agencies responsible for them shall report accurate monthly energy consumption and cost figures for all fuels to the state energy office quarterly, including any changes in total space served or facility operations.

NEW SECTION, Sec. 5. Sections 3 and 4 of this act are each added to chapter 43.41 RCW.*

On page 1, line 1 of the title, after "agencies;" strike the remainder of the title and insert "amending RCW 43.19.680; adding new sections to chapter 43.41 RCW; and creating a new section."

Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Bond, Isaacson, Jacobsen, Madsen, Miller, Nealey and Sutherland.

Absent: Representatives Armstrong, Gallagher, Long, Unsoeld and Van Luvan.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 3910 Prime Sponsor, Senator Talmadge: Establishing penalties for unfair manufacturing processes. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The intent of this chapter is to protect designers of boat hulls from having their designs pirated and used by other manufacturers.

NEW SECTION. Sec. 2. (1) It is unlawful for any person to duplicate for the purpose of sale any manufactured item made by another without the permission of that other person using the direct molding process described in subsection (3) of this section.

(2) It is unlawful for any person to sell an item duplicated in violation of subsection (1) of this section.

(3) The direct molding processes subject to this section is any direct molding process in which the original manufactured item was itself used as a plug for the making of the mold which is used to manufacture the duplicate item.

(4) This section applies only to items duplicated using a mold made on or after January 1, 1987.

NEW SECTION. Sec. 3. Any person injured by a violation of this chapter may bring an action in a court of competent jurisdiction for an injunction prohibiting such violations. In addition, the injured person shall be entitled to actual damages incurred as a result of such violations, reasonable attorney's fees, and costs.

Sec. 4. Section 9, chapter 216, Laws of 1961 as last amended by section 3, chapter 288, Laws of 1983 and RCW 19.86.090 are each amended to read as follows:

Any person who is injured in his business or property, directly or indirectly, by a violation of RCW 19.86.020, 19.86.030, 19.86.040, 19.86.050, or 19.86.060, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him, or both, together with the costs of the suit, including a reasonable attorney's fee, and the court may in its discretion, increase the award of damages to an amount not to exceed three times the actual damages sustained: PROVIDED, That such increased damage award for violation of RCW 19.86.020 may not exceed ten thousand dollars: PROVIDED FURTHER, That such person may bring a civil action in the justice court to recover his actual damages, except for damages which exceed the amount specified in RCW 3.66.020, and the costs of the suit, including reasonable attorney's fees. The justice court may, in its discretion, increase the award of damages to an amount not more than three times the actual damages sustained, but such increased damage award shall not exceed the amount specified in RCW 3.66.020. For the purpose of this section 'person' shall include the counties, municipalities, and all political subdivisions of this state.

Whenever the state of Washington is injured, directly or indirectly, by reason of a violation of RCW 19.86.030, 19.86.040, 19.86.050, or 19.86.060, it may sue therefor in the superior court to recover the actual damages sustained by it and to recover the costs of the suit including a reasonable attorney's fee.

NEW SECTION. Sec. 5. Sections 1 through 3 of this act shall constitute a new chapter in Title 19 RCW."

On page 1, line 1 of the title, after "processes;" strike the remainder of the title and insert "amending RCW 19.86.090; and adding a new chapter to Title 19 RCW."

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, P. King, Locke, Niemi and Wang.

MINORITY recommendation: Do not pass. Signed by Representative West.

Voting nay: Representatives G. Nelson, Schoon and West.

Absent: Representatives P. King, Padden and Schmidt.

Passed to Committee on Rules for second reading.

February 28, 1986

ReESSB 4305 Prime Sponsor, Committee on Judiciary: Revising provisions governing bail bonds. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 10.19 RCW to read as follows:

The surety on the appearance bond shall be released from liability when the case against the person is dismissed, the case is deferred, the person is acquitted, or the person is found guilty of the charges made the basis for the appearance bond.

Sec. 2. Section 1, page 103, Laws of 1867 as last amended by section 1137, Code of 1881 and RCW 10.19.090 are each amended to read as follows:

In criminal cases where a recognizance for the appearance of any person, either as a witness or to appear and answer, shall have been taken and a default entered, the recognizance shall be declared forfeited by the court(~~and~~). At the time of adjudging such forfeiture said court shall enter judgment against the principal and sureties named in such recognizance

for the sum therein mentioned or an amount less than that stated in the bond if recommended by the prosecuting attorney and approved by the court or approved by the court on its own motion, and execution may issue thereon the same as upon other judgments. If the surety is not notified by the court in writing of the unexplained failure of the defendant to appear within thirty days of the date for appearance, then the forfeiture shall be null and void and the recognizance exonerated.

NEW SECTION, Sec. 3. A new section is added to chapter 10.19 RCW to read as follows:

If a forfeiture has been entered against a person in a criminal case and the person is returned to custody or produced in court within twelve months from the forfeiture, then the full amount of the bond, less any and all costs determined by the court to have been incurred by law enforcement in transporting, locating, apprehending, or processing the return of the person to the jurisdiction of the court, shall be remitted to the surety if the surety was directly responsible for producing the person in court or directly responsible for apprehension of the person by law enforcement.

NEW SECTION, Sec. 4. A new section is added to chapter 10.19 RCW to read as follows:

The liability of the surety is limited to the amount of the bond when acting within the scope of the surety's duties in issuing the bond.

NEW SECTION, Sec. 5. A new section is added to chapter 10.19 RCW to read as follows:

The surety on the bond may return to custody a person in a criminal case under the surety's bond if the surrender is accompanied by a notice of forfeiture or a notarized affidavit specifying the reasons for the surrender. The surrender shall be made to the facility in which the person was originally held in custody or the county or city jail affiliated with the court issuing the warrant resulting in bail.

NEW SECTION, Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Padden, Schmidt, Schoon, Van Luven and Wang.

MINORITY recommendation: Do not pass. Signed by Representative Niemi.

Voting nay: Representatives Niemi and Tilly.

Absent: Representatives Crane, P. King, Lewis, Schmidt and West.

February 28, 1986

ESSB 4465 Prime Sponsor, Committee on Judiciary: Modifying provisions relative to use of deadly force. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 9A.16.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.010 are each amended to read as follows:

In this chapter, unless a different meaning is plainly required:

(1) 'Necessary' means that no reasonably effective alternative to the use of force appeared to exist and that the amount of force used was reasonable to effect the lawful purpose intended.

(2) 'Dangerous felony' means any felony or equivalent juvenile offense under the laws of this state or any other state or federal jurisdiction which involves:

(a) The use or attempted use of force causing death or serious physical injury to another;

or
(b) The use or attempted use of force creating a substantial risk of death or serious physical injury to another; or

(c) A threat, express or implied, including but not limited to the display of a deadly weapon, which places a person in reasonable fear of death or serious physical injury to himself or herself or another or in fear that he or she or another person will be kidnapped.

(3) 'Deadly force' means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

Sec. 2. Section 9A.16.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.040 are each amended to read as follows:

(1) Homicide or the use of deadly force is justifiable ~~((when committed by a public officer, or person acting under his command and in his aid;))~~ in the following cases:

~~((+))~~ (a) When a public officer is acting in obedience to the judgment of a competent court(-); or

~~((#))~~ (b) When ((necessary)) necessarily used by a peace officer to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty.

((3) When necessary in retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony; or in arresting a person who has committed a felony and is fleeing from justice; or in attempting, by lawful ways or means, to apprehend a person for a felony actually committed; or in lawfully suppressing a riot or preserving the peace.)) (c) When necessarily used by a peace officer or person acting under the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a dangerous felony;

(ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; or

(iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a dangerous felony; or

(iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission or attempted commission of a dangerous felony, the peace officer must have probable cause that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a 'threat of serious physical harm' are the following:

(a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or

(b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given.

(3) A public officer or peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

(4) This section shall not be construed as:

(a) Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or

(b) Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section.

NEW SECTION. Sec. 3. The legislature recognizes that RCW 9A.16.040 establishes a dual standard with respect to the use of deadly force by peace officers and private citizens, and further recognizes that private citizens' permissible use of deadly force under the authority of RCW 9.01.200, 9A.16.020, or 9A.16.050 is not restricted and remains broader than the limitations imposed on peace officers."

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly and Wang.

Voting nay: Representative West.

Absent: Representatives P. King and Van Luvan.

Passed to Committee on Rules for second reading.

February 28, 1986

SSB 4467

Prime Sponsor, Committee on Governmental Operations: Modifying provisions on port district industrial development levies. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Passed to Committee on Rules for second reading.

February 28, 1986

ESSB 4497

Prime Sponsor, Committee on Commerce & Labor: Regulating vehicle dealers. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendment to the House Committee on Commerce & Labor amendment:

On page 1, line 7 of the Commerce and Labor Committee amendment, beginning with "Sec. 1," strike everything through "1987," on page 49, line 5, and insert the following:

"Sec. 1. Section 1, chapter 74, Laws of 1967 ex. sess. as amended by section 1, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.005 are each amended to read as follows:

The legislature finds and declares that the distribution and sale of vehicles in the state of Washington vitally affects the general economy of the state and the public interest and the public welfare, and that in order to promote the public interest and the public welfare, and in the exercise of its police power, it is necessary to regulate and license vehicle manufacturers, distributors, or wholesalers and factory or distributor representatives, and to regulate and license dealers (~~and salesmen~~) of vehicles doing business in Washington, in order to prevent frauds, impositions, and other abuses upon its citizens and to protect and preserve the investments and properties of the citizens of this state.

Sec. 2. Section 3, chapter 11, Laws of 1979 as last amended by section 2, chapter 305, Laws of 1981 and RCW 46.70.011 are each amended to read as follows:

As used in this chapter:

(1) 'Vehicle' means and includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(2) 'Motor vehicle' (~~shall~~) means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails, and which is required to be registered and titled under Title 46 RCW, Motor Vehicles.

(3) 'Vehicle dealer' means any person, firm, association, corporation, or trust, not excluded by subsection (4) of this section, engaged in the business of buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising the sale of new or used vehicles (~~or providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers. PROVIDED, That~~), Vehicle dealers shall be classified as follows:

(a) A 'motor vehicle dealer' (~~shall be~~) is a vehicle dealer that deals in new (~~and~~) or used motor vehicles, or both;

(b) A 'mobile home and travel trailer dealer' (~~shall be~~) is a vehicle dealer that deals in mobile homes or travel trailers, or both;

(c) A 'miscellaneous vehicle dealer' (~~shall be~~) is a vehicle dealer that deals in motorcycles (~~and~~) or vehicles other than motor vehicles or mobile homes and travel trailers or any combination of such vehicles.

(4) The term 'vehicle dealer' does not include, nor do the provisions of RCW 46.70.021 apply to, the following persons, firms, associations, or corporations:

(a) Receivers, trustees, administrators, executors, guardians, or other persons appointed by, or acting under a judgment or order of, any court; or

(b) Public officers while performing their official duties; or

(c) Employees of vehicle dealers who are engaged in the specific performance of their duties as such employees; or

(d) Any person engaged in an isolated sale of a vehicle in which he is the registered or legal owner, or both, thereof; or

(e) Any person, firm, association, corporation, or trust, engaged in the selling of equipment other than vehicles, subject to registration, used for agricultural or industrial purposes; or

(f) A real estate broker licensed under chapter 18.85 RCW, or his authorized representative, who, on behalf of the legal or registered owner of a used mobile home negotiates the purchase, sale, or exchange of the used mobile home in conjunction with the purchase, sale, exchange, rental, or lease of the land upon which the used mobile home is located and the real estate broker is not acting as an agent, subagent, or representative of a vehicle dealer licensed under this chapter; or

(g) Owners who are also operators of the special highway construction equipment or of the highway construction equipment for which a vehicle license and display vehicle license number plate is required as defined in RCW 46.16.010; or

(h) Any bank, trust company, savings bank, mutual savings bank, savings and loan association and any subsidiaries or holding companies thereof, or credit union authorized to do business in this state under state or federal law.

(5) 'Vehicle (~~salesman~~) salesperson' means any person who for any form of compensation sells, auctions, leases with an option to purchase, or offers to sell or to so lease vehicles on behalf of a vehicle dealer.

(6) (~~The term~~) 'Department' means the department of licensing, which shall administer and enforce the provisions of this chapter.

(7) 'Director' means the director of licensing.

(8) 'Manufacturer' means any person, firm, association, corporation, or trust, resident or nonresident, who manufactures or assembles new and unused vehicles or remanufactures vehicles in whole or in part and (~~shall~~) further includes the terms:

(a) 'Distributor', which means any person, firm, association, corporation, or trust, resident or nonresident, who in whole or in part offers for sale, sells, or distributes any new and unused vehicle to vehicle dealers or who maintains factory representatives.

(b) 'Factory branch,' which means a branch office maintained by a manufacturer for the purpose of selling or offering for sale, vehicles to a distributor, wholesaler, or vehicle dealer, or for directing or supervising in whole or in part factory or distributor representatives, and ~~((shall))~~ further includes any sales promotion organization, whether ~~((the same be))~~ a person, firm, or corporation, which is engaged in promoting the sale of new and unused vehicles in this state of a particular brand or make to vehicle dealers.

(c) 'Factory representative,' which means a representative employed by a manufacturer, distributor, or factory branch for the purpose of making or promoting for the sale of ~~((his, its, or))~~ their vehicles or for supervising or contracting with ~~((his, its, or))~~ their dealers or prospective dealers.

~~(9) 'Established place of business' means a ((permanent, enclosed commercial building located within the state of Washington easily accessible and open to the public, at all reasonable times, with an improved display area of not less than three thousand square feet in or immediately adjoining said building, and at which the business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building code, zoning and other land-use regulatory ordinances and in which such building the public may contact the vehicle dealer or his vehicle salesman, at all reasonable times and at which place of business shall be kept and maintained the books, records and files necessary to conduct the business at such place. The established place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. A dealer operating a listing service who does not physically maintain any vehicles for display, or a vehicle dealer who merely rents or leases or licenses for use any space on a temporary basis not to exceed two days to private persons to sell their own vehicles, need not operate in a commercial building nor have such a display area)) location meeting the requirements of section 4(1) of this act at which a vehicle dealer conducts business in this state.~~

~~(10) 'Principal place of business' means that dealer firm's business location in the state, which place the dealer designates as their principal place of business.~~

~~(11) 'Subagency' means any place of business of a vehicle dealer within the ((same county as the principal place of business of the firm which)) state, which place is physically and geographically separated from the principal place of business of the firm or any place of business of a vehicle dealer within the ((same county as the principal place of business of the firm under)) state, at which ((he)) place the firm does business ((under)) using a name other than the principal name of the firm, or both.~~

~~(12) 'Temporary subagency' means a location other than the principal place of business or subagency within the state where a licensed vehicle dealer may secure a license to conduct the business and is licensed for a period of time not to exceed ten days for a specific purpose such as auto shows, auctions, shopping center promotions, tent sales, exhibitions, or similar merchandising ventures.~~

~~(13) 'Wholesale vehicle dealer' means a vehicle dealer who sells to Washington dealers.~~

~~(14) 'Retail vehicle dealer' means a vehicle dealer who sells vehicles to the public.~~

~~(15) 'Listing dealer' means a used mobile home dealer who makes contracts with sellers who will compensate the dealer for obtaining a willing purchaser for the seller's mobile home.~~

Sec. 3, Section 4, chapter 74, Laws of 1967 ex. sess. as amended by section 3, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.021 are each amended to read as follows:

It ~~((shall be))~~ is unlawful for any person, firm, or association to act as a vehicle dealer ~~((vehicle salesman))~~ or vehicle manufacturer, to engage in business as such, ~~((act as such;))~~ serve in the capacity of such, advertise himself, ~~((itself))~~ herself, or themselves as such, solicit sales as such, or distribute or transfer vehicles for resale in this state, without first obtaining and holding a current license as provided in this chapter ~~((PROVIDED, That a vehicle dealer shall not be required to have a vehicle salesman's license. PROVIDED, FURTHER, That)),~~ unless the title of the vehicle is in the name of the seller. It is unlawful for any person other than a licensed vehicle dealer to display a vehicle for sale unless the registered owner or legal owner is the displayer or holds a notarized power of attorney. A person or firm engaged in buying and offering for sale, or buying and selling five or more vehicles in a twelve-month period, or in any other way engaged in dealer activity without holding a vehicle dealer license, is guilty of a gross misdemeanor, and upon conviction is subject to a fine of up to one thousand dollars for each violation and up to one year in jail. A second offense is a class C felony punishable under chapter 9A.20 RCW. A violation of this section is also a per se violation of chapter 19.86 RCW and is considered a deceptive practice. The department of licensing, the Washington state patrol, the attorney general's office, and the department of revenue shall cooperate in the enforcement of this section. A distributor, factory branch, or factory representative shall not be required to have a vehicle manufacturer license so long as the vehicle manufacturer so represented is properly licensed pursuant to this chapter.

NEW SECTION. Sec. 4. A new section is added to chapter 46.70 RCW to read as follows:

(1) An 'established place of business' requires a permanent, enclosed commercial building located within the state of Washington easily accessible at all reasonable times. An established place of business shall have an improved display area of not less than three thousand square

feet in or immediately adjoining the building, or a display area large enough to display six or more vehicles of the type the dealer is licensed to sell, whichever area is larger. The business of a vehicle dealer, including the display and repair of vehicles, may be lawfully carried on at an established place of business in accordance with the terms of all applicable building code, zoning, and other land-use regulatory ordinances. The dealer shall keep the building open to the public so that they may contact the vehicle dealer or the dealer's salespersons at all reasonable times. The books, records, and files necessary to conduct the business shall be kept and maintained at that place. The established place of business shall display an exterior sign with the business name and nature of the business, such as auto sales, permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event may a room or rooms in a hotel, rooming house, or apartment house building or part of a single or multiple-unit dwelling house be considered an 'established place of business' unless the ground floor of such a dwelling is devoted principally to and occupied for commercial purposes and the dealer offices are located on the ground floor. A mobile office or mobile home may be used as an office if it is connected to utilities and is set up in accordance with state law.

(2) If a dealer maintains a place of business at more than one location or under more than one name in this state, he or she shall designate one location as the principal place of business of the firm, one name as the principal name of the firm, and all other locations or names as subagencies. A subagency license is required for each and every subagency: PROVIDED, That the department may grant an exception to the subagency requirement in the specific instance where a licensed new motor vehicle dealer is unable to locate their used vehicle sales facilities adjacent to or at the established place of business. This exception shall be granted and defined under the promulgation of rules consistent with the administrative procedure act.

(3) All vehicle dealers shall maintain ownership or leasehold throughout the license year of the real property from which they do business. The dealer shall provide the department with evidence of ownership or leasehold whenever the ownership changes or the lease is terminated.

(4) A subagency shall comply with all requirements of an established place of business.

(5) A temporary subagency shall meet all local zoning and building codes for the type of merchandising being conducted. The dealer license certificate shall be posted at the location. No other requirements of an established place of business apply to a temporary subagency.

(6) A wholesale vehicle dealer shall have office facilities in a commercial building within this state, and all storage facilities for inventory shall be listed with the department, and shall meet local zoning and land use ordinances. A wholesale vehicle dealer shall maintain a telecommunications system. An exterior sign visible from the nearest street shall identify the business name and the nature of business. A wholesale dealer need not maintain a display area as required in this section. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory, if any, must be physically segregated and clearly identified.

(7) A retail vehicle dealer shall be open during normal business hours, maintain office and display facilities in a commercially zoned location or in a location complying with all applicable building and land use ordinances, and maintain a business telephone listing in the local directory. When two or more vehicle dealer businesses share a location, all records, office facilities, and inventory shall be physically segregated and clearly identified.

(8) A listing dealer need not have a display area if the dealer does not physically maintain any vehicles for display.

(9) A subagency license is not required for a mobile home dealer to display an on-site display model, a consigned mobile home not relocated from its site, or a repossessed mobile home if sales are handled from a principal place of business or subagency. A mobile home dealer shall identify on-site display models, repossessed mobile homes, and those consigned at their sites with a sign that includes the dealer's name and telephone number.

(10) Every vehicle dealer shall advise the department of the location of each and every place of business of the firm and the name or names under which the firm is doing business at such location or locations. If any name or location is changed, the dealer shall notify the department of such change within ten days. The license issued by the department shall reflect the name and location of the firm and shall be posted in a conspicuous place at that location by the dealer.

(11) A vehicle dealer's license shall upon the death or incapacity of an individual vehicle dealer authorize the personal representative of such dealer, subject to payment of license fees, to continue the business for a period of six months from the date of the death or incapacity.

NEW SECTION, Sec. 5. A new section is added to chapter 46.70 RCW to read as follows:

A vehicle dealer is accountable for the dealer's employees, sales personnel, and managerial personnel while in the performance of their official duties. Any violations of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW committed by any of these employees subjects the dealer to license penalties prescribed under RCW 46.70.101. A retail purchaser who has suffered a loss or damage by reason of a breach of warranty or by any act by a dealer, salesperson, managerial person, or other employee of a dealership, that constitutes a

violation of this chapter or applicable provisions of chapter 46.12 or 46.16 RCW may institute an action for recovery against the dealer and the surety bond as set forth in RCW 46.70.070.

NEW SECTION. Sec. 6. A new section is added to chapter 46.70 RCW to read as follows:

Listing dealers shall transact dealer business by obtaining a consignment for sale, and the buyer's purchase of the mobile home shall be handled as dealer inventory. All funds from the purchaser shall be placed in a trust account until the sale is completed, except that the dealer shall pay any outstanding liens against the mobile home from these funds. A complete account of all funds received and disbursed shall be given to the seller or consignor after the sale is completed.

Sec. 7. Section 5, chapter 74, Laws of 1967 ex. sess. as amended by section 4, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.031 are each amended to read as follows:

A vehicle dealer(~~(-salesman:))~~ or vehicle manufacturer may apply for a license by filing with the department an application in such form as the department may prescribe.

Sec. 8. Section 6, chapter 74, Laws of 1967 ex. sess. as last amended by section 187, chapter 158, Laws of 1979 and RCW 46.70.041 are each amended to read as follows:

(1) Every application for a vehicle dealer (~~(or a vehicle salesman's))~~ license shall contain the following information to the extent (~~(the same is applicable))~~ it applies to the applicant:

(a) Proof as the department may require concerning the applicant's identity, including but not limited to his fingerprints, the honesty, truthfulness, and good reputation of the applicant for the license, or of the officers of a corporation making the application;

(b) The applicant's form and place of organization including if the applicant is a corporation, proof that the corporation is licensed to do business in this state;

(c) The qualification and business history of the applicant(~~:))~~ and (~~(in the case of a vehicle dealer:))~~ any partner, officer, or director;

(d) The applicant's financial condition or history including a bank reference and whether the applicant or any partner, officer, or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court;

(e) Whether the applicant has been adjudged guilty of a crime which directly relates to the business for which the license is sought and the time elapsed since the conviction is less than ten years, or has suffered any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion and in the case of a corporation or partnership, all directors, officers, or partners;

~~((e)) Any other information the department may reasonably require.~~

~~(2) If the applicant is a vehicle dealer:~~

~~(a)) (f) A business telephone with a listing in the local directory;~~

~~(g) The name or names of new vehicles the vehicle dealer wishes to sell;~~

~~((b)) (h) The names and addresses of each manufacturer from whom the applicant has received a franchise;~~

~~((c)) (i) Whether the applicant intends to sell used vehicles, and if so, whether he has space available for servicing and repairs;~~

~~((d)) (j) A certificate by the chief of police or his deputy, or a member of the Washington state patrol or a representative of the department, that the (~~(applicant has an established,))~~ applicant's principal place of business (~~(at))~~ and each subagency business location in the state of Washington(~~(-PROVIDED, That))~~ meets the location requirements as required by this chapter. The certificate shall include proof of the applicant's ownership or lease of the real property where the applicant's principal place of business is established. In no event (~~(shall such))~~ may the certificate be issued by a member of the Washington state patrol if the dealership is located in a city which has a population in excess of five thousand persons;~~

~~((e)) (k) A copy of a current service agreement with a manufacturer, or distributor for a foreign manufacturer, requiring the applicant, upon demand of any customer receiving a new vehicle warranty to perform or arrange for, within a reasonable distance of his established place of business, the service repair and replacement work required of the manufacturer or distributor by such vehicle warranty(~~(-PROVIDED, That)).~~ This requirement (~~(shall))~~ applies only (~~(apply))~~ to applicants seeking to sell, to exchange, to offer, (~~(to broker:))~~ to auction, to solicit, or to advertise new or current-model vehicles with factory or distributor warranties;~~

~~((f)) (l) The class of vehicles the vehicle dealer will be buying, selling, listing, exchanging, offering, brokering, leasing with an option to purchase, auctioning, soliciting, or advertising, (~~(or for which the dealer will be providing or licensing for use facilities and/or services for compensation of any kind which bring together potential buyers and sellers:))~~ and which classification or classifications the dealer wishes to be designated as;~~

~~((g)) The applicant's financial condition or history including whether the applicant or any partner, officer or director has ever been adjudged bankrupt or has any unsatisfied judgment in any federal or state court.~~

~~(3) If the applicant is a vehicle salesman, such application shall contain, in addition, a certification by the vehicle dealer for whom he is going to work that he has examined the background of the applicant and to the best of his knowledge is of good moral character;~~

~~((4)) (m) Any other information the department may reasonably require.~~

(2) If the applicant is a manufacturer (~~(such)~~) the application shall contain the following information to the extent it is applicable to the applicant:

(a) The name and address of the principal place of business of the applicant and, if different, the name and address of the Washington state representative of the applicant;

(b) The name or names under which the applicant will do business in the state of Washington;

(c) Evidence that the applicant is authorized to do business in the state of Washington;

(d) The name or names of the vehicles that the licensee manufactures;

(e) The name or names and address or addresses of each and every distributor, factory branch, and factory representative;

(f) The name or names and address or addresses of resident employees or agents to provide service or repairs to vehicles located in the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured, unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;

(g) Any other information the department may reasonably require.

Sec. 9. Section 13, chapter 74, Laws of 1967 ex. sess. as last amended by section 1, chapter 251, Laws of 1979 ex. sess. and RCW 46.70.061 are each amended to read as follows:

(1) The ~~annual fees for original licenses issued for ((a calendar year or any portion thereof pursuant to))~~ twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((Sixty))~~ Two hundred fifty dollars;

(b) Vehicle dealers, each ~~((and every))~~ subagency: ~~((Ten))~~ Twenty-five dollars; temporary subagency: Twenty-five dollars;

(c) ~~((Vehicle salespersons: Ten dollars;~~

~~((d)))~~ Vehicle manufacturers: ~~((Sixty))~~ Two hundred fifty dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((Fifty))~~ One hundred twenty-five dollars;

(b) Vehicle dealer, each and every subagency: ~~((Ten))~~ Twenty-five dollars;

(c) ~~((Vehicle salespersons: Ten dollars;~~

~~((d)))~~ Vehicle manufacturers: ~~((Fifty))~~ One hundred twenty-five dollars.

~~((PROVIDED, That))~~ If any licensee fails or neglects to apply for such renewal ((prior to February 1st in each year)) within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the license shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3) The fee for the transfer to another location of any license issued pursuant to this chapter shall be:(:

~~((a) Vehicle dealer, principal place of business of each and every license classification, provided that such change is within the same county: Ten dollars;~~

~~((b) There shall be no transfer of any vehicle dealer subagency license;~~

~~((c) Vehicle salesperson, provided that no such fee shall be required in a transfer from one location of any one dealer to any other location: Five))~~ twenty-five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees.

(5) All fees collected under this chapter shall be ~~((turned into))~~ deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed ~~((herein shall be))~~ in this section are in addition to any excise taxes imposed by chapter 82.44 RCW.

Sec. 10. Section 13, chapter 74, Laws of 1967 ex. sess. as last amended by section 9 of this 1986 act and RCW 46.70.061 are each amended to read as follows:

(1) The annual fees for original licenses issued for twelve consecutive months from the date of issuance under this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((Two hundred fifty))~~ Five hundred dollars;

(b) Vehicle dealers, each subagency: ~~((Twenty-five))~~ Fifty dollars; temporary subagency: Twenty-five dollars;

(c) Vehicle manufacturers: ~~((Two hundred fifty))~~ Five hundred dollars.

(2) The annual fee for renewal of any license issued pursuant to this chapter shall be:

(a) Vehicle dealers, principal place of business for each and every license classification: ~~((One hundred twenty-five))~~ Two hundred fifty dollars;

(b) Vehicle dealer, each and every subagency: Twenty-five dollars;

(c) Vehicle manufacturers: ~~((One hundred twenty-five))~~ Two hundred fifty dollars.

If any licensee fails or neglects to apply for such renewal within thirty days after the expiration of the license, or assigned renewal date under a staggered licensing system, the license

shall be declared canceled by the director, in which case the licensee will be required to apply for an original license and pay the fee required for the original license.

(3) The fee for the transfer to another location of any license issued pursuant to this chapter shall be twenty-five dollars.

(4) The fee for vehicle dealer license plates and manufacturer license plates shall be the amount required by law for vehicle license plates exclusive of excise tax, except those specified in RCW 82.44.030, and gross weight and tonnage fees.

(5) All fees collected under this chapter shall be deposited in the state treasury and credited to the motor vehicle fund.

(6) The fees prescribed in this section are in addition to any excise taxes imposed by chapter 82.44 RCW.

Sec. 11. Section 46.70.070, chapter 12, Laws of 1961 as last amended by section 1, chapter 152, Laws of 1981 and RCW 46.70.070 are each amended to read as follows:

(1) Before issuing a vehicle dealer's license, the department shall require the applicant to file with the department a surety bond in the amount of:

(a) Fifteen thousand dollars for motor vehicle dealers;

(b) Thirty thousand dollars for mobile home and travel trailer dealers: PROVIDED, That if such dealer does not deal in mobile homes such bond shall be fifteen thousand dollars;

(c) Five thousand dollars for miscellaneous dealers,

running to the state, and executed by a surety company authorized to do business in the state. Such bond shall be approved by the attorney general as to form and conditioned that the dealer shall conduct his business in conformity with the provisions of this chapter;

(d) Wholesale dealers shall not be required to file a surety bond with the department.

Any retail purchaser who shall have suffered any loss or damage by reason of breach of warranty or by any act by a dealer which constitutes a violation of this chapter shall have the right to institute an action for recovery against such dealer and the surety upon such bond. Successive recoveries against said bond shall be permitted, but the aggregate liability of the surety to all persons shall in no event exceed the amount of the bond. Upon exhaustion of the penalty of said bond or cancellation of the bond by the surety the vehicle dealer license shall automatically be deemed canceled.

(2) The bond for any vehicle dealer licensed or to be licensed under more than one classification shall be the highest bond required for any such classification.

(3) Vehicle dealers shall maintain a bond for each business location in this state and bond coverage for all temporary subagencies.

Sec. 12. Section 10, chapter 74, Laws of 1967 ex. sess. as last amended by section 1, chapter 109, Laws of 1985 and RCW 46.70.083 are each amended to read as follows:

The license of a vehicle dealer or a vehicle manufacturer expires on the date assigned by the director, and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may require to indicate any material change in the information contained in the original application.

~~((Registration of a vehicle salesman expires on the date assigned by the director, and may be renewed by filing with the department prior to the expiration thereof an application containing such information as the department may require to indicate any material change in the information contained in the original application.))~~

Before renewal, the dealer's established place of business shall be certified by a representative of the department, the chief of police or his deputy, or a member of the Washington state patrol. The certification shall verify compliance with the requirements of this chapter for an established place of business. Failure by the dealer to comply is grounds for denial of the renewal application.

Sec. 13. Section 11, chapter 74, Laws of 1967 ex. sess. as last amended by section 5, chapter 152, Laws of 1981 and RCW 46.70.101 are each amended to read as follows:

The director may by order deny, suspend, or revoke the license of any vehicle dealer(;) or vehicle manufacturer(;-or-vehicle-salesman)) or, in lieu thereof or in addition thereto, may by order assess monetary penalties of a civil nature not to exceed one thousand dollars per violation, if ~~(he)~~ the director finds that the order is in the public interest and that the applicant or licensee:

(1) In the case of a vehicle dealer:

(a) The applicant or licensee, or any partner, officer, director, owner of ten percent or more of the assets of the firm, or managing employee:

(i) Was the holder of a license issued pursuant to this chapter, which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;

(ii) Has been adjudged guilty of a crime which directly relates to the business of a vehicle dealer and the time elapsed since the adjudication is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purposes of this section, adjudged guilty shall mean in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral

deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the sentence is deferred or the penalty is suspended;

(iii) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto, or in any matter under investigation by the department;

(iv) Does not have an established place of business as ~~((defined))~~ required in this chapter;

(v) ~~((Employs an unlicensed salesman or one whose license has been denied, revoked within the last year, or is currently suspended, the terms of which have not been fulfilled;~~

(vi)) Refuses to allow representatives or agents of the department to inspect during normal business hours all books, records, and files maintained within this state;

~~((vii))~~ (vi) Sells, exchanges, offers, brokers, auctions, solicits, or advertises a new or current model vehicle to which a factory new vehicle warranty attaches and fails to have a valid, written service agreement as required by this chapter, or having such agreement refuses to honor the terms of such agreement within a reasonable time or repudiates the same;

~~((viii))~~ (vii) Is insolvent, either in the sense that ~~((his))~~ their liabilities exceed ~~((his))~~ their assets, or in the sense that ~~((he))~~ they cannot meet ~~((his))~~ their obligations as they mature;

~~((ix))~~ (viii) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;

~~((x))~~ (ix) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183;

(x) Knowingly, or with reason to know, allows a salesperson employed by the dealer, or acting as their agent, to commit any of the prohibited practices set forth in subsection (1)(a) of this section and RCW 46.70.180.

(b) The applicant or licensee, or any partner, officer, director, owner of ten percent of the assets of the firm, or any employee or agent:

(i) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;

(ii) Has defrauded or attempted to defraud the state, or a political subdivision thereof of any taxes or fees in connection with the sale or transfer of a vehicle;

(iii) Has forged the signature of the registered or legal owner on a certificate of title;

(iv) Has purchased, sold, disposed of, or has in his or her possession any vehicle which he or she knows or has reason to know has been stolen or appropriated without the consent of the owner;

(v) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;

(vi) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates ~~((and))~~ or manufacturer license plates;

(vii) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices: ~~((or))~~

(viii) Has engaged in practices inimical to the health or safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction or safety of vehicles;

(ix) Has aided or assisted an unlicensed dealer or salesperson in unlawful activity through active or passive participation in sales, allowing use of facilities, dealer license number, or by any other means; or

(x) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of the property or funds.

(c) The licensee or any partner, officer, director, or owner of ten percent or more of the assets of the firm holds or has held any such position in any other vehicle dealership licensed pursuant to this chapter which is subject to final proceedings under this section.

(2) ~~((In the case of a vehicle salesman:~~

~~((a) Was the holder, or was a partner in a partnership or was an officer, director, or owner involved in the management of a corporation which was the holder, of a license issued pursuant to this chapter which was revoked for cause and never reissued, or was suspended and the terms of the suspension had not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;~~

~~((b) Has been adjudged guilty of a crime which directly relates to the business of a vehicle salesman and the time elapsed since the conviction is less than ten years, or suffering any judgment within the preceding five years in any civil action involving fraud, misrepresentation, or conversion. For the purpose of this section, the term adjudged guilty means, in addition to a final conviction in either a state or municipal court, an unvacated forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt regardless of whether the imposition of sentence is deferred or the penalty is suspended;~~

~~((c) Has knowingly or with reason to know made a false statement of a material fact in his application for license or any data attached thereto or in any matter under investigation by the department;~~

~~(d) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;~~

~~(e) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;~~

~~(f) Has forged the signature of the registered or legal owner on a certificate of title;~~

~~(g) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;~~

~~(h) Has wilfully failed to deliver to a purchaser a certificate of ownership to a vehicle which he has sold;~~

~~(i) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;~~

~~(j) Fails to pay any civil monetary penalty assessed by the director pursuant to this section within ten days after such assessment becomes final;~~

~~(k) Converts or appropriates, whether temporarily or permanently, property or funds belonging to a customer, dealer, or manufacturer, without the consent of the owner of such property or funds;~~

~~(3)) In the case of a manufacturer, or any partner, officer, director, or majority shareholder:~~

~~(a) Was or is the holder of a license issued pursuant to this chapter which was revoked for cause and never reissued by the department, or which license was suspended for cause and the terms of the suspension have not been fulfilled, or which license was assessed a civil penalty and the assessed amount has not been paid;~~

~~(b) Has knowingly or with reason to know, made a false statement of a material fact in his application for license, or any data attached thereto, or in any matter under investigation by the department;~~

~~(c) Has failed to comply with the applicable provisions of chapter 46.12 or 46.16 RCW or this chapter or any rules and regulations adopted thereunder;~~

~~(d) Has defrauded or attempted to defraud the state or a political subdivision thereof, of any taxes or fees in connection with the sale or transfer of a vehicle;~~

~~(e) Has purchased, sold, disposed of, or has in his possession, any vehicle which he knows or has reason to know has been stolen or appropriated without the consent of the owner;~~

~~(f) Has committed any act in violation of RCW 46.70.090 relating to vehicle dealer license plates and manufacturer license plates;~~

~~(g) Has committed any act in violation of RCW 46.70.180 relating to unlawful acts and practices;~~

~~(h) Sells or distributes in this state or transfers into this state for resale, any new or unused vehicle to which a warranty attaches or has attached and refuses to honor the terms of such warranty within a reasonable time or repudiates the same;~~

~~(i) Fails to maintain one or more resident employees or agents to provide service or repairs to vehicles located within the state of Washington only under the terms of any warranty attached to new or unused vehicles manufactured and which are or have been sold or distributed in this state or transferred into this state for resale unless such manufacturer requires warranty service to be performed by all of its dealers pursuant to a current service agreement on file with the department;~~

~~(j) Fails to reimburse within a reasonable time any vehicle dealer within the state of Washington who in good faith incurs reasonable obligations in giving effect to warranties that attach or have attached to any new or unused vehicle sold or distributed in this state or transferred into this state for resale by any such manufacturer;~~

~~(k) Engaged in practices inimical to the health and safety of the citizens of the state of Washington including but not limited to failure to comply with standards set by the state of Washington or the federal government pertaining to the construction and safety of vehicles;~~

~~(l) Is insolvent either in the sense that his or her liabilities exceed his or her assets or in the sense that he or she cannot meet his or her obligations as they mature;~~

~~(m) Fails to notify the department of bankruptcy proceedings in the manner required by RCW 46.70.183.~~

Sec. 14. Section 12, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.102 are each amended to read as follows:

Upon the entry of the order under RCW 46.70.101 the director shall promptly notify the applicant or licensee(~~as well as the employer or prospective employer if the applicant or licensee is a salesman;~~) that the order has been entered and of the reasons therefor and that if requested by the applicant or licensee within fifteen days after the receipt of the director's notification, the matter will be promptly set down for hearing pursuant to chapter 34.04 RCW. If no hearing is requested and none is ordered by the director, the order will remain in effect until it is modified or vacated by the director. If a hearing is requested or ordered, the director, or his personal representative, after notice of and opportunity for hearing, may modify or vacate the order, or extend it until final determination. No final order may be entered under RCW 46.70.101 denying or revoking a license without appropriate prior notice to the applicant

or licensee (~~((as well as the employer or prospective employer if the applicant or licensee is a salesman)))~~), opportunity for hearing, and written findings of fact and conclusions of law.

NEW SECTION. Sec. 15. A new section is added to chapter 46.70 RCW to read as follows:

If it appears to the director that a person has engaged or is about to engage in an act or practice constituting a violation of this chapter, or a rule adopted or an order issued under this chapter, the director may issue an order directing the person to cease and desist from continuing the act or practice. Reasonable notice of and opportunity for a hearing shall be given. The director may issue a temporary order pending a hearing. The temporary order shall remain in effect until ten days after the hearing is held and shall become final if the person to whom the notice is addressed does not request a hearing within fifteen days after receipt of the notice.

Sec. 16. Section 46.70.120, chapter 12, Laws of 1961 as amended by section 15, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.120 are each amended to read as follows:

A dealer shall complete and maintain for a period of at least five years a record of the purchase and sale of all vehicles purchased or sold by him (~~(which)~~). The records shall consist of:

- (1) The license and title numbers of the state in which the last license was issued;
- (2) A description of the vehicle; (~~(and)~~)
- (3) The name and address of person from whom purchased; (~~(and)~~)
- (4) The name of legal owner, if any; (~~(and)~~)
- (5) The name and address of purchaser; (~~(and)~~)
- (6) If purchased from a dealer, the name, business address, dealer license number, and resale tax number of the dealer;
- (7) The price paid for the vehicle and the method of payment;
- (8) The odometer statement given by the seller to the dealer, and the odometer statement given by the dealer to the purchaser;
- (9) The written agreement to allow a dealer to sell between the dealer and the consignor, or the listing dealer and the seller;
- (10) Trust account records of receipts, deposits, and withdrawals;
- (11) All sale documents, which shall show the full name of dealer employees involved in the sale;
- (12) Any additional information the department may require.

Such record shall be maintained separate and apart from all other business records of the dealer and shall at all times be available for inspection by the director or his duly authorized agent.

Sec. 17. Section 5, chapter 68, Laws of 1965 and RCW 46.70.170 are each amended to read as follows:

It (~~(shall be)~~) is a misdemeanor for any person to violate any of the provisions of this chapter, except where expressly provided otherwise, and the rules (~~(and regulations promulgated)~~) adopted as provided under this chapter.

Sec. 18. Section 16, chapter 74, Laws of 1967 ex. sess. as last amended by section 13, chapter 472, Laws of 1985 and RCW 46.70.180 are each amended to read as follows:

Each of the following acts or practices is (~~(hereby declared)~~) unlawful:

(1) To cause or permit to be advertised, printed, displayed, published, distributed, broadcasted, televised, or disseminated in any manner whatsoever, any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to the following:

(a) That no down payment is required in connection with the sale of a vehicle when a down payment is in fact required, or that a vehicle may be purchased for a smaller down payment than is actually required;

(b) That a certain percentage of the sale price of a vehicle may be financed when such financing is not offered in a single document evidencing the entire security transaction;

(c) That a certain percentage is the amount of the service charge to be charged for financing, without stating whether this percentage charge is a monthly amount or an amount to be charged per year;

(d) That a new vehicle will be sold for a certain amount above or below cost without computing cost as the exact amount of the factory invoice on the specific vehicle to be sold;

(e) That a vehicle will be sold upon a monthly payment of a certain amount, without including in the statement the number of payments of that same amount which are required to liquidate the unpaid purchase price.

(2) To incorporate within the terms of any purchase and sale agreement any statement or representation with regard to the sale or financing of a vehicle which is false, deceptive, or misleading, including but not limited to terms that include as an added cost to the selling price of a vehicle an amount for licensing or transfer of title of that vehicle which is not actually due to the state, unless such amount has in fact been paid by the dealer prior to such sale.

(3) To set up, promote, or aid in the promotion of a plan by which vehicles are to be sold to a person for a consideration and upon further consideration that the purchaser agrees to

secure one or more persons to participate in the plan by respectively making a similar purchase and in turn agreeing to secure one or more persons likewise to join in said plan, each purchaser being given the right to secure money, credits, goods, or something of value, depending upon the number of persons joining the plan.

(4) To commit, allow, or ratify any act of 'bushing' which is defined as follows: Taking from a prospective buyer of a vehicle a written order or offer to purchase, or a contract document signed by the buyer, which:

(a) Is subject to the dealer's, or his authorized representative's future acceptance, and the dealer fails or refuses within forty-eight hours, exclusive of Saturday, Sunday, or legal holiday, and prior to any further negotiations with said buyer, to deliver to the buyer either the dealer's signed acceptance or all copies of the order, offer, or contract document together with any initial payment or security made or given by the buyer, including but not limited to money, check, promissory note, vehicle keys, a trade-in, or certificate of title to a trade-in; or

(b) Permits the dealer to renegotiate a dollar amount specified as trade-in allowance on a vehicle delivered or to be delivered by the buyer as part of the purchase price, for any reason except substantial physical damage or latent mechanical defect occurring before the dealer took possession of the vehicle and which could not have been reasonably discoverable at the time of the taking of the order, offer, or contract; or

(c) Fails to comply with the obligation of any written warranty or guarantee given by the dealer requiring the furnishing of services or repairs within a reasonable time.

(5) To commit any offense relating to odometers, as such offenses are defined in RCW 46.37.540, 46.37.550, 46.37.560, and 46.37.570. A violation of this subsection is a class C felony punishable under chapter 9A.20 RCW.

(6) For any vehicle dealer or vehicle salesman to refuse to furnish, upon request of a prospective purchaser, the name and address of the previous registered owner of any used vehicle offered for sale.

(7) To commit any other offense under RCW 46.37.423, 46.37.424, or 46.37.425.

(8) To commit any offense relating to a dealer's temporary license permit, including but not limited to failure to properly complete each such permit, or the issuance of more than one such permit on any one vehicle.

(9) For a dealer, salesman, or mobile home manufacturer, having taken an instrument or cash 'on deposit' from a purchaser prior to the delivery of the bargained-for vehicle, to commingle said 'on deposit' funds with assets of the dealer, salesman, or mobile home manufacturer instead of holding said 'on deposit' funds as trustee in a separate trust account until the purchaser has taken delivery of the bargained-for vehicle. Failure, immediately upon receipt, to endorse 'on deposit' instruments to such a trust account, or to set aside 'on deposit' cash for deposit in such trust account, and failure to deposit such instruments or cash in such trust account by the close of banking hours on the day following receipt thereof, shall be evidence of intent to commit this unlawful practice: PROVIDED, HOWEVER, That a motor vehicle dealer may keep a separate trust account which equals his customary total customer deposits for vehicles for future delivery.

(10) For a dealer or manufacturer to fail to comply with the obligations of any written warranty or guarantee given by the dealer or manufacturer requiring the furnishing of goods and services or repairs within a reasonable period of time, or to fail to furnish to a purchaser, all parts which attach to the manufactured unit including but not limited to the undercarriage, and all items specified in the terms of a sales agreement signed by the seller and buyer.

(11) Being a manufacturer, other than a motorcycle manufacturer governed by chapter 46.94 RCW, to:

(a) Coerce or attempt to coerce any vehicle dealer to order or accept delivery of any vehicle or vehicles, parts or accessories, or any other commodities which have not been voluntarily ordered by the vehicle dealer: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute coercion;

(b) Cancel or fail to renew the franchise or selling agreement of any vehicle dealer doing business in this state without fairly compensating the dealer at a fair going business value for his capital investment which shall include but not be limited to tools, equipment, and parts inventory possessed by the dealer on the day he is notified of such cancellation or termination and which are still within the dealer's possession on the day the cancellation or termination is effective, if: (i) The capital investment has been entered into with reasonable and prudent business judgment for the purpose of fulfilling the franchise; and (ii) said cancellation or nonrenewal was not done in good faith. Good faith is defined as the duty of each party to any franchise to act in a fair and equitable manner towards each other, so as to guarantee one party freedom from coercion, intimidation, or threats of coercion or intimidation from the other party: PROVIDED, That recommendation, endorsement, exposition, persuasion, urging, or argument are not deemed to constitute a lack of good faith.

(c) Encourage, aid, abet, or teach a vehicle dealer to sell vehicles through any false, deceptive, or misleading sales or financing practices including but not limited to those practices declared unlawful in this section;

(d) Coerce or attempt to coerce a vehicle dealer to engage in any practice forbidden in this section by either threats of actual cancellation or failure to renew the dealer's franchise agreement;

(e) Refuse to deliver any vehicle publicly advertised for immediate delivery to any duly licensed vehicle dealer having a franchise or contractual agreement for the retail sale of new and unused vehicles sold or distributed by such manufacturer within sixty days after such dealer's order has been received in writing unless caused by inability to deliver because of shortage or curtailment of material, labor, transportation, or utility services, or by any labor or production difficulty, or by any cause beyond the reasonable control of the manufacturer;

(f) To provide under the terms of any warranty that a purchaser of any new or unused vehicle that has been sold, distributed for sale, or transferred into this state for resale by the vehicle manufacturer may only make any warranty claim on any item included as an integral part of the vehicle against the manufacturer of that item.

Nothing in this section may be construed to impair the obligations of a contract or to prevent a manufacturer, distributor, representative, or any other person, whether or not licensed under this chapter, from requiring performance of a written contract entered into with any licensee hereunder, nor does the requirement of such performance constitute a violation of any of the provisions of this section if any such contract or the terms thereof requiring performance, have been freely entered into and executed between the contracting parties.

Sec. 19. Section 21, chapter 74, Laws of 1967 ex. sess. as amended by section 19, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.190 are each amended to read as follows:

Any person who is injured in his business or property by a violation of this chapter, or any person so injured because he refuses to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter, may bring a civil action in the superior court to enjoin further violations, to recover the actual damages sustained by him together with the costs of the suit, including a reasonable attorney's fee.

Any person recovering judgment or whose claim has been dismissed with prejudice against a manufacturer pursuant to RCW ~~((46.70.180(7)(b)))~~ 46.70.180(11)(b) and this section shall, upon full payment of said judgment, or upon the dismissal of such claim, execute a waiver in favor of the judgment debtor or defendant of any claim arising prior to the date of said judgment or dismissal under the Federal Automobile Dealer Franchise Act, 15 United States Code Sections 1221-1225. Any person having recovered full payment for any judgment or whose claim has been dismissed with prejudice under said Federal Automobile Dealer Franchise Act shall have no cause of action under this section for alleged violation of RCW ~~((46.70.180(7)(b)))~~ 46.70.180(11)(b), with respect to matters arising prior to the date of said judgment.

A civil action brought in the superior court pursuant to the provisions of this section must be filed no later than one year following the alleged violation of this chapter.

Sec. 20. Section 17, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.200 are each amended to read as follows:

The director shall revoke or refuse to issue a ~~((motor))~~ vehicle dealer's license for a franchise replacing a canceled or terminated franchise if a civil action pursuant to RCW 46.70.190 is pending and was filed within sixty days following the written notification of the cancellation or nonrenewal of an existing franchise and a certified copy of ~~((said))~~ the complaint alleging the date of said notification is filed with the department within said sixty days by the complaining motor vehicle dealer. The court may, however, in order to maintain adequate and competitive service in the area or upon a showing of good cause by the manufacturer, distributor, or factory branch order the director to issue ~~((said motor))~~ the vehicle dealer's license if the dealer complies with other sections of chapter 46.70 RCW.

Sec. 21. Section 18, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.210 are each amended to read as follows:

Upon the filing of a complaint pursuant to RCW 46.70.190 by a complaining ~~((motor))~~ vehicle dealer within sixty days following the written notification of the cancellation or nonrenewal of the existing franchise, any canceled or nonrenewed franchise of said complaining dealer shall stay in full force and effect until the complaint has been expeditiously disposed of, unless the court, pursuant to RCW 46.70.200, has ordered the director to issue a ~~((motor))~~ vehicle dealer's license to a new franchisee.

If a new franchise is given by a manufacturer, distributor, or factory branch for the sale of the same make of ~~((motor))~~ vehicle in the same area of responsibility in that covered in ~~((said))~~ the canceled or terminated franchise, ~~((such act shall be))~~ that act is prima facie evidence that the new franchise replaced the canceled or terminated franchise.

Sec. 22. Section 24, chapter 74, Laws of 1967 ex. sess. and RCW 46.70.260 are each amended to read as follows:

The provisions of this chapter shall be applicable to all franchises and contracts existing between ~~((motor))~~ vehicle dealers and manufacturers or factory branches and to all future franchises and contracts.

NEW SECTION. Sec. 23. A new section is added to chapter 46.70 RCW to read as follows:

Any violation of this chapter is deemed to affect the public interest and constitutes a violation of chapter 19.86 RCW.

NEW SECTION. Sec. 24. The following acts or parts of acts are each repealed:

(1) Section 8, chapter 74, Laws of 1967 ex. sess., section 10, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.081; and

(2) Section 9, chapter 74, Laws of 1967 ex. sess., section 5, chapter 74, Laws of 1971 ex. sess., section 11, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.082.

NEW SECTION. Sec. 25. The department shall report to the legislature as to the implementation of this act, and make any necessary recommendations for revisions by December 31, 1987.

NEW SECTION. Sec. 26. The department shall develop a specific plan for the full implementation of this act and shall report its findings to the legislative transportation committee by December 15, 1986. The plan shall include an evaluation of the feasibility of basing the annual license fee schedule on volume, rather than on the flat rates established in RCW 46.70.061, and shall consider the establishment of no fewer than five license fee categories.

NEW SECTION. Sec. 27. To carry out this act, the sum of three hundred seventy-five thousand dollars, or so much thereof as may be necessary, is appropriated to the department of licensing from the motor vehicle fund for the biennium ending June 30, 1987.

NEW SECTION. Sec. 28. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately, except section 9 of this act shall take effect July 1, 1986, and section 10 of this act shall take effect July 1, 1987."

On page 49 of the Commerce and Labor Committee amendment, line 12, beginning with "amending" strike everything through "penalties," on line 22 and insert "amending RCW 46.70.005, 46.70.011, 46.70.021, 46.70.031, 46.70.041, 46.70.061, 46.70.070, 46.70.083, 46.70.101, 46.70.102, 46.70.120, 46.70.170, 46.70.180, 46.70.190, 46.70.200, 46.70.210, and 46.70.260; adding new sections to chapter 46.70 RCW; creating new sections; repealing RCW 46.70.081 and 46.70.082; prescribing penalties; making an appropriation; providing effective dates; and declaring an emergency."

Signed by Representatives Walk, Chair; Baugher, Betzoff, Fisch, Fisher, Gallagher, Hankins, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle and Zellinsky.

Voting nay: Representative Bond.

Absent: Representatives Wineberry, Vice Chair; Brough, Haugen, Van Luven, J. Williams and K. Wilson.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 4505 Prime Sponsor, Senator Thompson: Establishing bid limits for special purpose districts under chapter 85.38 RCW. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. A new section is added to chapter 85.38 RCW to read as follows:

(1) Special districts shall have authority to enter into contracts for the construction of any improvement authorized by law, or for labor, materials, or equipment entering therein, without public bidding, with the written approval and consent of the governing body in instances of genuine emergency to be declared by the governing body or in any instance where the contract price does not exceed ten thousand dollars.

Any proposed improvement or part thereof, not exceeding five thousand dollars in cost, may be constructed by district employees: PROVIDED, That this shall not restrict a special district from using volunteer labor and equipment on improvements, and providing reimbursement for actual expenses.

(2) The dollar figures established in subsection (1) of this section annually shall be adjusted upward or downward in direct proportion to the cost of construction factor established by the office of financial management. On or before June 30, 1987, and on or before June 30 of each year thereafter, the office of financial management shall publish a cost of construction factor that reflects the percentage increase or decrease in construction costs during the preceding calendar year. In establishing a cost of construction factor, the office of financial management may use the Engineering News Record construction cost index or any other nationally recognized construction cost index. Effective July 1, 1987, and on the first day of July each year thereafter, all dollar figures and small works roster limits in effect during the previous year, as provided in subsection (1) of this section, shall be increased or decreased in direct proportion to the latest cost of construction factor published by the office of financial management.

NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

(1) Section 62, chapter 72, Laws of 1937, section 10, chapter 104, Laws of 1982, section 56, chapter 396, Laws of 1985 and RCW 86.09.184; and

(2) Section 63, chapter 72, Laws of 1937, section 4, chapter 26, Laws of 1965, section 4, chapter 104, Laws of 1982, section 57, chapter 396, Laws of 1985 and RCW 86.09.187."

Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Rayburn, Smitherman, Winsley and Zellinsky.

Voting nay: Representative Patrick.

Passed to Committee on Rules for second reading.

February 28, 1986

SSB 4531 Prime Sponsor, Committee on Financial Institutions: Modifying provisions relating to mental health insurance coverage. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. It is the intent of the legislature that all insurers, health care service contractors, and health maintenance organizations that provide health care coverage in the state shall offer the option of including mental health treatment in their health benefit plans. Further it is the intent of the legislature that all mental health care benefit plans shall provide reimbursement for mental health treatment by every type of provider listed as follows: Physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health agencies licensed under chapter 71.24 RCW.

Sec. 2. Section 1, chapter 35, Laws of 1983 and RCW 48.21.240 are each amended to read as follows:

(1) Each group insurer providing disability insurance coverage in this state for hospital or medical care under contracts which ((is)) are issued, delivered, or renewed in this state on or after July 1, ((1983)) 1986, shall offer optional supplemental coverage for mental health treatment for the insured and the insured's covered dependents.

~~((Treatment shall be covered))~~

(2) Benefits shall be provided under the optional supplemental coverage ((if)) for mental health treatment whether treatment is rendered by: (a) A physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; or (c) a community mental health agency licensed by the department of social and health services pursuant to chapter 71.24 RCW. The treatment shall be covered at the usual and customary rates for such treatment. The insurer, health care service contractor, or health maintenance organization providing optional coverage under the provisions of this section for mental health services may establish separate usual and customary rates for services rendered by physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health centers licensed under chapter 71.24 RCW. However, the treatment may be subject to contract provisions with respect to reasonable deductible amounts or copayments. In order to qualify for coverage under this section, a licensed community mental health agency shall have in effect a plan for quality assurance and peer review, and the treatment shall be supervised by a physician licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed under chapter 18.83 RCW.

~~(((2)))~~ (3) The group disability insurance contract may provide that all the coverage for mental health treatment is waived for all covered members if the contract holder so states in advance in writing to the insurer.

(4) This section shall not apply to a group disability insurance contract that is entered into in accordance with a collective bargaining agreement between management and labor representatives.

Sec. 3. Section 2, chapter 35, Laws of 1983 and RCW 48.44.340 are each amended to read as follows:

(1) Each health care service contractor providing hospital or medical services or benefits in this state under group contracts for health care services under this chapter which ((is)) are issued, delivered, or renewed in this state on or after July 1, ((1983)) 1986, shall offer optional supplemental coverage for mental health treatment for the insured and the insured's covered dependents.

~~((Treatment shall be covered))~~ (2) Benefits shall be provided under the optional supplemental coverage ((if)) for mental health treatment whether treatment is rendered by: (a) A physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; or (c) a community mental health agency licensed by the department of social and health services pursuant to chapter 71.24 RCW. The treatment shall be covered at the usual and customary rates for such treatment. The insurer, health care service contractor, or health maintenance organization providing optional coverage under the provisions of this section for mental health services may establish separate usual and customary rates for services rendered

by physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health centers licensed under chapter 71.24 RCW. However, the treatment may be subject to contract provisions with respect to reasonable deductible amounts or copayments. In order to qualify for coverage under this section, a licensed community mental health agency shall have in effect a plan for quality assurance and peer review, and the treatment shall be supervised by a physician licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed under chapter 18.83 RCW.

~~((2))~~ (3) The group contract for health care services may provide that all the coverage for mental health treatment is waived for all covered members if the contract holder so states in advance in writing to the health care service contractor.

(4) This section shall not apply to a group health care service contract that is entered into in accordance with a collective bargaining agreement between management and labor representatives.

Sec. 4. Section 3, chapter 35, Laws of 1983 and RCW 48.46.290 are each amended to read as follows:

(1) Each health maintenance organization providing services or benefits for hospital or medical care coverage in this state under group health maintenance agreements which ~~((ts))~~ are issued, delivered, or renewed in this state on or after July 1, ~~((1983))~~ 1986, shall offer optional supplemental coverage for mental health treatment to the enrolled participant and the enrolled participant's covered dependents.

~~((Treatment shall be covered))~~ (2) Benefits shall be provided under the optional supplemental coverage ~~((f))~~ for mental health treatment whether treatment is rendered by the health maintenance organization or ~~((h))~~ the health maintenance organization refers the enrolled participant or the enrolled participant's covered dependents for treatment to: (a) A physician licensed under chapter 18.71 or 18.57 RCW; (b) a psychologist licensed under chapter 18.83 RCW; or (c) a community mental health agency licensed by the department of social and health services pursuant to chapter 71.24 RCW. The treatment shall be covered at the usual and customary rates for such treatment. The insurer, health care service contractor, or health maintenance organization providing optional coverage under the provisions of this section for mental health services may establish separate usual and customary rates for services rendered by physicians licensed under chapter 18.71 or 18.57 RCW, psychologists licensed under chapter 18.83 RCW, and community mental health centers licensed under chapter 71.24 RCW. However, the treatment may be subject to contract provisions with respect to reasonable deductible amounts or copayments. In order to qualify for coverage under this section, a licensed community mental health agency shall have in effect a plan for quality assurance and peer review, and the treatment shall be supervised by a physician licensed under chapter 18.71 or 18.57 RCW or by a psychologist licensed under chapter 18.83 RCW.

~~((2))~~ (3) The group health maintenance agreement may provide that all the coverage for mental health treatment is waived for all covered members if the contract holder so states in advance in writing to the health maintenance organization.

(4) This section shall not apply to a group health maintenance agreement that is entered into in accordance with a collective bargaining agreement between management and labor representatives.

NEW SECTION. Sec. 5. This act shall take effect July 1, 1986.

NEW SECTION. Sec. 6. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Locke, Nutley, Prince and Winsley.

Voting nay: Representative West.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 28, 1986

ESSB 4539 Prime Sponsor, Committee on Financial Institutions: Providing insurance coverage for applicants currently unable to obtain it. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Applicant' includes an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any legal or commercial entity.

(2) 'Property and casualty insurance' means property insurance as defined in RCW 48.11.040 and casualty insurance as defined in RCW 48.11.070.

(3) 'Association' means the joint underwriting association established pursuant to the provisions of this chapter.

(4) 'Plan' means the market assistance plan established pursuant to the provisions of this chapter.

NEW SECTION. Sec. 2. The commissioner shall approve a reasonable market assistance plan for the placement of property and casualty insurance coverages for applicants who have difficulty in obtaining the type of insurance desired. The plan shall assist in obtaining property and casualty insurance for municipal liability, day care liability, liquor liability, trucking liability and professional liability. In addition, the commissioner shall determine whether availability problems exist for other types of property and casualty insurance and shall require the plan to assist applicants in obtaining such insurance.

NEW SECTION. Sec. 3. All insurers possessing a certificate of authority to write property or casualty insurance within this state shall participate in the plan approved by the commissioner as a condition of its authority to continue to transact business in this state. However, the commissioner may exclude an insurer from membership if the commissioner determines membership would result in a hardship or inequity or would not be of benefit to the plan.

NEW SECTION. Sec. 4. The commissioner may adopt any rules necessary to ensure the effective operation of the plan, including but not limited to, setting limits on the fees the plan may charge to process an applicant's request for assistance. The commissioner shall not require that the plan provide insurance to applicants.

NEW SECTION. Sec. 5. The commissioner shall approve a reasonable design for the establishment of a nonprofit, joint underwriting association for property and casualty insurance, subject to the conditions and limitations contained in this chapter.

NEW SECTION. Sec. 6. The association shall be comprised of all insurers possessing a certificate of authority to write property and casualty insurance within this state on a direct basis. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to transact business in this state, unless the commissioner excludes an insurer from membership because membership would result in a hardship or inequity.

NEW SECTION. Sec. 7. An applicant may seek property and casualty insurance from the association whenever the commissioner determines that the type of insurance the applicant desires is difficult to obtain in the usual market for such insurance.

NEW SECTION. Sec. 8. The commissioner may adopt all rules necessary to ensure the efficient, equitable operation of the association.

NEW SECTION. Sec. 9. Sections 1 through 8 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 10. Sections 1 through 4 of this act shall take effect on June 1, 1986. Sections 5 through 8 of this act shall take effect on June 1, 1988."

On page 1, line 2 of the title, after "RCW;" strike the remainder of the title and insert "and providing effective dates."

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Crane, Dellwo, Grimm, P. King, Locke, Nutley and Winsley.

Voting nay: Representatives Addison, Barrett, Holland, P. King, Prince and West.

Passed to Committee on Rules for second reading.

February 28, 1986

ReESSB 4541 Prime Sponsor, Committee on Financial Institutions: Establishing procedures for cancelling insurance. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section .18.29, chapter 79, Laws of 1947 as last amended by section 17, chapter 264, Laws of 1985 and RCW 48.18.290 are each amended to read as follows:

(1) Cancellation by the insurer of any policy which by its terms is cancellable at the option of the insurer, or of any binder based on such policy, may be effected as to any interest only upon compliance with either or both of the following:

(a) Written notice of such cancellation, accompanied by the actual reason therefor, must be actually delivered or mailed to the insured ~~((or))~~ and to his or her representative in charge of the subject of the insurance not less than forty-five days prior to the effective date of the cancellation except for cancellation of insurance policies for nonpayment of premiums, which notice shall be not less than ten days prior to such date and except for cancellation of fire insurance policies under chapter 48.53 RCW, which notice shall not be less than five days prior to such date; PROVIDED, That ten days' notice of cancellation is sufficient if cancellation occurs within thirty days after the effective date of a binder for new insurance. No additional notice of

cancellation or nonrenewal is required if the coverage is evidenced by a written binder delivered to the insured containing a clearly stated expiration date: PROVIDED FURTHER, That in all cases a loss payee shall receive no less than forty-five days' notice of cancellation;

(b) Like notice of not less than forty-five days must also be so delivered or mailed to each mortgagee, pledgee, or other person shown by the policy to have an interest in any loss which may occur thereunder.

(2) The mailing of any such notice shall be effected by depositing it in a sealed envelope, directed to the addressee at his or her last address as known to the insurer or as shown by the insurer's records, with proper prepaid postage affixed, in a letter depository of the United States post office. The insurer shall retain in its records any such item so mailed, together with its envelope, which was returned by the post office upon failure to find, or deliver the mailing to, the addressee.

(3) The affidavit of the individual making or supervising such a mailing, shall constitute prima facie evidence of such facts of the mailing as are therein affirmed.

(4) The portion of any premium paid to the insurer on account of the policy, unearned because of the cancellation and in amount as computed on the pro rata basis, must be actually paid to the insured or other person entitled thereto as shown by the policy or by any endorsement thereon, or be mailed to the insured or such person as soon as possible, and no later than forty-five days after the date of notice of cancellation to the insured for homeowners', dwelling fire, and private passenger auto. Any such payment may be made by cash, or by check, bank draft, or money order.

(5) This section shall not apply to contracts of life or disability insurance without provision for cancellation prior to the date to which premiums have been paid, to surety bonds required by statute, or to contracts of insurance procured under the provisions of chapter 48.15 RCW.

Sec. 2. Section 20, chapter 264, Laws of 1985 and RCW 48.18.2901 are each amended to read as follows:

(1) Each insurer shall be required to renew any contract of insurance subject to RCW 48.18.290 unless one of the following situations exists:

(a) The insurer gives the named insured at least forty-five days' notice in writing as provided for in RCW 48.18.290, that it proposes to refuse to renew the insurance contract upon its expiration date; and sets forth therein the actual reason for refusing to renew; or

(b) At least twenty days prior to its expiration date, the insurer has communicated its willingness to renew in writing to the named insured, or to his or her representative, and has included therein a statement of the amount of the premium or portion thereof required to be paid by the insured to renew the policy, ~~((including the amount by which the premium or deductibles have changed from the previous policy period; and the date by which such payment must be made;))~~ and the insured fails to discharge when due his obligation in connection with the payment of such premium or portion thereof; or

(c) The insured's agent or broker has procured other coverage acceptable to the insured prior to the expiration of the policy period.

(2) Any insurer failing to provide the notice required by RCW 48.18.2901(1)(b) shall renew a policy subject to that subsection according to the rates and contract provisions applicable to the expiring policy; PROVIDED, That an insurer may change rates and contract provisions applicable to any such policy after the renewal date if the insurer provides at least twenty days' advance notice of the changes to the named insured or to his or her representative.

(3) Renewal of a policy shall not constitute a waiver or estoppel with respect to grounds for cancellation which existed before the effective date of such renewal, or with respect to cancellation of fire policies under chapter 48.53 RCW.

~~((3))~~ (4) 'Renewal' or 'to renew' means the issuance and delivery by an insurer of a contract of insurance replacing at the end of the contract period a contract of insurance previously issued and delivered by the same insurer, or the issuance and delivery of a certificate or notice extending the term of a contract beyond its policy period or term: PROVIDED, HOWEVER, That any contract of insurance with a policy period or term of six months or less whether or not made continuous for successive terms upon the payment of additional premiums shall for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295 be considered as if written for a policy period or term of six months: PROVIDED, FURTHER, That any policy written for a term longer than one year or any policy with no fixed expiration date, shall, for the purpose of RCW 48.18.290 and 48.18.293 through 48.18.295, be considered as if written for successive policy periods or terms of one year.

Sec. 3. Section 23, chapter 241, Laws of 1969 ex. sess. as last amended by section 22, chapter 264, Laws of 1985 and RCW 48.18.296 are each amended to read as follows:

The provisions of RCW 48.18.291 through 48.18.297 shall not apply to:

(1) Contracts of insurance issued under the assigned risk plan: ~~((and))~~

(2) Any policy covering garage, automobile sales agency, repair shop, service station, or public parking place operation hazards; and

(3) Contracts of insurance procured under the provisions of chapter 48.15 RCW.

NEW SECTION. Sec. 4. A new section is added to chapter 41.04 RCW to read as follows:

(1) Unless the context clearly requires otherwise, the definitions in this subsection apply throughout this section.

(a) 'Disabled employee' means an individual receiving a disability retirement allowance from the public employees' retirement system.

(b) 'Health plan' means any contract, policy, fund, trust, or other program established by a county, municipality, or other political subdivision of the state that provides for all or a part of hospitalization or medical aid for its employees and their eligible dependents pursuant to RCW 41.04.180.

(c) 'Retired employee' means an individual who is a public employee covered under the public employees' retirement system with not less than five years of service at the date of retirement.

(d) 'Supplemental plan' means an individual or group health plan designed primarily as a supplement to reimbursements under federal medicare for the hospital, medical, or surgical expenses of persons eligible for medicare by reason of age.

(e) 'Person' means a retired or disabled employee.

(2) Any county, municipality, or other political subdivision that provides a health plan for its employees shall permit retired and disabled employees and their eligible dependents to continue participation in such plan subject to the exceptions, limitations, and conditions set forth in this section. However, this section does not apply to:

(a) A county, municipality, or other political subdivision participating in an insurance program administered under chapter 41.05 RCW if retired and disabled employees and their eligible dependents of such participating county, municipality, or other political subdivision are covered under an insurance program administered under chapter 41.05 RCW;

(b) Members of the law enforcement officers' and fire fighters' retirement system under chapter 41.26 RCW; or

(c) Members of the first class cities' retirement system under chapter 41.28 RCW.

(3) A person who requests continued participation in their employer's health plan may be required to pay for such participation. However, such payment shall not exceed the rate, cost, or premium that is calculated for an active employee under the same plan. If the utilization of health plan benefits by those continuing participation in the health plan causes a greater than ten percent increase in the active employee rate or cost for the plan, then the rate or cost for those continuing participation in the health plan shall be adjusted to cover the costs in excess of the ten percent increase. However, no provision of this subsection shall be deemed to require any employer who is currently paying for all or part of a health plan for their retired and disabled employees and their eligible dependents from discontinuing those payments.

(4) When a person or his or her spouse continuing participation under a health plan becomes eligible for federal medicare, then health plan participation shall be terminated and the person or his or her spouse shall have the option of participating in a supplemental plan provided by the employer. Any payment required of the person or his or her spouse shall be modified to reflect cost differences between the health plan and the supplemental plan.

(5) Payments for continued participation in a former employer's health plan may be assigned to the underwriter of the health plan from public pension benefits or may be paid to the former employer, as determined by the former employer, so that an underwriter of the health plan that is an insurance company, health care service contractor, or health maintenance organization shall not be required to accept individual payments from persons continuing participation in the employer's health plan.

(6) There shall be a one time initial open enrollment period from May 1, 1986, to June 30, 1986. An employer shall not be required to permit a person to participate in the health plan if the person is responsible for a lapse in coverage under the plan. In addition, an employer shall not be required to permit a person to participate in the employer's health plan if the employer offered continued participation in a health plan with substantially similar benefits and at substantially the same price as that plan provided for active employees and the person failed to enroll in that plan at the time the person was retired or disabled.

(7) If a person continuing participation in the former employer's health plan has other medical coverage as a result of that person's employment or that person's spouse's employment, the other medical coverage shall be the primary coverage for purposes of coordination of benefits as provided for in the former employer's health plan.

(8) If an eligible dependent's continued participation in a health plan was permitted because of the person's relationship to a retired or disabled employee of the employer providing the health plan and the retired or disabled employee dies, then that eligible dependent shall be permitted to continue participation in the health plan for a period of not less than six months after the death of the retired or disabled employee.

(9) An employer may offer one or more health plans different from that provided for active employees and designed to meet the needs of persons requesting continued participation in the employer's health plan. These health plans for continued participation shall be provided at a rate, cost, or premium which does not exceed that provided for active employee health

plans. An employer, in designing or offering continued participation in a health plan, may utilize terms or conditions necessary to administer such plans to the extent such terms and conditions do not conflict with this section.

(10) If an employer changes the underwriter of a health plan, the replaced underwriter has no further responsibility or obligation to persons who continued participation in a health plan of the replaced underwriter. However, the employer shall permit such persons to participate in any new health plan.

(11) The benefits granted pursuant to this section shall not be considered a matter of contractual right. Should the legislature revoke or change or a county, municipality, or other political subdivision of the state change any benefits granted under this section, an affected person shall not be entitled thereafter to receive the benefits as a matter of contractual right.

(12) Nothing contained in this section shall be deemed to affect any health plan contained in a collective bargaining agreement in existence as of the effective date of this act. However, any plan contained in future collective bargaining agreements shall conform to the provisions of this section. In addition, nothing contained in this section shall be deemed to affect any health plan contract or policy in existence as of the effective date of this act, except any renewal of the contract or policy shall conform to the provisions of this section.

NEW SECTION. Sec. 5. Participation in the health plans provided under section 4 of this act shall take effect January 1, 1987, for all self-insured plans and for all plans renewed on or after September 1, 1986. Participation in health plans provided under section 4 of this act which are renewed after the effective date of this act but prior to September 1, 1986, shall take effect on the date the plan is next renewed, but in no case later than January 1, 1988.

NEW SECTION. Sec. 6. Sections 4 and 5 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "insurance;" strike "and" and on line 2 of the title, after "48.18.2901" insert "; adding a new section to chapter 41.04 RCW; creating a new section; and declaring an emergency"

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Grimm, Holland, P. King, Locke, Nutley, Prince and Winsley.

Voting nay: Representative West.

Passed to Committee on Rules for second reading.

February 28, 1986

SSB 4544 Prime Sponsor, Committee on Judiciary: Requiring specified person to report abuse of vulnerable adults. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 17 strike "the person" and insert "(~~the person~~)"

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Niemi, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives P. King, Padden, Schmidt and West.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 4551 Prime Sponsor, Senator Vognild: Prescribing penalties for assaults on fire protection personnel. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Dellwo, Lewis, Locke, G. Nelson, Niemi, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives Crane, Hargrove, P. King, Lewis, Niemi, Padden and Schmidt.

Passed to Committee on Rules for second reading.

February 28, 1986

ESSB 4557 Prime Sponsor, Committee on Governmental Operations: Modifying rule-making authority of state building code council. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 5, chapter 360, Laws of 1985 and RCW 19.27.031 are each amended to read as follows:

Except as otherwise provided in this chapter, there shall be in effect in all counties and cities the state building code which shall consist of the following codes ~~((which are hereby adopted by reference))~~ as amended, if necessary, and adopted by the state building code council pursuant to RCW 19.27.074:

(1) Uniform Building Code and Uniform Building Code Standards, ~~((1982 edition;))~~ published by the International Conference of Building Officials;

(2) Uniform Mechanical Code, ~~((1982 edition;))~~ including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;

(3) The Uniform Fire Code and Uniform Fire Code Standards, ~~((1982 edition;))~~ published by the International Conference of Building Officials and the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;

(4) The Uniform Plumbing Code and Uniform Plumbing Code Standards, ~~((1982 edition;))~~ published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code ~~((are))~~ shall not be adopted; and

(5) The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided in RCW 70.92.100 through 70.92.160.

In case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following.

The council may issue opinions relating to the codes at the request of a local building official.

Sec. 2. Section 6, chapter 96, Laws of 1974 ex. sess. as last amended by section 10, chapter 360, Laws of 1985 and RCW 19.27.060 are each amended to read as follows:

(1) The governing bodies of counties and cities may amend the codes enumerated in RCW 19.27.031 if they apply within their respective jurisdictions, but the amendments shall not result in a code that is less than the minimum performance standards and objectives contained in the state building code. No amendment to a code enumerated in RCW 19.27.031 that affects single family or multifamily residential buildings shall be effective unless the amendment is approved by the building code council under RCW 19.27.074(1)(b). Any county or city amendment to a code enumerated in RCW 19.27.031 which is approved under RCW 19.27.074(1)(b) shall continue to be effective after any action is taken under RCW 19.27.074(1)(a) without necessity of reapproval under RCW 19.27.074(1)(b) unless the amendment is declared null and void by the council at the time any action is taken under RCW 19.27.074(1)(a) because such action in any way altered the impact of the amendment.

(2) Except as permitted or provided otherwise under this section, the state building code shall be applicable to all buildings and structures including those owned by the state or by any governmental subdivision or unit of local government.

(3) The governing body of each county or city may limit the application of any portion of the state building code to exclude specified classes or types of buildings or structures according to use other than single family or multifamily residential buildings: PROVIDED, That in no event shall fruits or vegetables of the tree or vine stored in buildings or warehouses constitute combustible stock for the purposes of application of the uniform fire code.

(4) The provisions of this chapter shall not apply to any building four or more stories high with a B occupancy as defined by the uniform building code, ~~((1982 edition))~~ as specified in RCW 19.27.031(1), and with a city fire insurance rating of 1, 2, or 3 as defined by a recognized fire rating bureau or organization.

(5) No provision of the uniform fire code concerning roadways shall be part of the state building code: PROVIDED, That this subsection shall not limit the authority of a county or city to adopt street, road, or access standards.

(6) The provisions of the state building code are preempted by any physical standards adopted by the state jail commission under RCW 70.48.050 when the code provisions relating to the installation or use of sprinklers in the cells conflict with the standards and the secure and humane operation of jails.

Sec. 3. Section 7, chapter 96, Laws of 1974 ex. sess. as last amended by section 11, chapter 360, Laws of 1985 and RCW 19.27.070 are each amended to read as follows:

There is hereby established a state building code council to be appointed by the governor.

(1) The state building code council shall consist of fifteen members, two of whom shall be county elected legislative body members or elected executives and two of whom shall be city elected legislative body members or mayors. One of the members shall be a local government building code enforcement official and one of the members shall be a local government fire service official. Of the remaining nine members, one member shall represent general construction, specializing in commercial and industrial building construction; one member shall

represent general construction, specializing in residential and multifamily building construction; one member shall represent the architectural design profession; one member shall represent the structural engineering profession; one member shall represent the mechanical engineering profession; one member shall represent the construction building trades; one member shall represent manufacturers, installers, or suppliers of building materials and components; one member shall be a person with a physical disability and shall represent the disability community; and one member shall represent the general public. At least six of these fifteen members shall reside east of the crest of the Cascade mountains. The council shall include an employee of the office of the ~~((insurance commissioner))~~ director of fire protection and an employee of the electrical division of the department of labor and industries, as ex officio, nonvoting members with all other privileges and rights of membership. Terms of office shall be for three years. The board shall report annually to the governor and the legislature on the operation and administration of this chapter. The report shall include a summary of all council decisions relating to updates or amendments to the codes. The council shall elect a member to serve as chair of the council for one-year terms of office. Any member who is appointed by virtue of being an elected official or holding public employment shall be removed from the council if he or she ceases being such an elected official or holding such public employment. Before making any appointments to the building code council, the governor shall seek nominations from recognized organizations which represent the entities or interests listed in this subsection. Members serving on the council on July 28, 1985, may complete their terms of office. Any vacancy shall be filled by alternating appointments from governmental and nongovernmental entities or interests until the council is constituted as required by this subsection.

(2) Members shall not be compensated but shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(3) The department of community development shall provide administrative and clerical assistance to the building code council.

Sec. 4. Section 2, chapter 360, Laws of 1985 and RCW 19.27.074 are each amended to read as follows:

(1) The state building code council shall:

(a) Amend, if necessary, adopt, and maintain the codes to which reference is made in RCW 19.27.031 ~~((in a status which))~~. The codes may be amended or adopted only when the council finds that the amendment or adoption is consistent with the state's interest as set forth in RCW 19.27.020. In ~~((maintaining))~~ carrying out its responsibilities in regard to these codes, the council shall regularly review updated versions of the codes referred to in RCW 19.27.031 and other pertinent information and shall amend the codes as deemed appropriate by the council:

(b) Approve or deny all county or city amendments to any code referred to in RCW 19.27.031 to the degree the amendments apply to single family or multifamily residential buildings;

(c) As required by the legislature, develop and adopt any codes relating to buildings; and

(d) Propose a budget for the operation of the state building code council to be submitted to the office of financial management pursuant to RCW 43.88.090.

(2) The state building code council may:

(a) Appoint technical advisory committees which may include members of the council;

(b) Employ permanent and temporary staff and contract for services; and

(c) Conduct research into matters relating to any code or codes referred to in RCW 19.27.031 or any related matter.

All meetings of the state building code council shall be open to the public under the open public meetings act, chapter 42.30 RCW. All actions of the state building code council which adopt or amend any code of state-wide applicability shall be pursuant to the administrative procedure act, chapter 34.04 RCW.

All council decisions relating to the codes enumerated in RCW 19.27.031 shall require approval by at least a majority of the members of the council.

All decisions to adopt or amend codes of state-wide application shall be made prior to December 1 of any year and, except as provided in subsection (3) of this section, shall not take effect before the end of the regular legislative session in the next year.

(3) A decision to amend codes of state-wide application may take effect immediately if the council determines through the procedure established under chapter 34.04 RCW that the amendment is necessary to protect public health. The council shall forward copies of each amendment adopted under this subsection along with supporting documentation to the appropriate standing committees of the house of representatives and the senate.

Sec. 5. Section 3, chapter 96, Laws of 1974 ex. sess. as last amended by section 1, chapter 144, Laws of 1985 and RCW 19.27A.010 are each amended to read as follows:

There shall be in effect in all cities, towns, and counties of the state ~~((a state building code which shall consist of the following codes which are hereby adopted by reference:~~

~~(1) Uniform Building Code and Uniform Building Code Standards, 1982 edition, published by the International Conference of Building Officials;~~

~~(2) Uniform Mechanical Code, 1982 edition, including Chapter 22, Fuel Gas Piping, Appendix B, published by the International Conference of Building Officials;~~

(3) ~~The Uniform Fire Code and Uniform Fire Code Standards, 1982 edition, published by the International Conference of Building Officials and the Western Fire Chiefs Association: PROVIDED, That, notwithstanding any wording in this code, participants in religious ceremonies shall not be precluded from carrying hand-held candles;~~

(4) ~~The Uniform Plumbing Code and Uniform Plumbing Code Standards, 1982 edition, published by the International Association of Plumbing and Mechanical Officials: PROVIDED, That chapters 11 and 12 of such code are not adopted;~~

(5) ~~The rules and regulations adopted by the council establishing standards for making buildings and facilities accessible to and usable by the physically handicapped or elderly persons as provided for in RCW 70.92.100 through 70.92.160; and~~

(6)) the Washington state energy code, June 30, 1980, edition adopted by the state building code ((~~advisory~~)) council and amendments to the code adopted prior to January 1, 1985, the revision to the state energy code adopted pursuant to RCW ((~~19-27-075~~)) 19.27A.020, and subsequent amendments adopted by the council under chapter 34.04 RCW.

((~~in case of conflict among the codes enumerated in subsections (1), (2), (3), and (4) of this section, the first named code shall govern over those following;~~))

Sec. 6. Section 4, chapter 144, Laws of 1985 and RCW 19.27A.040 are each amended to read as follows:

(1) The University of Washington college of architecture and department of mechanical engineering shall conduct in situ testing of the annual thermal transmittance of individual construction components and conservation measures proposed for new residential construction by the northwest power planning council.

(2) There shall be a committee to oversee the study. The committee shall include the director of the state energy office as chair; two members recommended by the home building industry chosen by the governor; and two members nationally renowned as experts in building energy performance chosen by the governor.

(3) The study shall include an analysis of the economic feasibility of adopting thermal performance standards for new residential construction as proposed by the northwest power planning council. The study of economic feasibility shall include but not necessarily be limited to factors which shall not require an amortization of the individual components exceeding a life cycle of seven years and a discount rate (interest) computed at the current conventional market rate of home mortgages at par.

(4) The director of the state energy office shall make recommendations, based on the results of the study and the residential standards demonstration program, to the legislature and the state building code ((~~advisory~~)) council regarding the cost-effectiveness of the revised state energy code developed pursuant to RCW ((~~19-27-075~~)) 19.27A.020 no later than January 15, 1988.

(5) If federal funds are not available, the study shall be funded by a surcharge on building permit fees for new building construction imposed by all local governments of the state. The department of community development, after consultation with the state energy office, shall develop and implement a method of collecting the surcharge. The surcharge shall be ten dollars ((~~on~~)) for each dwelling unit in all multifamily residential building permits, fifteen dollars on all single-family residential building permits, and fifteen dollars on all other building permits. The surcharge shall terminate on June 30, 1989, or at such time as the state general fund is reimbursed for the cost of the study.

Sec. 7. Section 3, chapter 76, Laws of 1979 ex. sess. as amended by section 2, chapter 144, Laws of 1985 and RCW 19.27A.020 are each amended to read as follows:

(1) The state building code ((~~advisory~~)) council shall promulgate rules, pursuant to chapter 34.04 RCW, for the purpose of adopting a revised state code. The revised code shall be designed to achieve reductions in energy consumption relative to buildings constructed to comply with the state energy code, June 30, 1980 edition, as amended. The council shall follow the legislature's guidelines set forth in this section to design a revised code which requires new buildings to meet a certain level of energy efficiency, but allows flexibility in building design and construction within that framework. The revised code shall take into account regional climatic conditions and shall be designed according to the following guidelines:

(a) For new electric resistance heated residential buildings, the code shall be designed to achieve energy savings equivalent to savings achieved in typical buildings constructed with:

(i) Ceilings insulated to a level of R-38, except single rafter or joist vaulted ceilings may be insulated to a level of R-30 (R value includes insulation only);

(ii) Walls insulated to a level of R-19 (total assembly);

(iii) Floors over unheated spaces insulated to a level of R-19 for areas with six thousand or less annual heating degree days and to a level of R-25 for areas with more than six thousand annual heating degree days (R value includes insulation only);

(iv) Double glazed windows with tested R values not less than 1.79 when tested according to the procedures of the American architectural manufacturers association; and

(v) In areas with more than six thousand annual heating degree days a maximum of seventeen percent of the floor area in glazing; in areas with six thousand or less annual heating degree days a maximum of twenty-one percent of the floor area in glazing. Throughout the

state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent.

(b) For new residential buildings which are space-heated with other fuels, the code shall be designed to achieve energy savings equivalent to savings achieved in typical buildings constructed with:

(i) Ceilings insulated to a level of R-30 (R value includes insulation only);

(ii) Walls insulated to a level of R-19 (total assembly);

(iii) Floors over unheated spaces insulated to a level of R-19 (R value includes insulation only);

(iv) Double glazed windows with tested R values not less than 1.40 when tested according to the procedures of the American architectural manufacturers association; and

(v) In areas with more than six thousand annual heating degree days a maximum of seven percent of the floor area in glazing; in areas with six thousand or less annual heating degree days a maximum of twenty-one percent of the floor area in glazing. Throughout the state for the purposes of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent.

(c) For new nonresidential buildings, the code shall be designed to achieve a ten percent reduction in energy consumption relative to buildings constructed to comply with the state energy code, June 30, 1980 edition, as amended.

(2) In developing the revised code, the council shall consider possible health and respiratory problems caused by insulating buildings so tightly that the rate of air exchange is significantly retarded, thereby concentrating toxic pollutants at unhealthy high levels.

(3) The council shall publish the revision as proposed rules pursuant to chapter 34.04 RCW and provide for the rules to become effective January 1, 1986. All cities, towns, and counties shall enforce the revised state energy code not later than April 1, 1986.

Sec. 8, Section 5, chapter 144, Laws of 1985 and RCW 19.27A.050 are each amended to read as follows:

As used in this chapter, references to the state building code (~~(advisory)~~) council shall be construed to include any successor agency.

NEW SECTION, Sec. 9. The state building code in effect under chapter 19.27 RCW immediately prior to the effective date of this act shall remain in effect until revised by the state building code council pursuant to RCW 19.27.074.

NEW SECTION, Sec. 10. This act shall take effect on July 1, 1986."

On page 1, line 3 of the title, after "standards;" strike the remainder of the title and insert "amending RCW 19.27.031, 19.27.060, 19.27.070, 19.27.074, 19.27A.010, 19.27A.040, 19.27A.020, and 19.27A.050; creating a new section; and providing an effective date."

Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke, Vekich and Walk.

Absent: Representatives Sanders and Taylor.

Passed to Committee on Rules for second reading.

February 28, 1986

ESB 4564 Prime Sponsor, Senator Vognild: Authorizing municipal corporations and political subdivisions to establish accident and tort liability funds. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. In addition to, in combination with, or in lieu of liability insurance, every municipality may create a tort liability fund upon which the treasurer shall draw warrants for the full amount of any settled claim or judgment, including interest and costs, against the municipality or its officers and employees on account of personal injuries, property damage, or death suffered by any person as a result of any tortious acts of the municipality. If such a fund is created, the fund, applicable insurance coverage, and reserves set aside to cover insurance deductibles, shall be the exclusive sources for the payment of settled claims or judgments resulting from tortious acts of said municipality, its officers and employees, or both, when acting within the scope of their authority.

For purposes of this section and sections 2 and 3 of this act, 'municipality' includes every county, city, town, school district, special purpose district, municipal corporation, and quasi-municipal corporation in the state.

NEW SECTION, Sec. 2. A tort liability fund may be created as, or converted to, a cumulative reserve fund subject to the restrictions of a cumulative reserve fund created by a city or town under RCW 35.21.070.

A municipality that creates a tort liability fund under sections 1 through 3 of this act shall maintain an amount of money in the fund which, in combination with supplemental security for its tort liability, shall be equal to at least one million dollars. This supplemental security includes: (1) Letters of credit; (2) a pledge to issue councilmanic general obligation bonds, if

the municipality possesses the authority to issue general obligation bonds, which pledge shall have the same effect on its indebtedness limitation as if the bonds were actually issued; (3) the amount of liability insurance coverage for the first million dollars of potential liability; (4) the amount of liability coverage under a self-insurance pool adopted pursuant to chapter 48.62 RCW for the first million dollars of potential liability; and (5) money placed into another fund to be used exclusively as coverage for deductibles on liability insurance coverage or self-insurance pool coverage.

However, the municipality may gradually accumulate this one million dollar amount in the fund or as supplemental security as follows: The initial amount when the fund is created shall be at least two hundred thousand dollars; at the beginning of the second year at least four hundred thousand dollars shall be accumulated; at the beginning of the third year at least six hundred thousand dollars shall be accumulated, at the beginning of the fourth year at least eight hundred thousand dollars shall be accumulated; and at the beginning of the fifth year at least one million dollars shall be accumulated.

NEW SECTION. Sec. 3. In the event a final judgment or settlement is presented for payment that exceeds applicable insurance coverage, reserves set aside to cover insurance deductibles, and money available in the tort liability fund, the municipality shall file with the superior court a financial report of tort liability fund as a part of the action in which the judgment has been rendered or settlement reached. The financial report shall recite all warrants issued or anticipated to be issued from the fund in the current fiscal year and the next succeeding fiscal year, including interest on the subject judgment or settlement. The filing of the financial report shall stay all further execution, collection, mandamus, or other proceedings on the judgment or settlement against the municipality or its officers' and employees' personal or community assets. Within thirty days from the filing of the treasurer's report, the governing body of the municipality shall prepare a payment plan to satisfy the judgment or settlement, including interest thereon. The plan shall be filed with the superior court on or before the thirty-first day after the financial report is filed. The plan shall include:

- (1) Financial background, such as:
 - (a) Tort liability funding for the current fiscal year and the next fiscal year including the judgment or settlement, and interest thereon;
 - (b) Budget appropriations and revenue levels for the current year and any anticipated changes in the next succeeding year;
 - (c) Any general fund reserves;
 - (d) Any general fund real and personal property that may be surplus to current needs;
 - (e) Any unlevied revenue sources, such as utility taxes, business and occupation taxes, sales taxes, and real property taxes;
 - (f) General obligation indebtedness;
 - (g) Other bonded indebtedness; and
 - (h) Other information related to the financial condition of the municipality; and
- (2) A payment schedule for the judgment or settlement, and interest thereon, which may include periodic payments over a period not exceeding twenty years; and
- (3) Such other information as will assist the court in issuing an order approving a payment plan as provided in this section.

Following filing of the payment plan, any party may move that the superior court enter an order approving the payment plan, or modifying and approving the payment plan, which order shall require that the municipality include the payment schedule approved in the plan in future appropriations to the liability fund. The order shall be entered upon a finding that the plan provides adequate compensation for the needs of the party in whose favor the judgment has been entered, taking into consideration other available resources to the party, while providing for the current and future financial integrity of the municipality and its ability to maintain public service levels during the payment period. Entry of the order shall bar further proceedings for collection on the judgment or settlement against either the municipality or its officers' and employees' personal or community assets; provided that either party may move to modify said order upon a showing of change of conditions.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act are each added to chapter 4.96 RCW.

Signed by Representatives Haugen, Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 4575 Prime Sponsor, Senator Halsan: Providing certain protections for credit card users. Reported by Committee on Financial Institutions & Insurance

MAJORITY recommendation: Do pass with the following amendments:
Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 9A.56 RCW to read as follows:
 No person shall obtain or have in his or her possession the credit card number of any person without the express authorization of the owner or issuer of the card. Such unauthorized possession shall constitute theft in the second degree."

On page 1, line 2 of the title after "chapter" strike "19.86" and insert "9A.56"

Signed by Representatives Lux, Chair; Zellinsky, Vice Chair; Addison, Barrett, Crane, Dellwo, Holland, P. King, Locke, Nutley, Prince, West and Winsley.

Absent: Representative Grimm.

Passed to Committee on Rules for second reading.

February 28, 1986

SSB 4610 Prime Sponsor, Committee on Judiciary: Creating a joint select committee on decriminalization of misdemeanors. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Dellwo, Lewis, Locke, G. Nelson, Niemi, Padden, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives Crane, Hargrove, P. King, Lewis, Niemi, Padden and Schmidt.

Passed to Committee on Rules for second reading.

February 28, 1986

SSB 4613 Prime Sponsor, Committee on Human Services & Corrections: Providing purchasing authority to state hospitals for mentally ill. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 24 after "hospitals and" insert "the director of general administration, through"

On page 5, line 12 after "and by" insert "the director of general administration, through"

Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Brooks, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke, Vekich and Walk.

Absent: Representatives Sanders and Taylor.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 4624 Prime Sponsor, Senator Lee: Modifying statute of limitations for crimes of incest. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 186, Laws of 1985 and by section 19, chapter 455, Laws of 1985 and RCW 9A.04.080 are each reenacted and amended to read as follows:

Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, ((and)) 9A.44.100(1)(b), and 9A.64.020, within seven years after their commission; for violations of RCW 9A.82.060 or 9A.82.080, within six years after their commission; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission: PROVIDED, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, six, seven, and ten years respectively: AND FURTHER PROVIDED, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside.

NEW SECTION. Sec. 2. It is the intent of the legislature, as it was in amendments made to RCW 9A.04.080 in section 1, chapter 129, Laws of 1982 and section 1, chapter 186, Laws of 1985,

that this act shall apply retroactively to all criminal acts committed prior to the effective date of this act except where the prior statute of limitations in effect when the crime was committed already had lapsed prior to the effective date of this act."

On page 1, line 1 of the title, after "actions;" strike "and"

On page 1, line 2 of the title, after "RCW 9A.04.080" insert "; and creating a new section"

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Dellwo, Locke, G. Nelson, Schmidt, Schoon, Tilly, Van Luvan, Wang and West.

Absent: Representatives Crane, Hargrove, P. King, Lewis, Niemi, Padden and Schmidt.

Passed to Committee on Rules for second reading.

February 28, 1986

E2SSB 4626 Prime Sponsor, Committee on Ways & Means: Establishing the housing trust fund to assist low-income persons to obtain housing. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Representatives McMullen, Chair; Kremen, Vice Chair; Braddock, Day, Hargrove, J. King, Niemi, Rayburn, Scott, Smitherman, Tanner, Vekich and Wineberry.

MINORITY recommendation: Do not pass. Signed by Representative van Dyke.

Absent: Representatives Dobbs, Doty, Lundquist, May, Schmidt, Schoon, Silver, L. Smith, Thomas and B. Williams.

Passed to Committee on Rules for second reading.

February 28, 1986

ESSB 4663 Prime Sponsor, Committee on Energy & Utilities: Regulating transportation of radioactive materials. Reported by Committee on Energy & Utilities

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. The definitions in this section apply throughout this chapter.

(1) 'Agency' means the state radiation control agency as defined in chapter 70.98 RCW.

(2) 'Carrier' means and includes common, private, and contract carriers.

(3) 'Person' means an individual, partnership, joint venture, private or public corporation, association, firm, public service company, political subdivision, municipal corporation, government agency, public utility district, or any other entity, public or private, however organized.

(4) 'Radioactive material' means any of the materials, including radioactive waste, defined and regulated as radioactive materials by federal department of transportation regulations as found in 49 C.F.R. Sec. 173.

(5) 'Radioactive waste' means high-level and low-level radioactive waste as defined in the federal nuclear waste policy act of 1982, P.L. 97-425.

(6) 'Secretary' means the secretary of the agency, as defined in subsection (1) of this section.

(7) 'Transportation' means the transport within the borders of the state of radioactive material destined for or derived from any location, and any loading, unloading, or storage incident to such transport, but does not include permanent storage or disposal of the material.

NEW SECTION. Sec. 2. (1) No person may transport within the state of Washington any radioactive material designated by rule by the secretary, except radioactive material transported to or from hospitals or other medical facilities and materials not hazardous to health, without first obtaining a permit from the agency. The secretary shall consider the impact on human health from the transportation of radioactive materials and the type of packaging within which those materials are contained prior to designation by rule. The permit shall be available for examination and shall be displayed in accordance with rules adopted by the agency.

(2) Applications for a permit under this section shall be made in a form and manner prescribed by rule by the secretary. The application shall include:

(a) A description of the kind and, to the extent feasible, quantity and type of radioactivity of the material to be transported as well as the behavior and nature of the material under adverse circumstances;

(b) A description of the mode of transportation and, to the extent feasible, the route or routes to be taken and the schedule;

(c) A description of all violations, other than minor infractions, by the applicant of local, state, or federal regulations within the past year related to radioactive materials transportation;

(d) Proof of liability insurance as required by the federal department of transportation pursuant to 49 C.F.R. Sec. 387 and state law or rules;

(e) Certification that transportation of the radioactive material will comply with all pertinent federal and state requirements, including but not limited to 49 C.F.R. Sec. 177.825 and 49 C.F.R. Secs. 390 through 397 to the extent those provisions are applicable; and

(f) Any other information required by the secretary to evaluate the application.

(3) The secretary shall collect a fee on a quarterly or semiannual basis from all applicants for permits under this section in an amount determined by rule by the secretary. The fee set shall be in an amount sufficient to fund the activities specified in this subsection but in no event shall the amounts collected exceed what is necessary to fund those activities. Moneys collected from this fee may be used for the following:

(a) The costs of performing the duties of the agency under this chapter;

(b) The additional cost of state patrol enforcement of compliance for all carriers of radioactive materials designated by the secretary under this chapter and chapter 46.48 RCW and rules adopted pursuant thereto after the expenditure of funds distributed pursuant to RCW 70.98.085;

(c) The cost of the utilities and transportation commission enforcement for terminal inspections of carriers of radioactive materials designated by the secretary under this chapter and chapter 81.80 RCW and rules adopted pursuant thereto;

(d) Expenses incurred by the state and local governmental units in responding to any radioactive material transportation accidents; and

(e) Costs for the training of state and local officials, including fire fighters, police officers, and other emergency response personnel, to respond to radioactive materials transportation accidents. This training shall be provided to the extent possible at existing training centers in this state including the fire fighters training center in North Bend.

(4) The secretary shall issue a permit only if the application demonstrates that the proposed transportation complies with this chapter and all other applicable state and federal statutes and rules. The permit may be issued on a quarterly or semiannual basis.

Permits issued under this section may be subject to any reasonable conditions imposed by the secretary and shall be effective for such period as determined by the secretary.

(5) The secretary is authorized to suspend or revoke any permit if it is determined that any provision of the permit requirements have been violated or if the driver, owner, lessee, or custodian of a permitted vehicle has been convicted of two or more violations under section 13 of this act within a calendar year. If the secretary has reasonable cause to believe that there exists any immediate danger to the public health, safety, welfare, or environment, the secretary may issue an emergency order suspending any permit granted under this chapter for a reasonable period not to exceed fourteen days.

(6) All money collected under this section shall be deposited in the radioactive materials enforcement and emergency response fund in the state treasury. Moneys in the fund shall be spent pursuant to appropriation and only for the purposes enumerated in subsection (3) of this section.

(7) No moneys may be spent under this chapter for equipment purchases for local government.

NEW SECTION. Sec. 3. (1) Interested state agencies and local government agencies in whose jurisdiction the route or routes of proposed shipments may be located may request from the secretary information contained in the permits about proposed shipments.

(2) The secretary may place reasonable conditions on the permit based on comments received from the agencies notified under subsection (1) of this section.

NEW SECTION. Sec. 4. (1) The agency shall be the agency in the state primarily responsible for responding to all accidents and incidents involving radioactive materials. All actions taken by the agency shall be consistent with the comprehensive emergency management plan adopted by the department of emergency management.

(2) This section shall not be construed to amend or alter the responsibility of the Washington state patrol or other designated incident command agency to provide immediate response to accidents or incidents involving the transportation of radioactive materials pursuant to chapter 70.136 RCW.

NEW SECTION. Sec. 5. (1) A person obtaining a permit under section 2 of this act shall establish and maintain records, make any reports, and provide any information as the secretary may by rule require to assure compliance with the conditions of the permit or other state or federal statutes or rules affecting the transportation of radioactive materials designated by rule by the secretary and submit the reports and make the records and information available at the request of the secretary or the secretary's designee.

(2) The secretary may authorize any employee or agent of the secretary to enter upon, inspect, and examine, at reasonable times and in a reasonable manner for the purpose of administration or enforcement of this chapter and the rules adopted thereunder, the records

and property of persons within this state who have applied for permits under section 2 of this act.

NEW SECTION. Sec. 6. All motor carriers of radioactive waste entering the state are required to enter the state through one of only two allowable ports of entry. These ports of entry are located on Interstate 90 approximately one-half mile west of the Idaho state line, in Spokane county, and on Washington state route number 14 approximately one mile north of the Oregon state line, in Benton county. The state patrol may, on application, authorize the use of other ports of entry under such circumstances as it deems fit.

NEW SECTION. Sec. 7. Within the state of Washington, all motor carriers of radioactive materials designated by the secretary shall submit to a comprehensive safety and permit inspection. The inspection shall insure compliance with this chapter and all applicable state and federal statutes and regulations. The inspection shall occur no earlier than twenty-four hours before transport for radioactive materials originating within the state or at the ports of entry designated under section 6 of this act for radioactive materials originating from outside the state. No interstate or intrastate motor carrier of radioactive waste may enter the commercial low-level Hanford radioactive waste disposal site without displaying a certification of inspection. The chief of the Washington state patrol shall prepare and furnish such certificate of inspection forms and any other forms deemed necessary to assure compliance. The comprehensive safety and permit inspection shall be conducted by members of the Washington state patrol for highway inspections or the Washington utilities and transportation commission for terminal inspections.

NEW SECTION. Sec. 8. Officers of the Washington state patrol have the authority to immobilize, impound, or otherwise direct the disposition of motor vehicles transporting radioactive materials if the officer determines that the motor vehicle or the operation thereof is unsafe and if the immobilization, impoundment, or disposition is otherwise appropriate under rules adopted by the state patrol.

NEW SECTION. Sec. 9. The state patrol shall adopt rules to establish reasonable standards for the designation, operation, and use of areas for the parking of motor vehicles transporting radioactive materials. This requirement shall not prevent the state patrol from designating a 'safe haven' area due to exigent circumstances. The designation of these areas shall be made with the concurrence of the local fire department or the fire protection district in which the proposed safe haven is located. If there is no local fire department or fire protection district, the designation shall be made with the concurrence of the county sheriff.

NEW SECTION. Sec. 10. The secretary, the attorney general, or any appropriate prosecuting attorney may commence and prosecute in superior court a civil enforcement action against a person who is alleged to have violated this chapter or any permit, standard, regulation, condition, or requirement which has become effective pursuant to this chapter. Such actions may be for appropriate relief or remedies specified in this chapter or any other applicable law. The secretary is not required to initiate or prosecute an administrative action before commencing and prosecuting a civil action.

NEW SECTION. Sec. 11. The secretary, the attorney general, or any appropriate prosecuting attorney, for the purposes contemplated by this chapter, upon probable cause to believe that a violation of this chapter has occurred, may apply to the superior court for the county in which the violation is believed to have occurred for a subpoena to compel the attendance of witnesses and to compel the production of pertinent books, payrolls, accounts, papers, records, documents, and testimony. The court shall issue a subpoena upon a finding of probable cause and shall enforce refusals to testify or to produce subpoenaed items with contempt sanctions. Subpoenas shall be served and witness fees and mileage paid as allowed in civil cases in the superior courts of this state.

NEW SECTION. Sec. 12. The remedies specified in this section are cumulative and nonexclusive.

(1)(a) A person who makes a false statement or representation in any application, label, manifest, record, report, permit, or other document filed, maintained, or used for the purpose of complying with this chapter is liable for a civil penalty not less than three hundred dollars, not to exceed ten thousand dollars, for each separate violation.

(b) A person who violates this chapter or any permit, standard, rule, condition, or requirement issued or promulgated pursuant to this chapter is liable for a civil penalty not less than three hundred dollars, not to exceed ten thousand dollars, for each separate violation.

(2) A person who violates this chapter or any permit, standard, rule, condition, or requirement issued or promulgated pursuant to this chapter may be assessed for:

(a) The state's costs for any nonroutine investigations, inspections, monitoring, or surveys that lead to evidence of the violation;

(b) The state's costs, including the reasonable value of attorneys' services, for preparing and litigating the case; and

(c) The state's cost for impounding, storing, and disposing of contaminated property.

(3) Moneys recovered under subsection (1) of this section shall be paid into the radioactive materials enforcement and emergency response fund created under section 2 of this act.

(4) A person who violates this chapter or any permit, standard, rule, or requirement issued or promulgated pursuant to this chapter is subject to injunctive or other relief deemed appropriate. Upon a showing to the court that a violation is causing an imminent hazard to the public health, the public safety, or the environment, the agency need not allege or prove at any stage of the proceeding that long-term irreparable damage will occur if the injunction or order is not issued or that the remedy at law is inadequate.

NEW SECTION, Sec. 13. (1) A person who knowingly makes a false statement or representation in a permit application under section 2 of this act is guilty of a gross misdemeanor and is subject to a fine of not more than five thousand dollars or imprisonment not to exceed one year, or both, for each violation.

(2) A person who knowingly violates any permit issued under section 2 of this act is guilty of a gross misdemeanor and is subject to a fine of not more than five thousand dollars or imprisonment not to exceed one year, or both, for each violation.

(3) A person who knowingly fails to obtain a permit required under section 2 of this act is guilty of a gross misdemeanor and is subject to a fine of not more than five thousand dollars or imprisonment not to exceed one year, or both, for each violation.

(4) A person convicted of a second offense under this chapter within a period of five years is guilty of a class C felony punishable under chapter 9A.20 RCW.

(5) A criminal action under this section may be commenced and prosecuted by the attorney general or any appropriate prosecuting attorney. The secretary is not required to initiate or prosecute an administrative or civil action before the attorney general may commence and prosecute a criminal action under this section.

NEW SECTION, Sec. 14. (1) Except as provided in subsection (2) of this section, a person who has suffered actual damages from an alleged violation of a permit, standard, rule, condition, requirement, or order that has become effective pursuant to this chapter, may commence a civil action on that person's own behalf against the person alleged to have committed the violation.

(2) No action may be commenced under subsection (1) of this section if the secretary, the attorney general, or a prosecuting attorney has commenced and is diligently prosecuting an administrative, civil, or criminal action to require compliance with the law. Further, no action may be commenced under subsection (1) of this section unless the plaintiff has given the agency sixty days' notice and substantial evidence of the violation on which the citizen's action is based. However, if the secretary, the attorney general, or a prosecuting attorney commences an action in a court of the state, an interested person may intervene as provided in the superior court civil rules of procedure.

(3) In an action under this section, the secretary, the attorney general, or a prosecuting attorney may intervene as a matter of right.

(4) When issuing any final order in an action brought under this section, the court may award costs of litigation, including reasonable attorney and expert witness fees, to a prevailing party if the court determines such an award is appropriate, except that the state shall not be required to pay such costs in a citizen suit in which the state has become a party.

(5) This section does not restrict any right which a person or class of persons may have under any other statute or the common law.

NEW SECTION, Sec. 15. The secretary shall prepare and submit to the energy and utilities committees of the legislature and the governor on January 1 of each year a comprehensive report on the transportation of radioactive materials in this state and provide an evaluation of the adequacy of the agency's and local government's emergency response capability to any accidents involving radioactive materials. The report shall include but need not be limited to:

(1) A brief description and compilation of any accidents and casualties or incidents in the state involving the transportation of radioactive waste or other radioactive materials as designated by the secretary;

(2) Other statistical data regarding the shipment of radioactive materials, including a summary of the permit system instituted by the secretary and the use of moneys collected from the permit;

(3) A description of costs of the personnel required to administer the provisions of this chapter and the relationship of the fees generated by application of the provisions of this chapter to these costs;

(4) A personnel plan for reducing the costs of the personnel required to administer the provisions of this chapter if there is a reduction in the fees generated;

(5) A summary of outstanding problems confronting the agency in the administration of this chapter; and

(6) Such recommendations for additional legislation as the secretary considers necessary or appropriate.

NEW SECTION, Sec. 16. The secretary may establish a committee of state and local officials and interested citizens to advise the secretary on issues relating to the transportation of radioactive materials.

NEW SECTION, Sec. 17. All requirements imposed by this chapter must be consistent with all applicable federal statutes, the rules of the federal department of transportation and the

nuclear regulatory commission, and any other applicable rules promulgated by a federal agency or department.

NEW SECTION. Sec. 18. Nothing in this chapter shall be construed to amend or alter the liability of transporters of radioactive materials for operational expenses and emergency purchases incurred by state or local governments in responding to nuclear incidents as provided in state law, including the provisions of RCW 4.24.460.

NEW SECTION. Sec. 19. This chapter is not intended to affect any state law in effect on the effective date of this act or intrude upon the duties and responsibilities of any state officer with respect to matters related to this chapter, but in the case of any conflict relating to the transportation of radioactive materials, this chapter shall control.

NEW SECTION. Sec. 20. The secretary shall seek federal financial assistance for activities undertaken pursuant to this chapter as may be available under federal law, including the hazardous materials transportation act of 1974 (P.L. 93-633) and the nuclear waste policy act of 1982 (P.L. 97-425).

NEW SECTION. Sec. 21. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. Sections 1 through 21 of this act shall constitute a new chapter in Title 70 RCW."

Signed by Representatives D. Nelson, Chair; Todd, Vice Chair; Armstrong, Gallagher, Jacobsen, Madsen, Sutherland and Unsoeld.

MINORITY recommendation: Do not pass. Signed by Representatives Barnes, Bond, Isaacson, Long, Miller, Nealey and Van Luven.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 4695 Prime Sponsor, Senator Thompson: Broadening the powers of flood control districts. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Brough, Doty, Ebersole, Hine and Rayburn.

MINORITY recommendation: Do not pass. Signed by Representatives Isaacson and May.

Voting nay: Representatives Bristow, Isaacson, May, Patrick, Smitherman, Winsley and Zellinsky.

Passed to Committee on Rules for second reading.

February 28, 1986

ESB 4705 Prime Sponsor, Senator Talmadge: Revising provisions relating to sexual offenses. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 8, chapter 262, Laws of 1984 and RCW 9.68A.090 are each amended to read as follows:

(1) A person who communicates with a minor for immoral purposes is guilty of a gross misdemeanor, unless that person has previously been convicted under this section or of a felony sexual offense under chapter 9.68A, 9A.44, or 9A.64 RCW or of any other felony sexual offense in this or any other state, in which case the person is guilty of a class C felony punishable under chapter 9A.20 RCW.

(2) As used in this section, "minor" means a person under (~~sixteen~~) eighteen years of age. Sec. 2. Section 10, chapter 262, Laws of 1984 and RCW 9.68A.110 are each amended to read as follows:

(1) In a prosecution under RCW 9.68A.040, it is not a defense that the defendant was involved in activities of law enforcement and prosecution agencies in the investigation and prosecution of criminal offenses. Law enforcement and prosecution agencies shall not employ minors to aid in the investigation of a violation of RCW 9.68A.090 or 9.68A.100. This chapter does not apply to individual case treatment in a recognized medical facility or individual case treatment by a psychiatrist or psychologist licensed under Title 18 RCW, or to lawful conduct between spouses.

(2) In a prosecution under RCW 9.68A.050, 9.68A.060, 9.68A.070, or 9.68A.080, it is not a defense that the defendant did not know the age of the child depicted in the visual or printed matter: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense the defendant was not in possession of any facts on

the basis of which he or she should reasonably have known that the person depicted was a minor.

(3) In a prosecution under RCW 9.68A.040, 9.68A.090, or 9.68A.100, it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least eighteen years of age based on declarations by the alleged victim.

(4) In a prosecution under RCW 9.68A.050(;) or 9.68A.060(;- or 9.68A.090), it is not a defense that the defendant did not know the alleged victim's age: PROVIDED, That it is a defense, which the defendant must prove by a preponderance of the evidence, that at the time of the offense, the defendant reasonably believed the alleged victim to be at least sixteen years of age based on declarations by the alleged victim.

(5) In a prosecution under RCW 9.68A.050, 9.68A.060, or 9.68A.070, the state is not required to establish the identity of the alleged victim."

On page 1, line 2 of the title, after "9.68A.090" and before the semicolon insert "and 9.68A.110"

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Dellwo, Hargrove, Lewis, Locke, G. Nelson, Padden, Schmidt, Schoon, Tilly, Van Luven and West.

MINORITY recommendation: Do not pass. Signed by Representative Niemi.

Voting nay: Representatives Appelwick, Niemi and Wang.

Absent: Representatives Crane, P. King, Schmidt and West.

Passed to Committee on Rules for second reading.

February 28, 1986

ESB 4738 Prime Sponsor, Senator Talmadge: Revising provisions relating to juvenile offenders. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Hargrove, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven and Wang.

Voting nay: Representative Dellwo.

Absent: Representatives Crane, Hargrove, P. King, Lewis and Schmidt.

Passed to Committee on Rules for second reading.

February 28, 1986

SSB 4897 Prime Sponsor, Committee on Judiciary: Requiring certification of process servers. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 21 strike all material down to and including "felony," on page 2, line 12 and renumber the remaining section accordingly.

On page 1, beginning on line 2 of the title strike "9A.36.030."

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Van Luven, Wang and West.

Absent: Representatives P. King and Padden.

Passed to Committee on Rules for second reading.

February 28, 1986

ESSB 4898 Prime Sponsor, Committee on Natural Resources: Modifying provisions on suppression and compensation for wild fires outside fire district jurisdiction. Reported by Committee on Local Government

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 20, chapter 34, Laws of 1939 as last amended by section 1, chapter 238, Laws of 1984 and RCW 52.12.031 are each amended to read as follows:

Any fire protection district organized under this title may:

(1) Lease, acquire, own, maintain, operate, and provide fire and emergency medical apparatus and all other necessary or proper facilities, machinery, and equipment for the prevention and suppression of fires, the providing of emergency medical services and the protection of life and property;

(2) Lease, acquire, own, maintain, and operate real property, improvements, and fixtures for housing, repairing, and maintaining the apparatus, facilities, machinery, and equipment described in subsection (1) of this section;

(3) Contract with any governmental entity or private person or entity to consolidate, provide, or cooperate for fire prevention protection, fire suppression, and emergency medical purposes. In so contracting, the district or governmental entity is deemed for all purposes to be acting within its governmental capacity. This contracting authority includes the furnishing of fire prevention, fire suppression, emergency medical services, facilities, and equipment to or by the district, governmental entity, or private person or entity;

(4) Encourage uniformity and coordination of fire protection district operations. The fire commissioners of fire protection districts may form an association to secure information of value in suppressing and preventing fires and other district purposes, to hold and attend meetings, and to promote more economical and efficient operation of the associated fire protection districts. The commissioners of fire protection districts in the association shall adopt articles of association or articles of incorporation for a nonprofit corporation, select a chairman, secretary, and other officers as they may determine, and may employ and discharge agents and employees as the officers deem convenient to carry out the purposes of the association. The expenses of the association may be paid from funds paid into the association by fire protection districts: PROVIDED, That the aggregate contributions made to the association by a district in a calendar year shall not exceed two and one-half cents per thousand dollars of assessed valuation;

(5) Enter into contracts to provide group life insurance for the benefit of the personnel of the fire districts;

(6) Perform building and property inspections that the district deems necessary to provide fire prevention services and pre-fire planning within the district and any area that the district serves by contract in accordance with RCW 19.27.110: PROVIDED, That codes used by the district for building and property inspections shall be limited to the applicable codes adopted by the state, county, city, or town that has jurisdiction over the area in which the property is located. A copy of inspection reports prepared by the district shall be furnished by the district to the appropriate state, county, city, or town that has jurisdiction over the area in which the property is located: PROVIDED, That nothing in this subsection shall be construed to grant code enforcement authority to a district. This subsection shall not be construed as imposing liability on any governmental jurisdiction;

(7) Determine the origin and cause of fires occurring within the district and any area the district serves by contract. In exercising the authority conferred by this subsection, the fire protection district and its authorized representatives shall comply with the provisions of RCW 48.48.060;

(8) Perform acts consistent with this title and not otherwise prohibited by law.

NEW SECTION, Sec. 2. A new section is added to chapter 52.12 RCW to read as follows:

Fire protection districts in proximity to land owned, operated, or protected by a state agency are encouraged to enter into mutually beneficial contracts covering reciprocal response arrangements. In the absence of such a contractual agreement, a fire protection district that takes immediate action on such land shall be reimbursed by the state agency for its reasonable fire suppression costs that are incurred until the responsible agency takes charge, but in no event shall the costs exceed a twenty-four hour period. A fire protection district suppressing a fire on such lands shall as soon as practicable notify the responsible agency. The state agency shall not be responsible to pay such reimbursement if it is not so notified.

Reasonable efforts shall be taken to protect evidence of the fire's origin. The state agency shall not be responsible to pay such reimbursement if reasonable efforts are not taken to protect such evidence.

Requests for reimbursement shall be submitted within thirty days of the complete suppression of the fire. Reasonable costs submitted for reimbursement include all salaries and expenses of personnel, equipment, and supplies and shall take into consideration the amount of compensation, if any, paid by the fire protection district to its fire fighters."

On page 1, line 3 of the title, after "52.12.031" strike the remainder of the title and insert "": and adding a new section to chapter 52.12 RCW."

Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, Isaacson, May, Patrick, Rayburn, Smitherman, Winsley and Zellinsky.

Passed to Committee on Rules for second reading.

February 28, 1986

SSB 4933 Prime Sponsor, Committee on Governmental Operations: Authorizing counties and cities to assist in low-income housing. Reported by Committee on Local Government

MAJORITY recommendation: Do pass. Signed by Representatives Haugen, Chair; Nutley, Vice Chair; Allen, Bristow, Brough, Doty, Ebersole, Hine, May, Rayburn, Smitherman, Winsley and Zellinsky.

Voting nay: Representatives Isaacson and Patrick.

Passed to Committee on Rules for second reading.

February 28, 1986

ESSB 4938 Prime Sponsor, Committee on Governmental Operations: Revising provisions relating to various boards and commissions. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment: Strike everything after the enacting clause and insert the following:

"PART I

LAW REVISION COMMISSION

NEW SECTION, Sec. 101. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 183, Laws of 1982 and RCW 1.30.010;
- (2) Section 2, chapter 183, Laws of 1982 and RCW 1.30.020;
- (3) Section 3, chapter 183, Laws of 1982 and RCW 1.30.030;
- (4) Section 4, chapter 183, Laws of 1982 and RCW 1.30.040;
- (5) Section 5, chapter 183, Laws of 1982 and RCW 1.30.050;
- (6) Section 9, chapter 183, Laws of 1982 and RCW 1.30.060; and
- (7) Section 10, chapter 183, Laws of 1982 and RCW 41.06.083.

PART II

BOARD OF ELECTRICAL EXAMINERS AND ELECTRICAL ADVISORY BOARD

Sec. 201. Section 1, chapter 206, Laws of 1983 and RCW 19.28.005 are each amended to read as follows:

The definitions in this section apply throughout this chapter.

(1) 'Administrator' means a person designated by an electrical contractor to supervise electrical work and electricians in accordance with the rules adopted under this chapter.

(2) ~~'(Advisory) Board'~~ means the electrical ~~((advisory))~~ board under RCW 19.28.065.

(3) ~~'(Board of electrical examiners' means the board of electrical examiners under RCW 19.28.123.~~

~~((4))~~ 'Chapter' means chapter 19.28 RCW.

~~((5))~~ (4) 'Department' means the department of labor and industries.

~~((6))~~ (5) 'Director' means the director of the department or the director's designee.

~~((7))~~ (6) 'Electrical construction trade' includes but is not limited to installing or maintaining electrical wires and equipment that are used for light, heat, or power.

~~((8))~~ (7) 'Electrical contractor' means a person, firm, partnership, corporation, or other entity that offers to undertake, undertakes, submits a bid for, or does the work of installing or maintaining wires or equipment that convey electrical current.

~~((9))~~ (8) 'Equipment' means any equipment or apparatus that directly uses, conducts, or is operated by electricity but does not mean plug-in household appliances.

~~((+0))~~ (9) 'Journeyman electrician' means a person who has been issued a journeyman electrician certificate of competency by the department.

~~((+1))~~ (10) 'Specialty electrician' means a person who has been issued a specialty electrician certificate of competency by the department.

Sec. 202. Section 3, chapter 206, Laws of 1983 and RCW 19.28.015 are each amended to read as follows:

Disputes arising under RCW 19.28.010(2) regarding whether the city or town's electrical rules, regulations, or ordinances are equal to the rules adopted by the department shall be resolved by arbitration. The department shall appoint two members of the ~~((advisory))~~ board to serve on the arbitration panel, and the city or town shall appoint two persons to serve on the arbitration panel. These four persons shall choose a fifth person to serve. If the four persons cannot agree on a fifth person, the presiding judge of the superior court of the county in which the city or town is located shall choose a fifth person. A decision of the arbitration panel may be appealed to the superior court of the county in which the city or town is located within thirty days after the date the panel issues its final decision.

Sec. 203. Section 10, chapter 169, Laws of 1935 as last amended by section 4, chapter 206, Laws of 1983 and RCW 19.28.060 are each amended to read as follows:

Prior to January 1st of each year, the director shall obtain an authentic copy of the national electrical code as approved by the American Standards Association, and an authentic copy of any applicable regulations and standards of the Underwriters' Laboratories, Inc., or other nationally recognized testing laboratory prescribing rules, regulations, and standards for electrical materials, devices, appliances, and equipment, including any modifications and changes that have been made during the previous year in the rules, regulations, and standards. The department, after consulting with the ~~((advisory))~~ board and receiving the board's recommendations, shall adopt reasonable rules in furtherance of safety to life and property. All rules shall be kept on file by the department. Compliance with the rules shall be prima facie evidence of compliance with this chapter. The department upon request shall deliver to all persons, firms, partnerships, corporations, or other entities licensed under this chapter a copy of the rules.

Sec. 204. Section 5, chapter 207, Laws of 1963 as last amended by section 56, chapter 287, Laws of 1984 and RCW 19.28.065 are each amended to read as follows:

There is hereby created an electrical ~~((advisory))~~ board, consisting of ~~((seven))~~ eight members to be appointed by the governor with the advice of the director of labor and industries as herein provided. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including, but not limited to standards of electrical installation, minimum inspection procedures, and the adoption of rules and regulations pertaining to the electrical inspection division: PROVIDED, HOWEVER, That no rules or regulations shall be amended or repealed until the ~~((electrical advisory))~~ board has first had an opportunity to consider any proposed amendments or repeals and had an opportunity to make recommendations to the director relative thereto. The members of the ~~((electrical advisory))~~ board shall be selected and appointed as follows: One member shall be an employee or officer of a corporation or public agency generating or distributing electric power; ~~((one))~~ two members shall be ~~((an))~~ employees or officers of a corporation or firm engaged in the business of making electrical installations; one member shall be an employee, or officer, or representative of a corporation or firm engaged in the business of manufacturing or distributing electrical materials, equipment, or devices; one member shall be a person not related to the electrical industry to represent the public; ~~((one))~~ two members shall be ~~((a))~~ recognized electricians; one member shall be a licensed professional engineer qualified to do business in the state of Washington~~((;))~~; ~~((and one member shall be the state chief electrical inspector. Each of the members except the public member and the chief electrical inspector shall be appointed by the governor from among a list of individuals nominated by nonprofit organizations or associations representing individuals, corporations, or firms engaged in the business classification from which such member shall be selected.))~~ The regular term of each member shall be four years: PROVIDED, HOWEVER, The original board shall be appointed on the effective date of this 1986 act for the following terms: The first term of the member representing a corporation or public agency generating or distributing electric power shall serve four years; ~~((the))~~ one member representing ~~((the))~~ an installer of electrical equipment or appliances shall serve three years; the member representing a manufacturer or distributor of electrical equipment or devices shall serve three years; the member representing the public and one member representing an installer of electrical equipment or appliances shall serve two years; the members selected as ~~((the))~~ recognized electricians shall serve for two years; the member selected as the licensed professional electrical engineer shall serve for one year. Thereafter, the governor shall appoint or reappoint board members for terms of four years and to fill vacancies created by the completion of the terms of the original members. The governor shall also fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman. Any person acting as the chief electrical inspector shall serve as secretary of the board during his tenure as chief state inspector. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall receive compensation in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060 which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.

Sec. 205. Section 1, chapter 30, Laws of 1969 as last amended by section 5, chapter 206, Laws of 1983 and RCW 19.28.120 are each amended to read as follows:

(1) It is unlawful for any person, firm, partnership, corporation, or other entity to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to convey electric current, or installing or maintaining equipment to be operated by electric current as it pertains to the electrical industry, without having an unrevoked, unsuspended, and unexpired electrical contractor license, issued by the department in accordance with this chapter. All electrical contractor licenses expire on the thirty-first day of December following the day of their issue. Application for an electrical contractor license shall be made in writing to the department, accompanied by the required fee. The application shall state the name and

address of the applicant; in case of firms or partnerships, the names of the individuals composing the firm or partnership; in case of corporations, the names of the managing officials thereof; the location of the place of business of the applicant and the name under which the business is conducted; and whether a general or specialty electrical contractor license is sought and, if the latter, the type of specialty. Electrical contractor specialties include, but are not limited to: Residential, domestic appliances, pump and irrigation, limited energy system, signs, and non-residential maintenance. A general electrical contractor license shall grant to the holder the right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electric current, and installing or maintaining equipment, or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current, in the state of Washington. A specialty electrical contractor license shall grant to the holder a limited right to engage in, conduct, or carry on the business of installing or maintaining wires or equipment to carry electrical current, and installing or maintaining equipment; or installing or maintaining material to fasten or insulate such wires or equipment to be operated by electric current in the state of Washington as expressly allowed by the license.

(2) The application for a contractor license shall be accompanied by a bond in the sum of three thousand dollars with the state of Washington named as obligee in the bond, with good and sufficient surety, to be approved by the department. The bond shall at all times be kept in full force and effect, and any cancellation or revocation thereof, or withdrawal of the surety therefrom, suspends the license issued to the principal until a new bond has been filed and approved as provided in this section. Upon approval of a bond, the department shall on the next business day deposit the fee accompanying the application in the electrical license fund and shall file the bond in the office. The department shall upon request furnish to any person, firm, partnership, corporation, or other entity a certified copy of the bond upon the payment of a fee that the department shall set by rule. The fee shall cover but not exceed the cost of furnishing the certified copy. The bond shall be conditioned that in any installation or maintenance of wires or equipment to convey electrical current, and equipment to be operated by electrical current, the principal will comply with the provisions of this chapter and with any electrical ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(2) that is in effect at the time of entering into a contract. The bond shall be conditioned further that the principal will pay for all labor, including employee benefits, and material furnished or used upon the work, taxes and contributions to the state of Washington, and all damages that may be sustained by any person, firm, partnership, corporation, or other entity due to a failure of the principal to make the installation or maintenance in accordance with this chapter or any applicable ordinance, building code, or regulation of a city or town adopted pursuant to RCW 19.28.010(2). In lieu of the surety bond required by this section the license applicant may file with the department a cash deposit or other negotiable security acceptable to the department. If the license applicant has filed a cash deposit, the department shall deposit the funds in a special trust savings account in a commercial bank, mutual savings bank, or savings and loan association and shall pay annually to the depositor the interest derived from the account.

(3) The department shall issue general or specialty electrical contractor licenses to applicants meeting all of the requirements of this chapter. The provisions of this chapter relating to the licensing of any person, firm, partnership, corporation, or other entity including the requirement of a bond with the state of Washington named as obligee therein and the collection of a fee therefor, are exclusive, and no political subdivision of the state of Washington may require or issue any licenses or bonds or charge any fee for the same or a similar purpose. No person, firm, partnership, corporation, or other entity holding more than one specialty contractor license under this chapter may be required to pay an annual fee for more than one such license or to post more than one three thousand dollar bond, equivalent cash deposit, or other negotiable security.

(4) To obtain a general or specialty electrical contractor license the applicant must designate an individual who currently possesses an administrator's certificate as a general electrical contractor administrator or as a specialty electrical contractor administrator in the specialty for which application has been made. Administrator certificate specialties include but are not limited to: Residential, domestic, appliance, pump and irrigation, limited energy system, signs, and nonresidential maintenance. To obtain an administrator's certificate an individual must pass an examination as set forth in RCW 19.28.123 unless the applicant was a licensed electrical contractor at any time during 1974. Applicants who were electrical contractors licensed by the state of Washington at any time during 1974 are entitled to receive a general electrical contractor administrator's certificate without examination if the applicants apply prior to January 1, 1984. The board (~~of electrical examiners~~) shall certify to the department the names of all persons who are entitled to either a general or specialty electrical contractor administrator's certificate.

Sec. 206. Section 2, chapter 188, Laws of 1974 ex. sess. as last amended by section 57, chapter 287, Laws of 1984 and RCW 19.28.123 are each amended to read as follows:

~~((There is hereby created a board of electrical examiners consisting of nine members to be appointed by the governor.))~~ It shall be the purpose and function of ~~((this))~~ the board to

establish in addition to a general electrical contractors' license, such classifications of specialty electrical contractors' licenses as it deems appropriate with regard to individual sections pertaining to state adopted codes in chapter 19.28 RCW. In addition, it shall be the purpose and function of ~~((this))~~ the board to establish and administer written examinations for general electrical contractors' qualifying certificates and the various specialty electrical contractors' qualifying certificates. Examinations shall be designed to reasonably insure that general and specialty electrical contractor's qualifying certificate holders are competent to engage in and supervise the work covered by this statute and their respective licenses. The examinations shall include questions from the following categories to assure proper safety and protection for the general public: (1) Safety, (2) state electrical code, and (3) electrical theory. It shall be the further purpose and function of ~~((this))~~ the board to advise the director as to the need of additional electrical inspectors and compliance officers to be utilized by the director on either a full-time or part-time employment basis. ~~((Meetings of the board shall be held quarterly on the first Monday of February, May, August, and November of each year. Each member of the board shall be compensated in accordance with RCW 43.03.240, and each member shall also receive travel expenses as provided in RCW 43.03.050 and 43.03.060, which shall be paid out of the electrical license fund, upon vouchers approved by the director of labor and industries.))~~

Sec. 207. Section 4, chapter 188, Laws of 1974 ex. sess. as last amended by section 6, chapter 206, Laws of 1983 and RCW 19.28.125 are each amended to read as follows:

(1) Each applicant for an electrical contractor's license, other than an individual, shall designate a supervisory employee or member of the firm to take the required administrator's examination. This person shall be designated as administrator under the license. No person may qualify as administrator for more than one contractor. If the relationship of the administrator with the electrical contractor is terminated, the contractor's license is void within ninety days unless another administrator is qualified by the board ~~((of electrical examiners))~~. However, if the administrator dies, the contractor's license is void within one hundred eighty days unless another administrator is qualified by the board ~~((of electrical examiners))~~. A certificate issued under this section is valid for the calendar year of issuance, unless revoked or suspended, and further is nontransferable. The certificate may be renewed without examination by appropriate application unless the certificate has been revoked, suspended, or not renewed within ninety days after the expiration date. If the certificate is not renewed before the expiration date, the individual shall pay twice the usual fee. An individual holding more than one administrator's certificate under this chapter shall not be required to pay annual fees for more than one certificate. A person may take the administrator's test as many times as necessary without limit.

(2) The administrator shall:

(a) Be available during working hours to carry out the duties of an administrator under this section;

(b) Ensure that all electrical work complies with the electrical installation laws and rules of the state;

(c) Ensure that the proper electrical safety procedures are used;

(d) Ensure that all electrical labels, permits, and licenses required to perform electrical work are used;

(e) See that corrective notices issued by an inspecting authority are complied with; and

(f) Notify the department in writing within ten days if the administrator terminates the relationship with the electrical contractor.

(3) The department shall not by rule change the administrator's duties under subsection (2) of this section.

Sec. 208. Section 8, chapter 169, Laws of 1935 as last amended by section 7, chapter 206, Laws of 1983 and RCW 19.28.210 are each amended to read as follows:

The director shall cause an inspector to inspect all wiring, appliances, devices, and equipment to which this chapter applies. Nothing contained in this chapter may be construed as providing any authority for any subdivision of government to adopt by ordinance any provisions contained or provided for in this chapter except those pertaining to cities and towns pursuant to RCW 19.28.010(2). Upon request, electrical inspections will be made by the department within forty-eight hours, excluding holidays, Saturdays, and Sundays. If, upon written request, the electrical inspector fails to make an electrical inspection within twenty-four hours, the serving utility may immediately connect electrical power to the installation if the necessary electrical work permit is displayed. Whenever the installation of any wiring, device, appliance, or equipment is not in accordance with this chapter, or is in such a condition as to be dangerous to life or property, the person, firm, partnership, corporation, or other entity owning, using, or operating it shall be notified by the department and shall within fifteen days, or such further reasonable time as may upon request be granted, make such repairs and changes as are required to remove the danger to life or property and to make it conform to this chapter. The director, through the inspector, is hereby empowered to disconnect or order the discontinuance of electrical service to conductors or equipment that are found to be in a dangerous or unsafe condition and not in accordance with this chapter. Upon making a disconnection the inspector shall attach a notice stating that the conductors have been found dangerous to life or

property and are not in accordance with this chapter. It is unlawful for any person to reconnect such defective conductors or equipment without the approval of the department, and until the conductors and equipment have been placed in a safe and secure condition, and in a condition that complies with this chapter. The director, through the electrical inspector, has the right during reasonable hours to enter into and upon any building or premises in the discharge of his or her official duties for the purpose of making any inspection or test of the installation of new construction or altered electrical wiring, electrical devices, equipment, or material contained in or on the buildings or premises. No electrical wiring or equipment subject to this chapter may be concealed until it has been approved by the inspector making the inspection. Persons, firms, partnerships, corporations, or other entities making electrical installations shall obtain inspection and approval from an authorized representative of the department as required by this chapter before requesting the electric utility to connect to the installations. Electric utilities may connect to the installations if approval is clearly indicated by certification of the electrical work permit required to be affixed to each installation or by equivalent means, except that increased or relocated services may be reconnected immediately at the discretion of the utility before approval if an electrical work permit is displayed. The permits shall be furnished upon payment of the fee to the department. The director, subject to the recommendations and approval of the ((**advisory**)) board, shall set by rule a schedule of license and electrical work permit fees that will cover the costs of administration and enforcement of this chapter. The rules shall be adopted in accordance with the administrative procedure act, chapter 34.04 RCW. No fee may be charged for plug-in mobile homes, recreational vehicles, or portable appliances.

Sec. 209. Section 2, chapter 169, Laws of 1935 as amended by section 9, chapter 206, Laws of 1983 and RCW 19.28.260 are each amended to read as follows:

It is unlawful for any person, firm, partnership, corporation, or other entity to install or maintain any electrical wiring, appliances, devices, or equipment not in accordance with this chapter. In cases where the interpretation and application of the installation or maintenance standards prescribed in this chapter is in dispute or in doubt, the ((**advisory**)) board shall, upon application of any interested person, firm, partnership, corporation, or other entity, determine the methods of installation or maintenance or the materials, devices, appliances, or equipment to be used in the particular case submitted for its decision.

Sec. 210. Section 13, chapter 169, Laws of 1935 as amended by section 10, chapter 206, Laws of 1983 and RCW 19.28.300 are each amended to read as follows:

Any person, firm, partnership, corporation, or other entity desiring a decision of the ((**advisory**)) board pursuant to RCW 19.28.260 shall, in writing, notify the director of such desire and shall accompany the notice with a certified check payable to the department in the sum of two hundred dollars. The notice shall specify the ruling or interpretation desired and the contention of the person, firm, partnership, corporation, or other entity as to the proper interpretation or application on the question on which a decision is desired. If the ((**advisory**)) board determines that the contention of the applicant for a decision was proper, the two hundred dollars shall be returned to the applicant; otherwise it shall be used in paying the expenses and per diem of the members of the ((**advisory**)) board in connection with the matter. Any portion of the two hundred dollars not used in paying the per diem and expenses of the board in the case shall be paid into the electrical license fund.

Sec. 211. Section 7, chapter 169, Laws of 1935 as amended by section 11, chapter 206, Laws of 1983 and RCW 19.28.310 are each amended to read as follows:

The department has the power, in case of continued noncompliance with the provisions of this chapter, to revoke or suspend for such a period as it determines, any electrical contractor license or electrical contractor administrator certificate issued under this chapter. The department shall notify the holder of the license or certificate of the revocation or suspension by certified mail. A revocation or suspension is effective fifteen days after the holder receives the notice. Any revocation or suspension is subject to review by an appeal to the board ((~~of electrical examiners~~)). The filing of an appeal stays the effect of a revocation or suspension until the board ((~~of electrical examiners~~)) makes its decision. The appeal shall be filed within fifteen days after notice of the revocation or suspension is given by certified mail sent to the address of the holder of the license or certificate as shown on the application for the license or certificate, and shall be effected by filing a written notice of appeal with the department, accompanied by a certified check for two hundred dollars, which shall be returned to the holder of the license or certificate if the decision of the department is not sustained by the board. If the board sustains the decision of the department, the two hundred dollars shall be applied by the department to the payment of the per diem and expenses of the members of the board incurred in the matter, and any balance remaining after payment of per diem and expenses shall be paid into the electrical license fund.

Sec. 212. Section 18, chapter 169, Laws of 1935 as amended by section 1, chapter 67, Laws of 1979 ex. sess. and RCW 19.28.330 are each amended to read as follows:

All sums received from licenses, permit fees, or other sources, herein shall be paid to the state treasurer and placed in a special fund designated as the 'electrical license fund,' and by him paid out upon vouchers duly and regularly issued therefor and approved by the director

of labor and industries or the director's designee following determination by the board (~~(of electrical examiners)~~) that the sums are necessary to accomplish the intent of chapter 19.28 RCW. The treasurer shall keep an accurate record of payments into, or receipts of, said fund, and of all disbursements therefrom.

Sec. 213. Section 4, chapter 30, Laws of 1980 as amended by section 14, chapter 206, Laws of 1983 and RCW 19.28.530 are each amended to read as follows:

(1) Upon receipt of the application, the department shall review the application and determine whether the applicant is eligible to take an examination for the journeyman or specialty certificate of competency. To be eligible to take the examination for a journeyman certificate the applicant must have worked in the electrical construction trade for a minimum of four years employed full time, of which two years shall be in industrial or commercial electrical installation under the supervision of a journeyman electrician certified under this chapter and not more than a total of two years in all specialties under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter or have successfully completed an apprenticeship program approved under chapter 49.04 RCW for the electrical construction trade. To be eligible to take the examination to become a specialty electrician the applicant shall have worked in that specialty of the electrical construction trade, under the supervision of a journeyman electrician certified under this chapter or an appropriate specialty electrician certified under this chapter, for a minimum of two years employed full time, or have successfully completed an approved apprenticeship program under chapter 49.04 RCW for the applicant's specialty in the electrical construction trade. Before January 1, 1984, applicants for nonresidential maintenance specialty licenses are eligible to become nonresidential maintenance specialists upon certification to the department that they have the equivalent of two years full-time experience in that specialty field. Persons applying before January 1, 1984, for a journeyman certificate are eligible to take the examination to become journeymen until July 1, 1984, upon certification to the department that they have the equivalent of five years full-time experience in nonresidential maintenance, of which two years shall be in industrial electrical installation. Any applicant who has successfully completed a two-year technical school program in the electrical construction trade in a school that is approved by the commission for vocational education may substitute up to two years of the technical school program for two years of work experience under a journeyman electrician. The applicant shall obtain the additional two years of work experience required in industrial or commercial electrical installation prior to the beginning, or after the completion, of the technical school program. Any applicant who has received training in the electrical construction trade in the armed service of the United States may be eligible to take the examination for the certificate of competency. Any applicant who is a graduate of a trade school program in the electrical construction trade that was established during 1946 is eligible to take the examination for the certificate of competency. No other requirement for eligibility may be imposed.

(2) The department shall establish reasonable rules for the examinations to be given applicants for certificates of competency. In establishing the rules, the department shall consult with the board (~~(of electrical examiners)~~). Upon determination that the applicant is eligible to take the examination, the department shall so notify the applicant, indicating the time and place for taking the examination.

Sec. 214. Section 5, chapter 30, Laws of 1980 as amended by section 15, chapter 206, Laws of 1983 and RCW 19.28.540 are each amended to read as follows:

The department, in coordination with the board (~~(of electrical examiners)~~), shall prepare an examination to be administered to applicants for journeyman and specialty certificates of competency. The examination shall be constructed to determine:

(1) Whether the applicant possesses varied general knowledge of the technical information and practical procedures that are identified with the status of journeyman electrician or specialty electrician; and

(2) Whether the applicant is sufficiently familiar with the applicable electrical codes and the rules of the department pertaining to electrical installations and electricians.

The department shall, at least four times annually, administer the examination to persons eligible to take it under RCW 19.28.530. A person may take the journeyman or specialty test as many times as necessary without limit. All applicants shall, before taking the examination, pay to the department an examination fee. The department shall set the fee by rule. The fee shall cover but not exceed the costs of preparing and administering the examination.

The department shall certify the results of the examination upon such terms and after such a period of time as the department, in cooperation with the board (~~(of electrical examiners)~~), deems necessary and proper.

Sec. 215. Section 9, chapter 30, Laws of 1980 as amended by section 18, chapter 206, Laws of 1983 and RCW 19.28.580 are each amended to read as follows:

(1) The department may revoke any certificate of competency upon the following grounds:

(a) The certificate was obtained through error or fraud;

(b) The holder thereof is judged to be incompetent to work in the electrical construction trade as a journeyman electrician or specialty electrician;

(c) The holder thereof has violated any of the provisions of RCW 19.28.510 through 19.28.620 or any rule adopted under this chapter.

(2) Before any certificate of competency shall be revoked, the holder shall be given written notice of the department's intention to do so, mailed by registered mail, return receipt requested, to the holder's last known address. The notice shall enumerate the allegations against the holder, and shall give the holder the opportunity to request a hearing before the board ~~((of electrical examiners))~~. At the hearing, the department and the holder may produce witnesses and give testimony. The hearing shall be conducted in accordance with chapter 34.04 RCW. The board shall render its decision based upon the testimony and evidence presented, and shall notify the parties immediately upon reaching its decision. A majority of the board shall be necessary to render a decision.

Sec. 216. Section 10, chapter 30, Laws of 1980 as amended by section 19, chapter 206, Laws of 1983 and RCW 19.28.590 are each amended to read as follows:

The board ~~((of electrical examiners))~~ shall carry out all the functions and duties enumerated in RCW 19.28.510 through 19.28.620, as well as generally advise the department on all matters relative to RCW 19.28.510 through 19.28.620.

PART III
WORK-STUDY ADVISORY
COMMITTEE

Sec. 301. Section 5, chapter 177, Laws of 1974 ex. sess. as amended by section 59, chapter 370, Laws of 1985 and RCW 28B.12.050 are each amended to read as follows:

The higher education coordinating board shall disburse college work-study funds ~~((after consideration of recommendations of a panel convened by the higher education coordinating board, and composed of representatives of))~~. In performing its duties under this section, the board shall consult eligible institutions and post-secondary education advisory and governing bodies. ((Said commission)) The board shall establish criteria ((for the panel)) designed to achieve such distribution of assistance under this chapter among students attending eligible institutions as will most effectively carry out the purposes of this chapter.

Sec. 302. Section 6, chapter 177, Laws of 1974 ex. sess. as amended by section 60, chapter 370, Laws of 1985 and RCW 28B.12.060 are each amended to read as follows:

The higher education coordinating board shall adopt rules and regulations as may be necessary or appropriate for effecting the provisions of this chapter, and not in conflict with this chapter, in accordance with the provisions of chapter 28B.19 RCW, the state higher education administrative procedure act. Such rules and regulations shall ~~((be promulgated upon consideration of advice from a panel composed of representatives of institutional financial aid officers, a representative of employee organizations having membership in the classified service of the state's institutions of higher education, and will))~~ include provisions designed to make employment under such work-study program reasonably available, to the extent of available funds, to all eligible students in eligible post-secondary institutions in need thereof. Such rules and regulations shall include:

(1) Providing work under the college work-study program which will not result in the displacement of employed workers or impair existing contracts for services.

(2) Furnishing work only to a student who:

(a) Is capable, in the opinion of the eligible institution, of maintaining good standing in such course of study while employed under the program covered by the agreement; and

(b) Has been accepted for enrollment as at least a half-time student at the eligible institution, or, in the case of a student already enrolled in and attending the eligible institution, is in good standing and in at least half-time attendance there either as an undergraduate, graduate or professional student; and

(c) Is not pursuing a degree in theology.

(3) Placing priority on the securing of work opportunities for students who are residents of the state of Washington as defined in RCW 28B.15.011 through 28B.15.014.

(4) Provisions to assure that in the state institutions of higher education utilization of this student work-study program:

(a) Shall only supplement and not supplant classified positions under jurisdiction of chapter 28B.16 RCW;

(b) That all positions established which are comparable shall be identified to a job classification under the higher education personnel board's classification plan and shall receive equal compensation;

(c) Shall not take place in any manner that would replace classified positions reduced due to lack of funds or work; and

(d) That work study positions shall only be established at entry level positions of the classified service.

PART IV
STATE BOARD FOR THE
CERTIFICATION OF LIBRARIANS

Sec. 401. Section 2, chapter 5, Laws of 1941 as last amended by section 1, chapter 152, Laws of 1984 and RCW 27.04.030 are each amended to read as follows:

The state library commission:

(1) May make such rules under chapter 34.04 RCW as may be deemed necessary and proper to carry out the purposes of this chapter;

(2) Shall set general policy direction pursuant to the provisions of this chapter;

(3) Shall appoint a state librarian who shall serve at the pleasure of the commission;

(4) Shall adopt a recommended budget and submit it to the governor;

(5) Shall have authority to contract with any agency of the state of Washington for the purpose of providing library materials, supplies, and equipment and employing assistants as needed for the development, growth, and operation of any library facilities or services of such agency;

(6) Shall have authority to contract with any public library in the state for that library to render library service to the blind and/or physically handicapped throughout the state. The state library commission shall have authority to compensate such public library for the cost of the service it renders under such contract;

(7) May adopt rules under chapter 34.04 RCW for the allocation of any grants of state funds for public or cooperative library services;

(8) Shall have authority to accept and to expend in accordance with the terms thereof any grant of federal funds which may become available to the state for library purposes. For the purpose of qualifying to receive such grants, the state library commission is authorized to make such applications and reports as may be required by the federal government as a condition thereto;

(9) Shall have the authority to provide for the sale of library material in accordance with RCW 27.12.305; and

(10) Shall ~~((pay expenses of the state board for certification of librarians under RCW 27.08-045))~~ have authority to establish rules and regulations for, and prescribe and hold examinations to test, the qualifications of those seeking certificates as librarians.

(a) The commission shall grant librarians' certificates without examination to applicants who are graduates of library schools accredited by the American library association for general library training, and shall grant certificates to other applicants when it has satisfied itself by examination that the applicant has attainments and abilities equivalent to those of a library school graduate and is qualified to carry on library work ably and efficiently.

(b) Any person not a graduate of a library school accredited by the American library association, but who has served as a librarian or a full-time professional assistant in any library in this state for at least one year or the equivalent thereof prior to midnight, June 12, 1935, shall be granted a librarian's certificate without examination, but such certificate shall be good only for the position specified therein, unless specifically extended by the commission.

(c) The commission shall require a fee of not less than one dollar nor more than five dollars to be paid by each applicant for a librarian's certificate. Money paid as fees shall be deposited with the state treasurer.

(d) After January 1, 1937, a library serving a community having over four thousand population shall not have in its employ, in the position of librarian or in any other full-time professional library position, a person who does not hold a librarian's certificate issued by the commission or its predecessor.

(e) A full-time professional library position, as intended by this subsection, is one that requires, in the opinion of the commission, a knowledge of books and of library technique equivalent to that required for graduation from an accredited library school.

(f) The provisions of this subsection apply to every library serving a community having over four thousand population and to every library operated by the state or under its authority, including libraries of institutions of higher learning: PROVIDED, That nothing in this subsection applies to the state law library or to county law libraries.

NEW SECTION. Sec. 402. The following acts or parts of acts are each repealed:

(1) Section 11, chapter 119, Laws of 1935, section 12, chapter 106, Laws of 1973, section 59, chapter 287, Laws of 1984 and RCW 27.08.010; and

(2) Section 1, chapter 295, Laws of 1955 and RCW 27.08.045.

PART V

CRIMINAL JUSTICE EDUCATION AND TRAINING STANDARDS BOARDS

Sec. 501. Section 6, chapter 153, Laws of 1979 ex. sess. and RCW 36.28.025 are each amended to read as follows:

A person who files a declaration of candidacy for the office of sheriff after September 1, 1979, shall have, within twelve months of assuming office, a certificate of completion of a basic law enforcement training program which complies with standards adopted by the criminal justice training commission pursuant to RCW 43.101.080 ~~((and 43.101.160))~~.

This requirement does not apply to persons holding the office of sheriff in any county on September 1, 1979.

Sec. 502. Section 1, chapter 94, Laws of 1974 ex. sess. as last amended by section 2, chapter 132, Laws of 1981 and RCW 43.101.010 are each amended to read as follows:

When used in this chapter:

(1) The term 'commission' means the Washington state criminal justice training commission.

~~(2) ((The term "boards" means the education and training standards boards, the establishment of which are authorized by this chapter.~~

~~(3))~~ (3) The term 'criminal justice personnel' means any person who serves in a county, city, state, or port commission agency engaged in crime prevention, crime reduction, or enforcement of the criminal law.

~~((4))~~ (3) The term 'law enforcement personnel' means any public employee or volunteer having as a primary function the enforcement of criminal laws in general or any employee or volunteer of, or any individual commissioned by, any municipal, county, state, or combination thereof, agency having as its primary function the enforcement of criminal laws in general as distinguished from an agency possessing peace officer powers, the primary function of which is the implementation of specialized subject matter areas. For the purposes of this subsection 'primary function' means that function to which the greater allocation of resources is made.

~~((5))~~ (4) The term 'correctional personnel' means any employee or volunteer who by state, county, municipal, or combination thereof, statute has the responsibility for the confinement, care, management, training, treatment, education, supervision, or counseling of those individuals whose civil rights have been limited in some way by legal sanction.

Sec. 503. Section 3, chapter 17, Laws of 1975-'76 2nd ex. sess. as amended by section 1, chapter 124, Laws of 1982 and RCW 43.101.080 are each amended to read as follows:

The commission shall have all of the following powers:

(1) To meet at such times and places as it may deem proper;

(2) To adopt any rules and regulations as it may deem necessary;

(3) To contract for services as it deems necessary in order to carry out its duties and responsibilities;

(4) To cooperate with and secure the cooperation of any department, agency, or instrumentality in state, county, and city government, and other commissions affected by or concerned with the business of the commission;

(5) To do any and all things necessary or convenient to enable it fully and adequately to perform its duties and to exercise the power granted to it;

(6) To select and employ an executive director, and to empower him to perform such duties and responsibilities as it may deem necessary;

(7) To assume legal, fiscal, and program responsibility for all training conducted by the commission;

(8) To establish, by rule and regulation, standards for the training of criminal justice personnel where such standards are not prescribed by statute;

(9) To establish and operate, or to contract with other qualified institutions or organizations for the operation of, training and education programs for criminal justice personnel and to lease, subject to the approval of the department of general administration, a training facility or facilities necessary to the conducting of such programs: PROVIDED, That the commission shall not have the power to invest any moneys received by it from any source for the purchase of a training facility without prior approval of the legislature;

(10) To establish, by rule and regulation, minimum curriculum standards for all training programs conducted for employed criminal justice personnel;

(11) To review and approve or reject standards for instructors of training programs for criminal justice personnel, and to employ personnel on a temporary basis as instructors without any loss of employee benefits to those instructors;

(12) To direct the development of alternative, innovative, and interdisciplinary training techniques;

(13) To review and approve or reject training programs conducted for criminal justice personnel and rules establishing and prescribing minimum training and education standards ~~((recommended by the training standards and education boards));~~

(14) To allocate financial resources among training and education programs conducted by the commission;

(15) To allocate training facility space among training and education programs conducted by the commission;

(16) To issue diplomas certifying satisfactory completion of any training or education program conducted or approved by the commission to any person so completing such a program;

(17) To provide for the employment of such personnel as may be practical to serve as temporary replacements for any person engaged in a basic training program as defined by the commission;

(18) To establish rules ~~((and regulations recommended by the training standards and education boards))~~ prescribing minimum standards relating to physical, mental and moral fitness which shall govern the recruitment of criminal justice personnel where such standards are not prescribed by statute or constitutional provision;

(19) To establish ad hoc advisory boards representative of the criminal justice community to advise the commission in areas relating to the powers and duties of the commission. The

members of the ad hoc advisory boards shall be reimbursed for travel expenses pursuant to RCW 43.03.050 and 43.03.060.

All rules and regulations adopted by the commission shall be adopted and administered pursuant to the administrative procedure act, chapter 34.04 RCW, and the open public meetings act, chapter 42.30 RCW.

Sec. 504. Section 17, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.170 are each amended to read as follows:

In establishing standards for training and education, the commission may(~~so far as consistent with the purposes of RCW 43.101.160;~~) permit required training and education of any criminal justice personnel to be obtained at existing institutions approved for such training by the commission.

Sec. 505. Section 2, chapter 212, Laws of 1977 ex. sess. and RCW 43.101.200 are each amended to read as follows:

(1) All law enforcement personnel, except volunteers, and reserve officers whether paid or unpaid, initially employed on or after January 1, 1978, shall engage in basic law enforcement training which complies with standards adopted by the commission pursuant to RCW 43.101.080 (~~and 43.101.160~~). Such training shall be successfully completed during the first fifteen months of employment of such personnel unless otherwise extended or waived by the commission and shall be requisite to the continuation of such employment.

(2) The commission shall provide the aforementioned training together with necessary facilities, supplies, materials, and the board and room of noncommuting attendees for seven days per week. Additionally, the commission shall reimburse to participating law enforcement agencies with ten or less full-time commissioned patrol officers the cost of temporary replacement of each officer who is enrolled in basic law enforcement training: PROVIDED, That such reimbursement shall include only the actual cost of temporary replacement not to exceed the total amount of salary and benefits received by the replaced officer during his training period.

Sec. 506. Section 26, chapter 136, Laws of 1981 and RCW 43.101.220 are each amended to read as follows:

(1) The corrections personnel of the state and all counties and municipal corporations initially employed on or after January 1, 1982, shall engage in basic corrections training which complies with standards adopted by the commission (~~pursuant to RCW 43.101.160~~). The training shall be successfully completed during the first six months of employment of the personnel, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(2) The corrections personnel of the state and all counties and municipal corporations transferred or promoted to a supervisory or management position on or after January 1, 1982, shall engage in supervisory and/or management training which complies with standards adopted by the commission (~~pursuant to RCW 43.101.160~~). The training shall be successfully completed prior to or within the first six months of employment, unless otherwise extended or waived by the commission, and shall be requisite to the continuation of employment.

(3) The commission shall provide the training required in this section, together with facilities, supplies, materials, and the room and board for noncommuting attendees.

(4) Nothing in this section shall affect or impair the employment status of any employee whose employer does not provide him with the opportunity to engage in the required training.

Sec. 507. Section 55, chapter 197, Laws of 1983 and RCW 43.131.310 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, (~~1987~~) 1986:

(1) Section 9, chapter 94, Laws of 1974 ex. sess., section 4, chapter 132, Laws of 1981, section 12, chapter 16, Laws of 1983 1st ex. sess. and RCW 43.101.090;

(2) Section 10, chapter 94, Laws of 1974 ex. sess., section 5, chapter 132, Laws of 1981, section 13, chapter 16, Laws of 1983 1st ex. sess. and RCW 43.101.100;

(3) Section 11, chapter 94, Laws of 1974 ex. sess., section 6, chapter 132, Laws of 1981 and RCW 43.101.110;

(4) Section 12, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.120;

(5) Section 13, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.130;

(6) Section 14, chapter 94, Laws of 1974 ex. sess., section 127, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.101.140;

(7) Section 15, chapter 94, Laws of 1974 ex. sess., section 2, chapter 82, Laws of 1975 1st ex. sess. and RCW 43.101.150; and

(8) Section 16, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.160.

PART VI

MOBILE HOME, RECREATIONAL VEHICLE, AND FACTORY BUILT HOUSING ADVISORY BOARDS

Sec. 601. Section 3, chapter 229, Laws of 1969 ex. sess. as last amended by section 103, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 43.22.420 are each amended to read as follows:

There is hereby created a mobile home (~~and~~), recreational vehicle, and factory built housing advisory board consisting of ~~((eight))~~ nine members to be appointed by the ~~((governor with the advice of the))~~ director of labor and industries ~~((as herein provided))~~. It shall be the purpose and function of the board to advise the director on all matters pertaining to the enforcement of this chapter including but not limited to standards of body and frame design, construction and plumbing, heating and electrical installations, minimum inspection procedures, the adoption of rules and regulations pertaining to the manufacture of mobile homes, commercial coaches and recreational vehicles. The advisory board shall periodically review the rules promulgated under RCW 43.22.450 through 43.22.490 and shall recommend changes of such rules to the department if it deems changes advisable.

The members of the ~~((mobile home and recreational vehicle))~~ advisory board shall be ~~((selected and appointed as follows: One member shall be an employee or officer of a mobile home manufacturing company; one member shall be an employee or officer of a travel trailer manufacturing company; one member shall be an employee, officer or distributor of a company engaged in the manufacture of component parts affecting the plumbing apparatus and equipment; one member shall be an employee, officer or distributor of a company engaged in the manufacture of electrical material, equipment or appliances; one member shall be a distributor or manufacturer of heating equipment, material or devices; one member shall be an employee, officer, owner, or operator of a mobile home park; and one member shall represent that segment of the general public owning or leasing mobile homes, commercial coaches and/or recreational vehicles. The chief supervisor for the mobile home, commercial coach and recreational vehicle section within the department of labor and industries shall be a member of the advisory board and shall act as secretary))~~ representative of consumers and the industry. The ~~((regular))~~ term of each member shall be four years ~~((PROVIDED, HOWEVER, The original board shall be appointed for the following terms: The first term of the member representing a manufacturer of mobile homes and of the member representing the general public shall be four years; the member representing the manufacturer of travel trailers shall serve three years; the member representing the manufacturer or distributor of plumbing component parts shall serve three years; the member representing the manufacturer or distributor of electrical apparatus and equipment shall serve two years; the manufacturer or distributor of heating equipment and appliances shall serve one year. The governor shall fill vacancies caused by death, resignation, or otherwise for the unexpired term of such members by appointing their successors from the same business classification. The same procedure shall be followed in making such subsequent appointments as is provided for the original appointments. The board, at this first meeting shall elect one of its members to serve as chairman))~~. The chief supervisor or any person acting as chief supervisor for the mobile home, commercial coach and recreational vehicle section shall serve as secretary of the board during his tenure as chief. Meetings of the board shall be called at the discretion of the director of labor and industries. Each member of the board shall be paid travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended which shall be paid out of the appropriation to the department of labor and industries, upon vouchers approved by the director of labor and industries.

NEW SECTION, Sec. 602. Section 6, chapter 44, Laws of 1970 ex. sess., section 4, chapter 22, Laws of 1973 1st ex. sess., section 104, chapter 34, Laws of 1975-'76 2nd ex. sess., section 77, chapter 287, Laws of 1984 and RCW 43.22.475 are each repealed.

PART VII

COMMISSION ON EQUIPMENT

Sec. 701. Section 46.04.040, chapter 12, Laws of 1961 and RCW 46.04.040 are each amended to read as follows:

'Authorized emergency vehicle' means any vehicle of any fire department, police department, sheriff's office, coroner, prosecuting attorney, Washington state patrol, ambulance service, public or private, which need not be classified, registered or authorized by the state ~~((commission on equipment))~~ patrol, or any other vehicle authorized in writing by the state ~~((commission on equipment))~~ patrol.

Sec. 702. Section 1, chapter 213, Laws of 1979 ex. sess. and RCW 46.04.304 are each amended to read as follows:

'Moped' means any two-wheeled or three-wheeled device having fully operative pedals for propulsion by human power and a motor with a cylinder displacement not exceeding fifty cubic centimeters which produces no more than two gross brake horsepower (developed by a prime mover, as measured by a brake applied to the driving shaft) and is capable of propelling the device at a maximum speed of not more than thirty miles per hour on level ground, and the wheels of which are at least sixteen inches in diameter.

The state ~~((commission on equipment))~~ patrol may approve of and define as a 'moped' a vehicle which fails to meet these specific criteria, but which is essentially similar in performance and application to vehicles which do meet these specific criteria.

Sec. 703. Section 1, chapter 200, Laws of 1983 and RCW 46.04.710 are each amended to read as follows:

'Wheelchair conveyance' means any vehicle specially manufactured or designed for the transportation of a physically or medically impaired wheelchair-bound person. The vehicle may be a separate vehicle used in lieu of a wheelchair or a separate vehicle used for transporting the impaired person while occupying a wheelchair. The vehicle shall be equipped with a propulsion device capable of propelling the vehicle within a speed range established by the ~~((commission on equipment))~~ state patrol. The ~~((commission))~~ state patrol may approve and define as a wheelchair conveyance, a vehicle that fails to meet these specific criteria but is essentially similar in performance and application to vehicles that do meet these specific criteria.

Sec. 704. Section 46.16.240, chapter 12, Laws of 1961 as last amended by section 10, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.240 are each amended to read as follows:

The vehicle license number plates shall be attached conspicuously at the front and rear of each vehicle for which the same are issued and in such a manner that they can be plainly seen and read at all times: PROVIDED, That if only one license number plate is legally issued for any vehicle such plate shall be conspicuously attached to the rear of such vehicle. Each vehicle license number plate shall be placed or hung in a horizontal position at a distance of not less than one foot nor more than four feet from the ground and shall be kept clean so as to be plainly seen and read at all times: PROVIDED, HOWEVER, That in cases where the body construction of the vehicle is such that compliance with this section is impossible, permission to deviate therefrom may be granted by the state ~~((commission on equipment))~~ patrol. It shall be unlawful to display upon the front or rear of any vehicle, vehicle license number plate or plates other than those furnished by the director for such vehicle or to display upon any vehicle any vehicle license number plate or plates which have been in any manner changed, altered, disfigured or have become illegible. It shall be unlawful for any person to operate any vehicle unless there shall be displayed thereon valid vehicle license number plates attached as herein provided.

Sec. 705. Section 46.32.060, chapter 12, Laws of 1961 and RCW 46.32.060 are each amended to read as follows:

It shall be unlawful for any person to operate or move, or for any owner to cause or permit to be operated or moved upon any public highway, any vehicle or combination of vehicles, which is not at all times equipped in the manner required by this title, or the equipment of which is not in a proper condition and adjustment as required by this title.

Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such unlawful vehicle and any cost for the storage and keeping thereof shall be paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the state ~~((commission on equipment))~~ patrol.

Sec. 706. Section 46.37.005, chapter 12, Laws of 1961 as last amended by section 1, chapter 165, Laws of 1985 and RCW 46.37.005 are each amended to read as follows:

~~((There is constituted a state commission on equipment which shall consist of the director of the department of licensing, the chief of the Washington state patrol, and the secretary of transportation. Each official may designate an administrative staff person to serve as the official's designee on the commission. For purposes of continuity this designee shall, where possible, be one individual. The chief of the Washington state patrol or his designee shall act as the chairman of the state commission on equipment. He shall appoint either the director of licensing or the secretary of transportation or their respective designees to serve as vice-chairman in his absence. The chairman or the designated vice-chairman must be present at each meeting of the commission. The chief shall appoint a person under his supervision to act as secretary of the state commission on equipment who shall be responsible for the issuance of rules and regulations adopted by the commission, for the issuance of certificates of approval for vehicle equipment requiring approval and letters of appointment to tow operators, and for the administration of such other business of the commission on equipment as the commission shall specify.))~~

In addition to those powers and duties elsewhere granted ~~((by the provisions of this title the state commission on equipment))~~, the chief of the Washington state patrol shall have the power and the duty to adopt, apply, and enforce such reasonable rules and regulations (1) relating to proper types of vehicles or combinations thereof for hauling passengers, commodities, freight, and supplies, (2) relating to vehicle equipment, and (3) relating to the enforcement of the provisions of this title with regard to vehicle equipment, as may be deemed necessary for the public welfare and safety in addition to but not inconsistent with the provisions of this title.

The ~~((state commission on equipment))~~ chief of the Washington state patrol is authorized to adopt by regulation, federal standards relating to motor vehicles and vehicle equipment.

issued pursuant to the National Traffic and Motor Vehicle Safety Act of 1966, or any amendment to said act, notwithstanding any provision in Title 46 RCW inconsistent with such standards. Federal standards adopted pursuant to this section shall be applicable only to vehicles manufactured in a model year following the adoption of such standards.

Sec. 707. Section 46.37.010, chapter 12, Laws of 1961 as last amended by section 69, chapter 136, Laws of 1979 ex. sess. and RCW 46.37.010 are each amended to read as follows:

(1) It is a traffic infraction for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter or in regulations issued by the ~~((state commission on equipment))~~ chief of the Washington state patrol, or which is equipped in any manner in violation of this chapter or the ~~((commission's))~~ state patrol's regulations, or for any person to do any act forbidden or fail to perform any act required under this chapter or the ~~((commission's))~~ state patrol's regulations.

(2) Nothing contained in this chapter or the ~~((commission's))~~ state patrol's regulations shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with the provisions of this chapter or the ~~((commission's))~~ state patrol's regulations.

(3) The provisions of the chapter and the ~~((commission's))~~ state patrol's regulations with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers, or farm tractors except as herein made applicable.

(4) No owner or operator of a farm tractor, self-propelled unit of farm equipment, or implement of husbandry shall be guilty of a crime or subject to penalty for violation of RCW 46.37.160 as now or hereafter amended unless such violation occurs on a public highway.

(5) It is a traffic infraction for any person to sell or offer for sale vehicle equipment which is required to be approved by the ~~((commission on equipment))~~ state patrol as prescribed in RCW 46.37.005 unless it has been approved by the state ~~((commission on equipment))~~ patrol.

(6) The provisions of this chapter with respect to equipment required on vehicles shall not apply to motorcycles or motor-driven cycles except as herein made applicable.

Sec. 708. Section 46.37.160, chapter 12, Laws of 1961 as last amended by section 14, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.160 are each amended to read as follows:

(1) Every farm tractor and every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall be equipped with vehicular hazard warning lights of the type described in RCW 46.37.215 visible from a distance of not less than one thousand feet to the front and rear in normal sunlight, which shall be displayed whenever any such vehicle is operated upon a highway.

(2) Every self-propelled unit of farm equipment or implement of husbandry manufactured or assembled after January 1, 1970, shall at all times, and every other motor vehicle shall at times mentioned in RCW 46.37.020, be equipped with lamps and reflectors as follows:

(a) At least two headlamps meeting the requirements of RCW 46.37.220, 46.37.240, or 46.37.260;

(b) At least one red lamp visible when lighted from a distance of not less than one thousand feet to the rear mounted as far to the left of center of vehicle as practicable;

(c) At least two red reflectors visible from all distances within six hundred to one hundred feet to the rear when directly in front of lawful lower beams of headlamps.

(3) Every combination of farm tractor and towed farm equipment or towed implement of husbandry shall at all times mentioned in RCW 46.37.020 be equipped with lamps and reflectors as follows:

(a) The farm tractor element of every such combination shall be equipped as required in subsections (1) and (2) of this section;

(b) The towed unit of farm equipment or implement of husbandry element of such combination shall be equipped on the rear with two red lamps visible when lighted from a distance of not less than one thousand feet to the rear, and two red reflectors visible to the rear from all distances within six hundred feet to one hundred feet to the rear when directly in front of lawful upper beams of head lamps. One reflector shall be so positioned to indicate, as nearly as practicable, the extreme left projection of the towed unit;

(c) If the towed unit or its load obscures either of the vehicle hazard warning lights on the tractor, the towed unit shall be equipped with vehicle hazard warning lights described in subsection (1) of this section.

(4) The two red lamps and the two red reflectors required in the foregoing subsections of this section on a self-propelled unit of farm equipment or implement of husbandry or combination of farm tractor and towed farm equipment shall be so positioned as to show from the rear as nearly as practicable the extreme width of the vehicle or combination carrying them: PROVIDED, That if all other requirements are met, reflective tape or paint may be used in lieu of reflectors required by subsection (3) of this section.

(5) After January 1, 1970, every farm tractor and every self-propelled unit of farm equipment or implement of husbandry designed for operation at speeds not in excess of twenty-five

miles per hour shall at all times be equipped with a slow moving vehicle emblem mounted on the rear except as provided in subsection (6) of this section.

(6) After January 1, 1970, every combination of farm tractor and towed farm equipment or towed implement of husbandry normally operating at speeds not in excess of twenty-five miles per hour shall at all times be equipped with a slow moving vehicle emblem as follows:

(a) Where the towed unit is sufficiently large to obscure the slow moving vehicle emblem on the farm tractor, the towed unit shall be equipped with a slow moving vehicle emblem. In such cases, the towing vehicle need not display the emblem;

(b) Where the slow moving vehicle emblem on the farm tractor unit is not obscured by the towed unit, then either or both may be equipped with the required emblem but it shall be sufficient if either has it.

(7) The emblem required by subsections (5) and (6) of this section shall comply with current standards and specifications as promulgated by the ~~((state commission on equipment))~~ Washington state patrol.

Sec. 709. Section 46.37.185, chapter 12, Laws of 1961 as amended by section 3, chapter 92, Laws of 1971 ex. sess. and RCW 46.37.185 are each amended to read as follows:

Firemen, when approved by the chief of their respective service, shall be authorized to use a green light on the front of their private cars when on emergency duty only. Such green light shall be visible for a distance of two hundred feet under normal atmospheric conditions and shall be of a type and mounting approved by the ~~((commission on equipment))~~ Washington state patrol. The use of the green light shall only be for the purpose of identification and the operator of a vehicle so equipped shall not be entitled to any of the privileges provided in RCW 46.61.035 for the operators of authorized emergency vehicles.

Sec. 710. Section 46.37.190, chapter 12, Laws of 1961 as last amended by section 1, chapter 331, Laws of 1985 and RCW 46.37.190 are each amended to read as follows:

(1) Every authorized emergency vehicle shall, in addition to any other equipment and distinctive marking required by this chapter, be equipped with at least one lamp capable of displaying a red light visible from at least five hundred feet in normal sunlight and a siren capable of giving an audible signal.

(2) Every school bus and private carrier bus shall, in addition to any other equipment and distinctive markings required by this chapter, be equipped with a 'stop' signal upon a background not less than fourteen by eighteen inches displaying the word 'stop' in letters of distinctly contrasting colors not less than eight inches high, and shall further be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.

(3) Vehicles operated by public agencies whose law enforcement duties include the authority to stop and detain motor vehicles on the public highways of the state may be equipped with a siren and lights of a color and type designated by the ~~((commission on equipment))~~ state patrol for that purpose. The ~~((commission))~~ state patrol may prohibit the use of these sirens and lights on vehicles other than the vehicles described in this subsection.

(4) The lights described in this section shall not be mounted nor used on any vehicle other than a school bus, a private carrier bus, or an authorized emergency or law enforcement vehicle. Optical strobe light devices shall not be installed or used on any vehicle other than an emergency vehicle authorized by the ~~((Washington state commission on equipment))~~ state patrol or a publicly-owned law enforcement or emergency vehicle. An 'optical strobe light device' means a strobe light device which emits an optical signal at a specific frequency to a traffic control light enabling the vehicle in which the strobe light device is used to obtain the right of way at intersections.

(5) The use of the signal equipment described herein shall impose upon drivers of other vehicles the obligation to yield right of way and stop as prescribed in RCW 46.61.210, 46.61.370, and 46.61.350.

Sec. 711. Section 46.37.194, chapter 12, Laws of 1961 and RCW 46.37.194 are each amended to read as follows:

The state ~~((commission on equipment))~~ patrol may make rules and regulations relating to authorized emergency vehicles and shall test and approve sirens and emergency vehicle lamps to be used on such vehicles.

Sec. 712. Section 46.37.210, chapter 12, Laws of 1961 as last amended by section 18, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.210 are each amended to read as follows:

(1) Any motor vehicle may be equipped with not more than two side cowl or fender lamps which shall emit an amber or white light without glare.

(2) Any motor vehicle may be equipped with not more than one running-board courtesy lamp on each side thereof which shall emit a white or amber light without glare.

(3) Any motor vehicle may be equipped with one or more back-up lamps either separately or in combination with other lamps, but any such back-up lamp or lamps shall not be lighted when the motor vehicle is in forward motion.

(4) Any vehicle may be equipped with one or more side marker lamps, and any such lamp may be flashed in conjunction with turn or vehicular hazard warning signals. Side marker lamps located toward the front of a vehicle shall be amber, and side marker lamps located toward the rear shall be red.

(5) Any vehicle eighty inches or more in over-all width, if not otherwise required by RCW 46.37.090, may be equipped with not more than three identification lamps showing to the front which shall emit an amber light without glare and not more than three identification lamps showing to the rear which shall emit a red light without glare. Such lamps shall be mounted as specified in RCW 46.37.090~~((6)-(7))~~ (7).

(6) (a) Every motor vehicle, trailer, semitrailer, truck tractor, and pole trailer used in the state of Washington may be equipped with an auxiliary lighting system consisting of:

(i) One green light to be activated when the accelerator of the motor vehicle is depressed;

(ii) Not more than two amber lights to be activated when the motor vehicle is moving forward, or standing and idling, but is not under the power of the engine.

(b) Such auxiliary system shall not interfere with the operation of vehicle stop lamps or turn signals, as required by RCW 46.37.070. Such system, however, may operate in conjunction with such stop lamps or turn signals.

(c) Only one color of the system may be illuminated at any one time, and at all times either the green light, or amber light or lights shall be illuminated when the stop lamps of the vehicle are not illuminated.

(d) The green light, and the amber light or lights, when illuminated shall be plainly visible at a distance of one thousand feet to the rear.

(e) Only one such system may be mounted on a motor vehicle, trailer, semitrailer, truck tractor, or pole trailer; and such system shall be rear mounted in a horizontal fashion, at a height of not more than seventy-two inches, nor less than twenty inches, as provided by RCW 46.37.050.

(f) On a combination of vehicles, only the lights of the rearmost vehicle need actually be seen and distinguished as provided in subparagraph (d) of this subsection.

(g) Each manufacturer's model of such a system as described in this subsection shall be approved by the ~~((commission on equipment))~~ state patrol as provided for in RCW 46.37.005 and 46.37.320, before it may be sold or offered for sale in the state of Washington.

Sec. 713. Section 46.37.280, chapter 12, Laws of 1961 as last amended by section 24, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.280 are each amended to read as follows:

(1) During the times specified in RCW 46.37.020, any lighted lamp or illuminating device upon a motor vehicle, other than head lamps, spot lamps, auxiliary lamps, flashing turn signals, emergency vehicle warning lamps, warning lamps authorized by the state ~~((commission on equipment))~~ patrol and school bus warning lamps, which projects a beam of light of an intensity greater than three hundred candlepower shall be so directed that no part of the high intensity portion of the beam will strike the level of the roadway on which the vehicle stands at a distance of more than seventy-five feet from the vehicle.

(2) Except as required in RCW 46.37.190 no person shall drive or move any vehicle or equipment upon any highway with any lamp or device thereon displaying a red light visible from directly in front of the center thereof.

(3) Flashing lights are prohibited except as required in RCW 46.37.190, 46.37.200, 46.37.210, 46.37.215, and 46.37.300, and warning lamps authorized by the state ~~((commission on equipment))~~ patrol.

Sec. 714. Section 46.37.290, chapter 12, Laws of 1961 as last amended by section 1, chapter 45, Laws of 1977 and RCW 46.37.290 are each amended to read as follows:

The ~~((state commission on equipment))~~ chief of the Washington state patrol is authorized to adopt standards and specifications applicable to lighting equipment on and special warning devices to be carried by school buses and private carrier buses consistent with the provisions of this chapter, but supplemental thereto. Such standards and specifications shall correlate with and, so far as possible, conform to the specifications then current as approved by the society of automotive engineers.

Sec. 715. Section 46.37.300, chapter 12, Laws of 1961 as amended by section 20, chapter 154, Laws of 1963 and RCW 46.37.300 are each amended to read as follows:

(1) The state ~~((commission on equipment))~~ patrol shall adopt standards and specifications applicable to head lamps, clearance lamps, identification and other lamps on snow-removal and other highway maintenance and service equipment when operated on the highways of this state in lieu of the lamps otherwise required on motor vehicles by this chapter. Such standards and specifications may permit the use of flashing lights for purposes of identification on snow-removal and other highway maintenance and service equipment when in service upon the highways. The standards and specifications for lamps referred to in this section shall correlate with and, so far as possible, conform with those approved by the American association of state highway officials.

(2) It shall be unlawful to operate any snow-removal and other highway maintenance and service equipment on any highway unless the lamps thereon comply with and are lighted when and as required by the standards and specifications adopted as provided in this section.

Sec. 716. Section 46.37.310, chapter 12, Laws of 1961 and RCW 46.37.310 are each amended to read as follows:

(1) On and after January 1, 1938, no person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer, or use upon any such vehicle any head lamp, auxiliary, or fog lamp, rear lamp, signal lamp or reflector, which reflector is required hereunder, or parts of any of the foregoing which tend to change the original design or performance, unless of a type which has been submitted to the state (~~(commission on equipment))~~ patrol and approved by it.

(2) No person shall have for sale, sell or offer for sale for use upon or as a part of the equipment of a motor vehicle, trailer or semitrailer any lamp or device mentioned in this section which has been approved by the state (~~(commission on equipment))~~ patrol unless such lamp or device bears thereon the trademark or name under which it is approved so as to be legible when installed.

(3) No person shall use upon any motor vehicle, trailer or semitrailer any lamps mentioned in this section unless said lamps are mounted, adjusted and aimed in accordance with instructions of the state (~~(commission on equipment))~~ patrol.

Sec. 717. Section 46.37.320, chapter 12, Laws of 1961 as amended by section 1, chapter 20, Laws of 1977 ex. sess. and by section 25, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.320 are each reenacted and amended to read as follows:

(1) The (~~(state commission on equipment))~~ chief of the Washington state patrol is hereby authorized to approve or disapprove any lighting devices and to issue and enforce regulations establishing standards and specifications for the approval of such lighting devices, and their installation, adjustment, and aiming, when in use on motor vehicles. Such regulations shall correlate with and, so far as practicable, conform to the then current standards and specifications of the society of automotive engineers applicable to such equipment and to the headlamp standards established by the United Nations agreement concerning the adoption of approval and reciprocal recognition of approval for motor vehicle equipment and parts done at Geneva on March 20, 1958, as amended and adopted by the Canadian standards association (CSA standard D106.2); PROVIDED, That the sale, installation, and use of any headlamp meeting the standards of either the society of automotive engineers or the United Nations agreement, as amended, shall be lawful in this state.

(2) The state (~~(commission on equipment))~~ patrol shall establish the procedure to be followed when request for approval of any lighting device or other safety equipment, component, or assembly is submitted under this chapter or in regulations issued by the state (~~(commission on equipment))~~ patrol. The procedure may provide for submission of such device, component, or assembly to any recognized organization or agency such as, but not limited to, the vehicle equipment safety commission, American national standards institute, society of automotive engineers, and the American association of motor vehicle administrators, as the agent of the state (~~(commission on equipment))~~ patrol and for the issuance of an approval certificate by that recognized organization or agency in lieu of submission of the device, component, or assembly to the state (~~(commission on equipment))~~ patrol.

(3) The state (~~(commission on equipment))~~ patrol shall maintain and publish lists of all lamps, lighting devices, components, assemblies, or other safety equipment by name and type which have been approved by it.

Sec. 718. Section 46.37.330, chapter 12, Laws of 1961 as amended by section 26, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.330 are each amended to read as follows:

(1) When the state (~~(commission on equipment))~~ patrol has reason to believe that an approved device does not comply with the requirements of this chapter or regulations issued by the state (~~(commission on equipment))~~ patrol, it may, after giving thirty days' previous notice to the person holding the certificate of approval for such device in this state, conduct a hearing upon the question of compliance of said approved device. After said hearing the state (~~(commission on equipment))~~ patrol shall determine whether said approved device meets the requirements of this chapter and regulations issued by the (~~(commission))~~ state patrol. If said device does not meet the requirements of this chapter or the (~~(commission's))~~ state patrol's regulations it shall give notice to the one to whom the certificate of approval has been issued of the (~~(commission's))~~ state patrol's intention to suspend or revoke the certificate of approval for such device in this state.

(2) If at the expiration of ninety days after such notice the person holding the certificate of approval for such device has failed to satisfy the state (~~(commission on equipment))~~ patrol that said approved device as hereafter to be sold or offered for sale meets the requirements of this chapter or the (~~(commission's))~~ state patrol's regulations, the state (~~(commission on equipment))~~ patrol shall suspend or revoke the approval issued therefor and shall require the withdrawal of all such devices from the market and may require that all said devices sold since the notification be replaced with devices that do comply.

(3) When a certificate of approval has been suspended or revoked pursuant to this chapter or regulations by the state (~~(commission on equipment))~~ patrol, the device shall not be again approved unless and until it has been submitted for reapproval and it has been demonstrated, in the same manner as in an application for an original approval, that the device fully meets

the requirements of this chapter or regulations issued by the state (~~commission on equipment~~) patrol. The state (~~commission on equipment~~) patrol may require that all previously approved items are being effectively recalled and removed from the market as a condition of reapproval.

Sec. 719. Section 24, chapter 154, Laws of 1963 as amended by section 29, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.365 are each amended to read as follows:

(1) The term 'hydraulic brake fluid' as used in this section shall mean the liquid medium through which force is transmitted to the brakes in the hydraulic brake system of a vehicle.

(2) Hydraulic brake fluid shall be distributed and serviced with due regard for the safety of the occupants of the vehicle and the public.

(3) The (~~state commission on equipment~~) chief of the Washington state patrol shall, in compliance with the provisions of chapter 34.04 RCW, the administrative procedure act, which govern the adoption of rules, adopt and enforce regulations for the administration of this section and shall adopt and publish standards and specifications for hydraulic brake fluid which shall correlate with, and so far as practicable conform to, the then current standards and specifications of the society of automotive engineers applicable to such fluid.

(4) No person shall distribute, have for sale, offer for sale, or sell any hydraulic brake fluid unless it complies with the requirements of this section and the standard specifications adopted by the state (~~commission on equipment~~) patrol. No person shall service any vehicle with brake fluid unless it complies with the requirements of this section and the standards and specifications adopted by the state (~~commission on equipment~~) patrol.

(5) Subsections (3) and (4) of this section shall not apply to petroleum base fluids in vehicles with brake systems designed to use them.

Sec. 720. Section 46.37.380, chapter 12, Laws of 1961 as amended by section 32, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.380 are each amended to read as follows:

(1) Every motor vehicle when operated upon a highway shall be equipped with a horn in good working order and capable of emitting sound audible under normal conditions from a distance of not less than two hundred feet, but no horn or other warning device shall emit an unreasonably loud or harsh sound or a whistle. The driver of a motor vehicle shall when reasonably necessary to insure safe operation give audible warning with his horn but shall not otherwise use such horn when upon a highway.

(2) No vehicle shall be equipped with nor shall any person use upon a vehicle any siren, whistle, or bell, except as otherwise permitted in this section.

(3) It is permissible for any vehicle to be equipped with a theft alarm signal device so long as it is so arranged that it cannot be used by the driver as an ordinary warning signal. Such a theft alarm signal device may use a whistle, bell, horn, or other audible signal but shall not use a siren.

(4) Any authorized emergency vehicle may be equipped with a siren, whistle, or bell, capable of emitting sound audible under normal conditions from a distance of not less than five hundred feet and of a type approved by the state (~~commission on equipment~~) patrol, but such siren shall not be used except when such vehicle is operated in response to an emergency call or in the immediate pursuit of an actual or suspected violator of the law, in which said latter events the driver of such vehicle shall sound said siren when reasonably necessary to warn pedestrians and other drivers of the approach thereof.

Sec. 721. Section 46.37.420, chapter 12, Laws of 1961 as last amended by section 50, chapter 7, Laws of 1984 and RCW 46.37.420 are each amended to read as follows:

(1) It is unlawful to operate a vehicle upon the public highways of this state unless it is completely equipped with pneumatic rubber tires.

(2) No tire on a vehicle moved on a highway may have on its periphery any block, flange, cleat, or spike or any other protuberance of any material other than rubber which projects beyond the tread of the traction surface of the tire, except that it is permissible to use farm machinery with tires having protuberances that will not injure the highway, and except also that it is permissible to use tire chains or metal studs imbedded within the tire of reasonable proportions and of a type approved by the state (~~commission on equipment~~) patrol, upon any vehicle when required for safety because of snow, ice, or other conditions tending to cause a vehicle to skid. It is unlawful to use metal studs imbedded within the tire between April 1st and November 1st. The state department of transportation may, from time to time, determine additional periods in which the use of tires with metal studs imbedded therein is lawful.

(3) The state department of transportation and local authorities in their respective jurisdictions may issue special permits authorizing the operation upon a highway of traction engines or tractors having movable tracks with transverse corrugations upon the periphery of the movable tracks or farm tractors or other farm machinery, the operation of which upon a highway would otherwise be prohibited under this section.

(4) Tires with metal studs imbedded therein may be used between November 1st and April 1st upon school buses and fire department vehicles, any law or regulation to the contrary notwithstanding.

Sec. 722. Section 3, chapter 77, Laws of 1971 as last amended by section 73, chapter 136, Laws of 1979 ex. sess. and RCW 46.37.425 are each amended to read as follows:

No person shall drive or move or cause to be driven or moved any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition in accordance with requirements established by this section or by the state (~~(commission on equipment)~~) patrol.

The state (~~(commission on equipment)~~) patrol shall promulgate rules and regulations setting forth requirements of safe operating condition of tires capable of being employed by a law enforcement officer by visual inspection of tires mounted on vehicles including visual comparison with simple measuring gauges. These rules shall include effects of tread wear and depth of tread.

A tire shall be considered unsafe if it has:

(1) Any ply or cord exposed either to the naked eye or when cuts or abrasions on the tire are probed; or

(2) Any bump, bulge, or knot, affecting the tire structure; or

(3) Any break repaired with a boot; or

(4) A tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire, or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire; or

(5) A legend which indicates the tire is not intended for use on public highways such as, 'not for highway use' or 'for racing purposes only'; or

(6) Such condition as may be reasonably demonstrated to render it unsafe; or

(7) If not matched in tire size designation, construction, and profile to the other tire and/or tires on the same axle.

No person, firm, or corporation shall sell any vehicle for use on the public highways of this state unless the vehicle is equipped with tires that are in compliance with the provisions of this section. If the tires are found to be in violation of the provisions of this section, the person, firm, or corporation selling the vehicle shall cause such tires to be removed from the vehicle and shall equip the vehicle with tires that are in compliance with the provisions of this section.

It is a traffic infraction for any person to operate a vehicle on the public highways of this state, or to sell a vehicle for use on the public highways of this state, which is equipped with a tire or tires in violation of the provisions of this section or the rules and regulations promulgated by the state (~~(commission on equipment)~~) patrol hereunder: PROVIDED, HOWEVER, That if the violation relates to items (1) to (7) inclusive of this section then the condition or defect must be such that it can be detected by a visual inspection of tires mounted on vehicles, including visual comparison with simple measuring gauges.

Sec. 723. Section 46.37.430, chapter 12, Laws of 1961 as last amended by section 1, chapter 304, Laws of 1985 and RCW 46.37.430 are each amended to read as follows:

(1) On and after January 1, 1938, no person shall sell any new motor vehicle as specified herein, nor shall any new motor vehicle as specified herein be registered thereafter unless such vehicle is equipped with safety glazing material of a type approved by the state (~~(commission on equipment)~~) patrol wherever glazing material is used in doors, windows and windshields. The foregoing provisions shall apply to all passenger-type motor vehicles, including passenger buses and school buses, but in respect to trucks, including truck tractors, the requirements as to safety glazing material shall apply to all glazing material used in doors, windows, and windshields in the drivers' compartments of such vehicles except as provided by subsection (4) of this section.

(2) The term 'safety glazing materials' means glazing materials so constructed, treated or combined with other materials as to reduce substantially, in comparison with ordinary sheet glass or plate glass, the likelihood of injury to persons by objects from exterior sources or by these safety glazing materials when they may be cracked or broken.

(3) The state (~~(commission on equipment)~~) patrol shall compile and publish a list of types of glazing material by name approved by it as meeting the requirements of this section and the director of licensing shall not register after January 1, 1938, any motor vehicle which is subject to the provisions of this section unless it is equipped with an approved type of safety glazing material, and he shall thereafter suspend the registration of any motor vehicle so subject to this section which he finds is not so equipped until it is made to conform to the requirements of this section.

(4) No person shall sell or offer for sale, nor shall any person operate a motor vehicle registered in this state which is equipped with, any camper manufactured after May 23, 1969, unless such camper is equipped with safety glazing material of a type approved by the state (~~(commission on equipment)~~) patrol wherever glazing materials are used in outside windows and doors.

(5) No tinting or coloring material that reduces light transmittance to any degree, unless it meets standards for such material adopted by the state (~~(commission on equipment)~~) patrol, shall be applied to the surface of the safety glazing material in a motor vehicle in any of the following locations:

- (a) Windshields,
- (b) Windows to the immediate right and left of the driver including windwings or,
- (c) Rearmost windows if used for driving visibility by means of an interior rear-view mirror.

The standards adopted by the ((~~commission~~)) state patrol shall permit a greater degree of light reduction on a vehicle operated by or carrying as a passenger a person who possesses written verification from a licensed physician that the operator or passenger must be protected from exposure to sunlight for physical or medical reasons.

Nothing in this subsection shall prohibit the use of shaded or heat-absorbing safety glazing material in which the shading or heat-absorbing characteristics have been applied at the time of manufacture of the safety glazing material and which meet the standards of the state ((~~commission on equipment~~)) patrol for such safety glazing materials.

(6) The standards used for approval of safety glazing materials by the state ((~~commission on equipment~~)) patrol shall conform as closely as possible to the standards for safety glazing materials for motor vehicles promulgated by the United States of America Standards Institute in effect at the time of manufacture of the safety glazing material.

Sec. 724. Section 46.37.440, chapter 12, Laws of 1961 as last amended by section 38, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.440 are each amended to read as follows:

(1) No person shall operate any motor truck, passenger bus, truck tractor, motor home, or travel trailer over eighty inches in overall width upon any highway outside the corporate limits of municipalities at any time unless there shall be carried in such vehicle the following equipment except as provided in subsection (2):

(a) At least three flares or three red electric lanterns or three portable red emergency reflectors, each of which shall be capable of being seen and distinguished at a distance of not less than six hundred feet under normal atmospheric conditions at nighttime.

No flare, fusee, electric lantern, or cloth warning flag shall be used for the purpose of compliance with the requirements of this section unless such equipment is of a type which has been submitted to the state ((~~commission on equipment~~)) patrol and approved by it. No portable reflector unit shall be used for the purpose of compliance with the requirements of this section unless it is so designed and constructed as to be capable of reflecting red light clearly visible from all distances within six hundred feet to one hundred feet under normal atmospheric conditions at night when directly in front of lawful upper beams of head lamps, and unless it is of a type which has been submitted to the state ((~~commission on equipment~~)) patrol and approved by it:

(b) At least three red-burning fusees unless red electric lanterns or red portable emergency reflectors are carried:

(c) At least two red-cloth flags, not less than twelve inches square, with standards to support such flags.

(2) No person shall operate at the time and under conditions stated in subsection (1) any motor vehicle used for the transportation of explosives, any cargo tank truck used for the transportation of flammable liquids or compressed gases or liquefied gases, or any motor vehicle using compressed gas as a fuel unless there shall be carried in such vehicle three red electric lanterns or three portable red emergency reflectors meeting the requirements of subsection (1) of this section, and there shall not be carried in any said vehicle any flares, fusees, or signal produced by flame.

Sec. 725. Section 46.37.450, chapter 12, Laws of 1961 as amended by section 1, chapter 119, Laws of 1984 and RCW 46.37.450 are each amended to read as follows:

(1) Whenever any motor truck, passenger bus, truck tractor over eighty inches in overall width, trailer, semitrailer, or pole trailer is disabled upon the traveled portion of any highway or the shoulder thereof outside any municipality at any time when lighted lamps are required on vehicles, the driver of such vehicle shall display the following warning devices upon the highway during the time the vehicle is so disabled on the highway except as provided in subsection (2) of this section:

(a) A lighted fusee, a lighted red electric lantern, or a portable red emergency reflector shall be immediately placed at the traffic side of the vehicle in the direction of the nearest approaching traffic.

(b) As soon thereafter as possible but in any event within the burning period of the fusee (fifteen minutes), the driver shall place three liquid-burning flares (pot torches), three lighted red electric lanterns, or three portable red emergency reflectors on the traveled portion of the highway in the following order:

(i) One, approximately one hundred feet from the disabled vehicle in the center of the lane occupied by such vehicle and toward traffic approaching in that lane.

(ii) One, approximately one hundred feet in the opposite direction from the disabled vehicle and in the center of the traffic lane occupied by such vehicle.

(iii) One at the traffic side of the disabled vehicle not less than ten feet rearward or forward thereof in the direction of the nearest approaching traffic. If a lighted red electric lantern or a red portable emergency reflector has been placed at the traffic side of the vehicle in accordance with subdivision (a) of this subsection, it may be used for this purpose.

(2) Whenever any vehicle referred to in this section is disabled within five hundred feet of a curve, hillcrest, or other obstruction to view, the warning signal in that direction shall be so placed as to afford ample warning to other users of the highway, but in no case less than five hundred feet from the disabled vehicle.

(3) Whenever any vehicle of a type referred to in this section is disabled upon any roadway of a divided highway during the time that lights are required, the appropriate warning devices prescribed in subsections (1) and (5) of this section shall be placed as follows:

One at a distance of approximately two hundred feet from the vehicle in the center of the lane occupied by the stopped vehicle and in the direction of traffic approaching in that lane; one at a distance of approximately one hundred feet from the vehicle, in the center of the lane occupied by the vehicle and in the direction of traffic approaching in that lane; and one at the traffic side of the vehicle and approximately ten feet from the vehicle in the direction of the nearest approaching traffic.

(4) Whenever any vehicle of a type referred to in this section is disabled upon the traveled portion of a highway or the shoulder thereof outside any municipality at any time when the display of fuses, flares, red electric lanterns, or portable red emergency reflectors is not required, the driver of the vehicle shall display two red flags upon the roadway in the lane of traffic occupied by the disabled vehicle, one at a distance of approximately one hundred feet in advance of the vehicle, and one at a distance of approximately one hundred feet to the rear of the vehicle.

(5) Whenever any motor vehicle used in the transportation of explosives or any cargo tank truck used for the transportation of any flammable liquid or compressed flammable gas, or any motor vehicle using compressed gas as a fuel, is disabled upon a highway of this state at any time or place mentioned in subsection (1) of this section, the driver of such vehicle shall immediately display the following warning devices: One red electric lantern or portable red emergency reflector placed on the roadway at the traffic side of the vehicle, and two red electric lanterns or portable red reflectors, one placed approximately one hundred feet to the front and one placed approximately one hundred feet to the rear of this disabled vehicle in the center of the traffic lane occupied by such vehicle. Flares, fuses, or signals produced by flame shall not be used as warning devices for disabled vehicles of the type mentioned in this subsection.

(6) Whenever any vehicle, other than those described in subsection (1) of this section, is disabled upon the traveled portion of any highway or shoulder thereof outside any municipality at any time when lights are required on vehicles, the state patrol or the county sheriff shall, upon discovery of the disabled vehicle, place a reflectorized warning device on or near the vehicle. The warning device and its placement shall be in accordance with rules adopted by the ~~((commission on equipment))~~ state patrol. Neither the standards for, placement or use of, nor the lack of placement or use of a warning device under this subsection gives rise to any civil liability on the part of the state of Washington, the state patrol, any county, or any law enforcement agency or officer.

(7) The flares, fuses, red electric lanterns, portable red emergency reflectors, and flags to be displayed as required in this section shall conform with the requirements of RCW 46.37.440 applicable thereto.

Sec. 726. Section 46.37.470, chapter 12, Laws of 1961 and RCW 46.37.470 are each amended to read as follows:

(1) The term 'air-conditioning equipment' as used or referred to in this section shall mean mechanical vapor compression refrigeration equipment which is used to cool the driver's or passenger compartment of any motor vehicle.

(2) Such equipment shall be manufactured, installed and maintained with due regard for the safety of the occupants of the vehicle and the public and shall not contain any refrigerant which is toxic to persons or which is flammable.

(3) The state ~~((commission on equipment))~~ patrol may adopt and enforce safety requirements, regulations and specifications consistent with the requirements of this section applicable to such equipment which shall correlate with and, so far as possible, conform to the current recommended practice or standard applicable to such equipment approved by the society of automotive engineers.

(4) No person shall have for sale, offer for sale, sell or equip any motor vehicle with any such equipment unless it complies with the requirements of this section.

(5) No person shall operate on any highway any motor vehicle equipped with any air-conditioning equipment unless said equipment complies with the requirements of this section.

Sec. 727. Section 46.37.490, chapter 12, Laws of 1961 and RCW 46.37.490 are each amended to read as follows:

It shall be unlawful to operate any vehicle upon the public highways of this state without having the load thereon securely fastened and protected by safety chains or other device. The ~~((state commission on equipment))~~ chief of the Washington state patrol is hereby authorized to adopt and enforce reasonable rules and regulations as to what shall constitute adequate and safe chains or other devices for the fastening and protection of loads upon vehicles.

Sec. 728. Section 1, chapter 215, Laws of 1983 and RCW 46.37.505 are each amended to read as follows:

((By October 1, 1983:)) The state ((~~commission on equipment~~)) patrol shall adopt standards for the performance, design, and installation of passenger restraint systems for children less than five years old and shall approve those systems which meet its standards.

Sec. 729. Section 1, chapter 117, Laws of 1963 as amended by section 42, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.510 are each amended to read as follows:

(1) No person shall sell any automobile manufactured or assembled after January 1, 1964, nor shall any owner cause such vehicle to be registered thereafter under the provisions of chapter 46.12 RCW unless such motor car or automobile is equipped with automobile seat belts installed for use on the front seats thereof which are of a type and installed in a manner approved by the state ((~~commission on equipment~~)) patrol. Where registration is for transfer from an out of state license, applicant shall be informed of this section by issuing agent and have thirty days to comply. The state ((~~commission on equipment~~)) patrol shall adopt and enforce standards as to what shall constitute adequate and safe seat belts and for the fastening and installation thereof, such standards not to be below those specified as minimum requirements by the Society of Automotive Engineers on June 13, 1963.

(2) Every passenger car manufactured or assembled after January 1, 1965, shall be equipped with at least two lap-type safety belt assemblies for use in the front seating positions.

(3) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with a lap-type safety belt assembly for each permanent passenger seating position. This requirement shall not apply to police vehicles.

(4) Every passenger car manufactured or assembled after January 1, 1968, shall be equipped with at least two shoulder harness-type safety belt assemblies for use in the front seating positions.

(5) The ((~~commission on equipment~~)) state patrol shall excuse specified types of motor vehicles or seating positions within any motor vehicle from the requirements imposed by subsections (1), (2), and (3) of this section when compliance would be impractical.

(6) No person shall distribute, have for sale, offer for sale, or sell any safety belt or shoulder harness for use in motor vehicles unless it meets current minimum standards and specifications approved by the ((~~commission~~)) state patrol or the United States department of transportation.

Sec. 730. Section 61, chapter 170, Laws of 1965 ex. sess. as amended by section 4, chapter 91, Laws of 1971 ex. sess. and RCW 46.37.520 are each amended to read as follows:

It shall be unlawful for any person to lease for hire or permit the use of any vehicle with soft tires commonly used upon the beach and referred to as a dune buggy unless such vehicle has been inspected by and approved by the state ((~~commission on equipment~~)) patrol, which ((~~commission~~)) may charge a reasonable fee therefor to go into the motor vehicle fund.

Sec. 731. Section 51, chapter 355, Laws of 1977 ex. sess. as amended by section 158, chapter 158, Laws of 1979 and RCW 46.37.529 are each amended to read as follows:

(1) The state ((~~commission on equipment~~)) patrol is authorized to require an inspection of the braking system on any motor-driven cycle and to disapprove any such braking system on a vehicle which it finds will not comply with the performance ability standard set forth in RCW 46.37.351, or which in its opinion is equipped with a braking system that is not so designed or constructed as to ensure reasonable and reliable performance in actual use.

(2) The director of licensing may refuse to register or may suspend or revoke the registration of any vehicle referred to in this section when the state ((~~commission on equipment~~)) patrol determines that the braking system thereon does not comply with the provisions of this section.

(3) No person shall operate on any highway any vehicle referred to in this section in the event the state ((~~commission on equipment~~)) patrol has disapproved the braking system upon such vehicle.

Sec. 732. Section 4, chapter 232, Laws of 1967 as last amended by section 7, chapter 77, Laws of 1982 and RCW 46.37.530 are each amended to read as follows:

(1) It is unlawful:

(a) For any person to operate a motorcycle or motor-driven cycle not equipped with mirrors on the left and right sides of the motorcycle which shall be so located as to give the driver a complete view of the highway for a distance of at least two hundred feet to the rear of the motorcycle or motor-driven cycle: PROVIDED, That mirrors shall not be required on any motorcycle or motor-driven cycle over twenty-five years old originally manufactured without mirrors and which has been restored to its original condition and which is being ridden to or from or otherwise in conjunction with an antique or classic motorcycle contest, show or other such assemblage: PROVIDED FURTHER, That no mirror shall be required on any motorcycle manufactured prior to January 1, 1931:

(b) For any person to operate a motorcycle or motor-driven cycle which does not have a windshield unless wearing glasses, goggles, or a face shield of a type approved by the state ((~~commission on equipment~~)) patrol;

(c) For any person to sell or offer for sale a motorcycle helmet which does not meet the requirements established by the state ((~~commission on equipment~~)) patrol.

(2) The state (~~commission on equipment~~) patrol is hereby authorized and empowered to adopt and amend regulations, pursuant to the administrative procedure act, concerning the standards and procedures for approval of glasses, goggles, face shields, and protective helmets. The state (~~commission on equipment~~) patrol shall maintain and publish a list of those devices which the (~~commission on equipment~~) state patrol has approved.

Sec. 733. Section 10, chapter 232, Laws of 1967 as amended by section 56, chapter 355, Laws of 1977 ex. sess. and RCW 46.37.535 are each amended to read as follows:

It is unlawful for any person to rent out motorcycles unless he shall also have on hand for rent helmets of a type approved by the (~~commission on equipment~~) state patrol.

Sec. 734. Section 4, chapter 200, Laws of 1983 and RCW 46.37.610 are each amended to read as follows:

The (~~commission on equipment~~) state patrol shall adopt rules for wheelchair conveyance safety standards. Operation of a wheelchair conveyance that is in violation of these standards is a traffic infraction.

Sec. 735. Section 2, chapter 204, Laws of 1963 and RCW 46.38.020 are each amended to read as follows:

The legislature finds that:

(1) The public safety necessitates the continuous development, modernization and implementation of standards and requirements of law relating to vehicle equipment, in accordance with expert knowledge and opinion.

(2) The public safety further requires that such standards and requirements be uniform from jurisdiction to jurisdiction, except to the extent that specific and compelling evidence supports variation.

(3) The state (~~commission on equipment~~) patrol, acting upon recommendations of the vehicle equipment safety commission and pursuant to the vehicle equipment safety compact provides a just, equitable and orderly means of promoting the public safety in the manner and within the scope contemplated by this chapter.

Sec. 736. Section 3, chapter 204, Laws of 1963 as amended by section 57, chapter 145, Laws of 1967 ex. sess. and RCW 46.38.030 are each amended to read as follows:

Pursuant to Article V(e) of the vehicle equipment safety compact it is the intention of this state and it is hereby provided that any rule, regulation, or code issued by the vehicle equipment safety commission in accordance with Article V of the compact shall take effect when issued in accordance with the administrative procedure act by the state (~~commission on equipment~~) patrol.

Sec. 737. Section 4, chapter 204, Laws of 1963 and RCW 46.38.040 are each amended to read as follows:

The commissioner of this state on the vehicle equipment safety commission shall be appointed by the (~~members of the state commission on equipment~~) chief of the state patrol to serve at (~~their~~) the chief's pleasure. The (~~members of the state commission on equipment~~) chief of the state patrol may also designate an alternate commissioner to serve whenever the commissioner of this state is unable to participate on the vehicle equipment safety commission. Subject to the provisions of the compact and bylaws of the vehicle equipment safety commission, the authority and responsibilities of such alternate shall be as determined by the (~~state commission on equipment~~) chief of the state patrol.

Sec. 738. Section 6, chapter 204, Laws of 1963 and RCW 46.38.060 are each amended to read as follows:

Filing of documents as required by Article III(j) of the compact shall be with the (~~secretary of the state commission on equipment~~) chief of the state patrol. Any and all notices required by commission bylaws to be given pursuant to Article III(j) of the compact shall be given to the commissioner of this state, his alternate, if any, and the (~~secretary of the state commission on equipment~~) chief of the state patrol.

Sec. 739. Section 1, chapter 377, Laws of 1985 and RCW 46.55.010 are each amended to read as follows:

The definitions set forth in this section apply throughout this chapter:

(1) 'Abandoned vehicle' means a vehicle that a registered tow truck operator has impounded and held in his possession for ninety-six consecutive hours.

(2) 'Abandoned vehicle report' means the document prescribed by the state that the towing operator forwards to the department after a vehicle has become abandoned.

(3) (~~'Commission' means the state commission on equipment established under RCW 46.37.005.~~

(4)) 'Impound' means to take and hold a vehicle in legal custody. There are two types of impounds--public and private.

(a) 'Public impound' means that the vehicle has been impounded at the direction of a law enforcement officer or other public official having jurisdiction over the public property upon which the vehicle was located.

(b) 'Private impound' means that the vehicle has been impounded at the direction of a person having control or possession of the private property upon which the vehicle was located.

((5)) (4) 'Junk vehicle' means a motor vehicle certified under RCW 46.55.230 as meeting all the following requirements:

- (a) Is three years old or older;
- (b) Is extensively damaged, such damage including but not limited to any of the following: A broken window or windshield or missing wheels, tires, motor, or transmission;
- (c) Is apparently inoperable;
- (d) Is without a valid, current registration plate;
- (e) Has a fair market value equal only to the value of the scrap in it.

((6)) (5) 'Registered tow truck operator' or 'operator' means any person who engages in the impounding, transporting, or storage of unauthorized vehicles or the disposal of abandoned vehicles.

((7)) (6) 'Residential property' means property that has no more than four living units located on it.

((8)) (7) 'Tow truck' means a motor vehicle that is equipped for and used in the business of towing vehicles with equipment as approved by the ((commission)) state patrol.

((9)) (8) 'Tow truck number' means the number issued by the department to tow trucks used by a registered tow truck operator in the state of Washington.

((10)) (9) 'Tow truck permit' means the permit issued annually by the department that has the classification of service the tow truck may provide stamped upon it.

((11)) (10) 'Tow truck service' means the transporting upon the public streets and highways of this state of unauthorized vehicles, together with personal effects and cargo, by a tow truck of a registered operator.

((12)) (11) 'Unauthorized vehicle' means a vehicle that is subject to impoundment after being left unattended in one of the following public or private locations for the indicated period of time:

Subject to removal after:

(a) Public locations:

- (i) Constituting a traffic hazard as defined in RCW 46.61.565 Immediately
- (ii) On a highway and tagged as described in RCW 46.52.170 24 hours
- (iii) In a publicly owned or controlled parking facility, properly posted under RCW 46.55.070 Immediately

(b) Private locations:

- (i) On residential property Immediately
- (ii) On private, nonresidential property, properly posted under RCW 46.55.070 Immediately
- (iii) On private, nonresidential property, not posted 24 hours

Sec. 740. Section 5, chapter 377, Laws of 1985 and RCW 46.55.050 are each amended to read as follows:

(1) Tow trucks shall be classified by towing capabilities, and shall meet or exceed all equipment standards set by the ((commission-on-equipment)) state patrol for the type of tow trucks to be used by an operator.

(2) All tow trucks shall display the firm's name, city of address, and telephone number. This information shall be painted on or permanently affixed to both sides of the vehicle in accordance with rules adopted by the department.

(3) Before a tow truck is put into tow truck service, or when the reinspection of a tow truck is necessary, the district commander of the state patrol shall designate a location and time for the inspection to be conducted. When practicable, the inspection or reinspection shall be made within three business days following the request by the operator.

(4) Failure to comply with any requirement of this section or rules adopted under it is a traffic infraction.

Sec. 741. Section 17, chapter 377, Laws of 1985 and RCW 46.55.170 are each amended to read as follows:

(1) All law enforcement agencies or local licensing agencies that receive complaints involving registered tow truck operators shall forward the complaints, along with any supporting documents including all results from local investigations, to the department.

(2) Complaints involving deficiencies of equipment shall be forwarded by the department to the state ((commission-on-equipment)) patrol.

Sec. 742. Section 18, chapter 377, Laws of 1985 and RCW 46.55.180 are each amended to read as follows:

The director or the ((commission)) chief of the state patrol may use a hearing officer or administrative law judge for presiding over a hearing regarding infractions by registered tow truck operators of this chapter, chapter 46.37 RCW, or rules adopted thereunder.

Sec. 743. Section 2, chapter 167, Laws of 1977 ex. sess. and RCW 46.61.563 are each amended to read as follows:

As used in this chapter, the following terms shall have the following meanings unless the context clearly requires otherwise:

(1) ~~((‘Commission’ means the state commission on equipment as defined in RCW 46.37.005;~~
 (2)) ‘Person’ means an individual, firm, partnership, corporation, company, association, or their lessees, trustees, or receivers;

~~((3))~~ (2) ‘Highway’ means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel;

~~((4))~~ (3) ‘Towing operator’ means every person who engages in the towing of vehicles and motor vehicles on a highway by means of equipment affixed to a specially constructed tow truck complying with the equipment specifications and standards promulgated by the ~~((commission))~~ state patrol; and

~~((5))~~ (4) ‘Tow truck’ means a specially constructed and equipped motor vehicle for towing vehicles and not otherwise used in transporting goods for compensation.

Sec. 744. Section 5, chapter 167, Laws of 1977 ex. sess. as amended by section 22, chapter 178, Laws of 1979 ex. sess. and RCW 46.61.567 are each amended to read as follows:

The Washington state patrol, under its authority to remove vehicles from the highway, may remove the vehicles directly, through towing operators appointed by the ~~((commission))~~ state patrol and called on a rotational or other basis, through contracts with towing operators, or by a combination of these methods. When removal is to be accomplished through a towing operator on a noncontractual basis, the ~~((commission))~~ state patrol may appoint any towing operator for this purpose upon the application of the operator. Each appointment shall be contingent upon the submission of an application to the ~~((commission))~~ state patrol and the making of subsequent reports in such form and frequency and compliance with such standards of equipment, performance, pricing, and practices as may be required by rule of the ~~((commission))~~ state patrol.

An appointment may be rescinded by the ~~((commission at the request of the Washington))~~ state patrol upon evidence that the appointed towing operator is not complying with the laws or rules relating to the removal and storage of vehicles from the highway. The costs of removal and storage of vehicles under this section shall be paid by the owner or driver of the vehicle and shall be a lien upon the vehicle until paid, unless the removal is determined to be invalid.

Rules promulgated under this section shall be binding only upon those towing operators appointed by the ~~((commission))~~ state patrol for the purpose of performing towing services at the request of the Washington state patrol. Any person aggrieved by a decision of the ~~((commission))~~ state patrol made under this section may appeal the decision under chapter 34.04 RCW.

Sec. 745. Section 2, chapter 215, Laws of 1983 and RCW 46.61.687 are each amended to read as follows:

(1) After December 31, 1983, the parent or legal guardian of a child less than five years old, when the parent or legal guardian is operating anywhere in the state his or her own motor vehicle registered under chapter 46.16 RCW, in which the child is a passenger, shall have the child properly secured in a manner approved by the state ~~((commission on equipment))~~ patrol. Even though a separate child passenger restraint device is considered the ideal method of protection, a properly adjusted and fastened, federally approved seat belt is deemed sufficient to meet the requirements of this section for children one through four years of age.

(2) During the period from January 1, 1984, to July 1, 1984, a person violating subsection (1) of this section may be issued a written warning of the violation. After July 1, 1984, a person violating subsection (1) of this section may be issued a notice of traffic infraction under chapter 46.63 RCW. If the person to whom the notice was issued presents proof of acquisition of an approved child passenger restraint system within seven days to the jurisdiction issuing the notice, the jurisdiction shall dismiss the notice of traffic infraction. If the person fails to present proof of acquisition within the time required, he or she is subject to a penalty assessment of not less than thirty dollars.

(3) Failure to comply with the requirements of this section shall not constitute negligence by a parent or legal guardian; nor shall failure to use a child restraint system be admissible as evidence of negligence in any civil action.

Sec. 746. Section 85, chapter 155, Laws of 1965 ex. sess. as amended by section 39, chapter 62, Laws of 1975 and RCW 46.61.780 are each amended to read as follows:

(1) Every bicycle when in use during the hours of darkness as defined in RCW 46.37.020 shall be equipped with a lamp on the front which shall emit a white light visible from a distance of at least five hundred feet to the front and with a red reflector on the rear of a type approved by the state ~~((commission on equipment))~~ patrol which shall be visible from all distances from one hundred feet to six hundred feet to the rear when directly in front of lawful lower beams of head lamps on a motor vehicle. A lamp emitting a red light visible from a distance of five hundred feet to the rear may be used in addition to the red reflector.

(2) Every bicycle shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level, clean pavement.

Sec. 747. Section 2, chapter 7, Laws of 1969 ex. sess. as last amended by section 203, chapter 7, Laws of 1984 and RCW 47.36.250 are each amended to read as follows:

If the department or its delegate determines at any time for any part of the public highway system that the unsafe conditions of the roadway require particular tires, tire chains, or traction equipment in addition to or beyond the ordinary pneumatic rubber tires, the department may establish the following recommendations or requirements with respect to the use of such equipment for all persons using such public highway:

- (1) Dangerous road conditions, chains or other approved traction devices recommended.
- (2) Dangerous road conditions, chains or other approved traction devices required.
- (3) Dangerous road conditions, chains required.

Any equipment that may be required by this section shall be approved by the state ~~((commission on equipment))~~ patrol as authorized under RCW 46.37.420.

The department shall place and maintain signs and other traffic control devices on the public highways that indicate the tire, tire chain, or traction equipment recommendation or requirement determined under this section. Such signs or traffic control devices shall in no event prohibit the use of studded tires from November 1st to April 1st, but when the department determines that chains are required and that no other traction equipment will suffice, the requirement is applicable to all types of tires including studded tires. The signs or traffic control devices may specify different recommendations or requirements for four wheel drive vehicles in gear.

Failure to obey a requirement indicated by a sign or other traffic control device placed or maintained under this section is a misdemeanor.

Sec. 748. Section 47.52.120, chapter 13, Laws of 1961 as amended by section 1, chapter 149, Laws of 1985 and RCW 47.52.120 are each amended to read as follows:

After the opening of any limited access highway facility, it shall be unlawful for any person (1) to drive a vehicle over, upon, or across any curb, central dividing section, or other separation or dividing line on limited access facilities; (2) to make a left turn or semicircular or U-turn except through an opening provided for that purpose in the dividing curb section, separation, or line; (3) to drive any vehicle except in the proper lane provided for that purpose and in the proper direction and to the right of the central dividing curb, separation section, or line; (4) to drive any vehicle into the limited access facility from a local service road except through an opening provided for that purpose in the dividing curb, dividing section, or dividing line which separates such service road from the limited access facility proper; (5) to stop or park any vehicle or equipment within the right of way of such facility, including the shoulders thereof, except at points specially provided therefor, and to make only such use of such specially provided stopping or parking points as is permitted by the designation thereof: PROVIDED, That this subsection shall not apply to authorized emergency vehicles, law enforcement vehicles, assistance vans, or to vehicles stopped for emergency causes or equipment failures; (6) to travel to or from such facility at any point other than a point designated by the establishing authority as an approach to the facility or to use an approach to such facility for any use in excess of that specified by the establishing authority. For the purposes of this section, an assistance van is a vehicle rendering aid free of charge to vehicles with equipment or fuel problems. The ~~((commission on equipment))~~ state patrol shall establish by rule additional standards and operating procedures, as needed, for assistance vans.

Any person who violates any of the provisions of this section is guilty of a misdemeanor and upon arrest and conviction therefor shall be punished by a fine of not less than five dollars nor more than one hundred dollars, or by imprisonment in the city or county jail for not less than five days nor more than ninety days, or by both fine and imprisonment. Nothing contained in this section prevents the highway authority from proceeding to enforce the prohibitions or limitations of access to such facilities by injunction or as otherwise provided by law.

Sec. 749. Section 7, chapter 183, Laws of 1974 ex. sess. and RCW 70.107.070 are each amended to read as follows:

Any rule adopted under this chapter relating to the operation of motor vehicles on public highways shall be administered according to testing and inspection procedures adopted by rule by the state ~~((commission on equipment))~~ patrol. Violation of any motor vehicle performance standard adopted pursuant to this chapter shall be a misdemeanor, enforced by such authorities and in such manner as violations of chapter 46.37 RCW. Violations subject to the provisions of this section shall be exempt from the provisions of RCW 70.107.050.

PART VIII
BOARD OF EXAMINERS FOR
WASTEWATER OPERATOR CERTIFICATION

Sec. 801. Section 2, chapter 139, Laws of 1973 and RCW 70.95B.020 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

- (1) 'Director' means the director of the department of ecology.
- (2) 'Department' means the department of ecology.
- (3) ~~((Board means the water and wastewater operator certification board of examiners established by RCW 70.95B.070.~~

(4)) 'Certificate' means a certificate of competency issued by the director stating that the operator has met the requirements for the specified operator classification of the certification program.

((5)) (4) 'Waste treatment plant' means a facility used in the collection, transmission, storage, pumping, treatment or discharge of any liquid or waterborne waste, whether of domestic origin or a combination of domestic, commercial or industrial waste, and which by its design requires the presence of an operator for its operation. It shall not include any facility used exclusively by a single family residence nor septic tanks with subsoil absorption nor industrial wastewater works.

((6)) (5) 'Operator' means an individual employed or appointed by any county, sewer district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing officials as the person on-site in responsible charge of the actual operation of a waste treatment plant.

((7)) (6) 'Nationally recognized association of certification authorities' shall mean that organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and wastewater facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

Sec. 802. Section 4, chapter 139, Laws of 1973 and RCW 70.95B.040 are each amended to read as follows:

The director (~~(-with the approval of the board;)~~) shall adopt and enforce such rules and regulations as may be necessary for the administration of this chapter. The rules and regulations shall include, but not be limited to, provisions for the qualification and certification of operators for different classifications of waste treatment plants.

Sec. 803. Section 7, chapter 139, Laws of 1973 as last amended by section 106, chapter 287, Laws of 1984 and RCW 70.95B.070 are each amended to read as follows:

~~((For the purpose of carrying out the provisions of this chapter, a board of examiners for wastewater operator certification shall be appointed. This board may serve in a common capacity for the certification of both water and wastewater plant and system operators. One member shall be named from the department of ecology, by its director to serve at his pleasure, and one member from the department of social and health services by its secretary, to serve at his pleasure, and one member who is required to employ a certified operator and who holds the position of city manager, city engineer, director of public works, superintendent of utilities, or an equivalent position who will be appointed by the governor. The governor shall also appoint two members who are operators holding a certificate of at least the second highest operator classification for wastewater plant operators established by regulation of the director, and if authorized in a water supply system operator certification act, two members who are operators holding a certificate of at least the second highest classification for water works operators established pursuant to such act.~~

~~The employer representative shall be appointed for an initial one-year term and the operators for initial terms of two and three years respectively. Thereafter, the members appointed by the governor shall serve for a three-year period. Vacancies shall be filled for the remainder for an unexpired term by the appointing authorities.~~

~~This board shall assist in the development of) The director of the department of ecology shall develop rules and regulations, shall prepare, administer, and evaluate examinations of operator competency as required in this chapter, and shall ((recommend the issuance or revocation of) issue and revoke certificates. The ((board) director shall determine when and where the examinations shall be held. The examination shall be held at least three times annually.~~

~~((Each member appointed by the governor shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses while engaged in the business of the board as prescribed in RCW 43.03.050 and 43.03.660;))~~

Sec. 804. Section 10, chapter 139, Laws of 1973 and RCW 70.95B.100 are each amended to read as follows:

The director may (~~(-with the recommendation of the board and after a hearing before the same;)~~) revoke a certificate found to have been obtained by fraud or deceit, or for gross negligence in the operation of a waste treatment plant, or for violating the requirements of this chapter or any lawful rule, order or regulation of the department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for one year from the effective date of this final order or revocation.

Sec. 805. Section 13, chapter 139, Laws of 1973 and RCW 70.95B.130 are each amended to read as follows:

On or after July 1, 1973, certification of operators by any state which, as determined by the director, accepts certifications made or certification requirements deemed satisfied pursuant to the provisions of this chapter, shall be accorded reciprocal treatment and shall be recognized as valid and sufficient within the purview of this chapter, if in the judgment of the director the

certification requirements of such state are substantially equivalent to the requirements of this chapter or any rules or regulations promulgated hereunder.

In making determinations pursuant to this section, the director ~~((shall consult with the board and))~~ may consider any generally applicable criteria and guidelines developed by the nationally recognized association of certification authorities.

Sec. 806. Section 2, chapter 99, Laws of 1977 ex. sess. as amended by section 2, chapter 292, Laws of 1983 and RCW 70.119.020 are each amended to read as follows:

As used in this chapter unless context requires another meaning:

~~((1))~~ ~~((Board means the board established pursuant to RCW 70.95B.070 which shall be known as the water and waste water operator certification board of examiners.~~

~~((2))~~ 'Certificate' means a certificate of competency issued by the secretary stating that the operator has met the requirements for the specified operator classification of the certification program.

~~((3))~~ ~~((2))~~ 'Department' means the department of social and health services.

~~((4))~~ ~~((3))~~ 'Distribution system' means that portion of a public water supply system which stores, transmits, pumps and distributes water to consumers.

~~((5))~~ ~~((4))~~ 'Nationally recognized association of certification authorities' shall mean an organization which serves as an information center for certification activities, recommends minimum standards and guidelines for classification of potable water treatment plants, water distribution systems and waste water facilities and certification of operators, facilitates reciprocity between state programs and assists authorities in establishing new certification programs and updating existing ones.

~~((6))~~ ~~((5))~~ 'Certified operator' means an individual employed or appointed by any county, water district, municipality, public or private corporation, company, institution, person, or the state of Washington who is designated by the employing or appointing officials as the person responsible for active daily technical operation.

~~((7))~~ ~~((6))~~ 'Public water supply system' means any water supply system intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission and distribution facilities where water is furnished to any community or group of individuals, or is made available to the public for human consumption or domestic use, but excluding all water supply systems serving one single family residence.

~~((8))~~ ~~((7))~~ 'Purification plant' means that portion of a public water supply system which treats or improves the physical, chemical or bacteriological quality of the system's water to bring the water into compliance with state board of health standards.

~~((9))~~ ~~((8))~~ 'Secretary' means the secretary of the department of social and health services.

Sec. 807. Section 5, chapter 99, Laws of 1977 ex. sess. as amended by section 4, chapter 292, Laws of 1983 and RCW 70.119.050 are each amended to read as follows:

The secretary shall adopt ~~((with the approval of the board;))~~ such rules and regulations as may be necessary for the administration of this chapter and shall enforce such rules and regulations. The rules and regulations shall include provisions establishing minimum qualifications and procedures for the certification of operators, criteria for determining the kind and nature of continuing educational requirements for renewal of certification under RCW 70.119.100(2), and provisions for classifying water purification plants and distribution systems.

Rules and regulations adopted under the provisions of this section shall be adopted in accordance with the provisions of chapter 34.04 RCW.

Sec. 808. Section 8, chapter 99, Laws of 1977 ex. sess. as amended by section 6, chapter 292, Laws of 1983 and RCW 70.119.080 are each amended to read as follows:

~~((For the purpose of carrying out the provisions of this chapter, the membership of the water and wastewater operator certification board of examiners established under RCW 70.95B.070, shall, pursuant to RCW 70.95B.070:~~

~~((1)) Be expanded to include two waterworks operators;~~

~~((2)) Serve in a common capacity for the certification of both water and wastewater plant and system operators; and~~

~~((3)) Be expanded to include one commissioner from a water district and one commissioner from a sewer district operating under Title 56 or 57 RCW.~~

~~In addition to the powers and duties in RCW 70.95B.070, the board shall assist in the development of rules and regulations implementing this chapter;))~~ The secretary shall prepare, administer and evaluate examinations of operator competency as required in this chapter, and shall ~~((recommend the issuance or revocation of))~~ issue and revoke certificates. The ~~((board))~~ secretary shall determine where and when the examinations shall be held. Such examinations shall be held at least three times annually.

Sec. 809. Section 11, chapter 99, Laws of 1977 ex. sess. as amended by section 9, chapter 292, Laws of 1983 and RCW 70.119.110 are each amended to read as follows:

The secretary may ~~((with the recommendation of the board and after hearing before the same;))~~ revoke a certificate found to have been obtained by fraud or deceit; or for gross negligence in the operation of a purification plant or distribution system; or for an intentional violation of the requirements of this chapter or any lawful rules, order, or regulation of the

department. No person whose certificate is revoked under this section shall be eligible to apply for a certificate for six months from the effective date of the final order of revocation.

Sec. 810. Section 14, chapter 99, Laws of 1977 ex. sess. and RCW 70.119.140 are each amended to read as follows:

Operators certified by any state under provisions that, in the judgment of the secretary, are substantially equivalent to the requirements of this chapter and any rules and regulations promulgated hereunder, may be issued, upon application, a certificate without examination.

In making determinations pursuant to this section, the secretary (~~shall consult with the board and~~) may consider any generally applicable criteria and guidelines developed by a nationally recognized association of certification authorities.

PART IX

FOREST PRACTICES ADVISORY COMMITTEE

NEW SECTION. Sec. 901. Section 20, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.200 are each repealed.

PART X

NEW SECTION. Sec. 1001. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections. The rules of the agencies abolished by this act shall continue in force until acted upon by the succeeding agency and shall be enforced by the succeeding agency. If there is no succeeding agency, the rules shall terminate.

NEW SECTION. Sec. 1002. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, O'Brien, Todd, Vekich and Walk.

MINORITY recommendation: Do not pass. Signed by Representatives Brooks, Fuhrman, Hankins, Sanders, Taylor and van Dyke.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 4959 Prime Sponsor, Senator Lee: Including promoting pornography within criminal profiteering. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass. Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Padden, Schmidt, Schoon, Tilly, Van Luvan and West.

MINORITY recommendation: Do not pass. Signed by Representatives Niemi and Wang.

Voting nay: Representative Wang.

Absent: Representatives Crane, Hargrove, P. King, Lewis, Niemi, Padden, Schmidt and Schoon.

Passed to Committee on Rules for second reading.

February 28, 1986

SB 4982 Prime Sponsor, Senator Owen: Broadening the definition of indecent liberties. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 9A.88.100, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.44.100 are each amended to read as follows:

(1) A person is guilty of indecent liberties when he knowingly causes another person who is not his spouse to have sexual contact with him or another:

(a) By forcible compulsion; or

(b) When the other person is less than fourteen years of age; or

(c) When the other person is less than sixteen years of age and the perpetrator is more than forty-eight months older than the person and is in a position of authority over the person;
or

(d) When the other person is incapable of consent by reason of being mentally defective, mentally incapacitated, or physically helpless.

(2) For purposes of this section((:));

(a) 'Sexual contact' means any touching of the sexual or other intimate parts of a person done for the purpose of gratifying sexual desire of either party.

(b) 'Person in a position of authority' means any person who is a parent or acting in the place of a parent and is charged with any of a parent's rights, duties, or responsibilities to a child, or a person who is charged with any duty or responsibility for the health, welfare, education, or supervision of a child, either independently or through another, no matter how briefly, at the time of the act.

(3) Indecent liberties is a class B felony."

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Schmidt, Schoon, Tilly, Van Luven and West.

MINORITY recommendation: Do not pass. Signed by Representative Niemi.

Voting nay: Representatives Niemi and Wang.

Absent: Representatives Crane, P. King and Schmidt.

Passed to Committee on Rules for second reading.

February 28, 1986

SSJM 132 Prime Sponsor, Committee on Commerce & Labor: Urging Congress to take necessary steps toward a full accounting of United States service personnel missing in Southeast Asia. Reported by Committee on State Government

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 24 after "that the" strike all material down to and including "Asia." on line 27 and insert "President and Congress of the United States seek all reasonable means of pursuing information concerning live missing Americans in Indochina and the supply of information or return of remains now in the possession of those governments including, as necessary, the improvement of relations with the governments of the region."

Signed by Representatives Belcher, Chair; Peery, Vice Chair; Baugher, Fuhrman, Hankins, O'Brien, Sanders, Taylor, Todd, van Dyke, Vekich and Walk.

Passed to Committee on Rules for second reading.

February 28, 1986

SJR 136 Prime Sponsor, Senator Talmadge: Revising the membership of the judicial qualifications commission. Reported by Committee on Judiciary

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8 strike "judicial qualifications" and insert "~~((judicial qualifications))~~"

On page 1, line 9 after "commission" insert "on judicial conduct"

On page 1, line 25 strike "judicial qualifications" and insert "~~((judicial qualifications))~~"

On page 1, line 26 after "commission" insert "on judicial conduct"

Signed by Representatives Armstrong, Chair; Scott, Vice Chair; Appelwick, Crane, Dellwo, Hargrove, Lewis, Locke, G. Nelson, Niemi, Padden, Schmidt, Schoon, Tilly, Wang and West.

Passed to Committee on Rules for second reading.

MOTION

On motion of Mr. J. King, the House adjourned until 9:00 a.m., Saturday, March 1, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FORTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Saturday, March 1, 1986

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Appelwick, Bond, Grimm, Patrick, Schoon, Taylor and Vander Stoep. Representatives Appelwick, Bond and Taylor were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Joey Harteloo and Tim Irwin. Prayer was offered by Reverend Peter Mans of the Evergreen Christian Reformed Church of Olympia.

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

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO.	37,
SUBSTITUTE HOUSE BILL NO.	1335,
HOUSE BILL NO.	1371,
HOUSE BILL NO.	1442,
SUBSTITUTE HOUSE BILL NO.	1480,
HOUSE BILL NO.	1599,
HOUSE BILL NO.	1702,
SUBSTITUTE SENATE BILL NO.	3532,
SUBSTITUTE SENATE BILL NO.	3590,
SENATE BILL NO.	4456,
SENATE BILL NO.	4619,
SUBSTITUTE SENATE BILL NO.	4635,
SENATE BILL NO.	4713,
SUBSTITUTE SENATE BILL NO.	4720,
SENATE BILL NO.	4770.

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

THIRD READING

SENATE BILL NO. 4721, by Senators Warnke, Newhouse, Vognild and Bauer

Modifying provisions relating to appeals and penalties under the Washington industrial safety and health act.

The bill was read the third time and placed on final passage.

Representatives Wang and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4721, and the bill passed the House by the following vote: Yeas, 85; absent, 10; excused, 3.

Voting yea: Representatives Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King R, Kremen, Leonard, Lewis, Locke, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Thomas, Tilly, Unsoeld, Vaile, van Dyke, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 85.

Absent: Representatives Grimm, King P, Long, Patrick, Schoon, Tanner, Todd, Van Luven, Vander Stoep, Wineberry - 10.

Excused: Representatives Appelwick, Bond, Taylor - 3.

Senate Bill No. 4721, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4797 AS AMENDED BY THE HOUSE, by Committee on Parks & Ecology (originally sponsored by Senators Bender, Bluechel, Kreidler, Kiskaddon, Talmadge and Zimmerman)

Requiring a report on the underground storage tank problem in Washington state.

The bill was read the third time and placed on final passage.

Representatives Rust and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4797 as amended by the House, and the bill passed the House by the following vote: Yeas, 90; absent, 5; excused, 3.

Voting yea: Representatives Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 90.

Absent: Representatives Grimm, Patrick, Schoon, Vander Stoep, Wineberry - 5.

Excused: Representatives Appelwick, Bond, Taylor - 3.

Substitute Senate Bill No. 4797 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

Representatives Appelwick, Grimm, Patrick, Schoon, Taylor, Vander Stoep and Wineberry appeared at the bar of the House.

The House reverted to the sixth order of business.

SECOND READING

REENGROSSED SUBSTITUTE SENATE BILL NO. 3160, by Committee on Education (originally sponsored by Senator Warnke)

Providing for school employee suggestion awards.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For amendments, see Journal, 43rd Day, February 24, 1986.)

On motion of Mr. Ebersole the committee amendments were adopted.

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

Representatives Ebersole and Walker spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute Senate Bill No. 3160 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen,

Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Bond - 1.

Reengrossed Substitute Senate Bill No. 3160 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative van Dyke was excused.

SENATE BILL NO. 3336, by Senators Moore, Warnke, Sellar, McManus and Benitz

Authorizing hotels to sell liquor by the bottle to registered guests.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For amendments, see Journal, 43rd Day, February 24, 1986.)

On motion of Ms. Cole, the committee amendments were adopted.

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

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3336 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 3336 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4443, by Senators Rinehart, Pullen, Garrett, Rasmussen and Lee

Providing for ongoing absentee voter status for blind persons.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4443, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander

Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 4443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4455, by Committee on Human Services & Corrections (originally sponsored by Senators Rasmussen, Conner and Granlund)

Authorizing organ donation advisement procedures in state hospitals.

The bill was read the second time. Committee on Social & Health Services recommendation: Majority, do pass as amended. (For amendments, see Journal, 43rd Day, February 24, 1986.)

On motion of Ms. Brekke, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4455 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Substitute Senate Bill No. 4455 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4512, by Senators Peterson, Conner and Patterson; by request of Department of Licensing

Allowing identicards to expire on the holder's birthdate.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4512, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 4512, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 4609, by Senators Halsan and Peterson

Allowing county rail districts to be established by petition of the voters.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For amendments, see Journal, 43rd Day, February 24, 1986.)

Mr. Wineberry moved adoption of the committee amendments.

POINT OF ORDER

Mr. O'Brien: "Mr. Speaker, I raise a point of order on the basis that the amendment is not germane to the subject of the original bill."

SPEAKER'S RULING

The Speaker: "The Speaker has examined Engrossed Senate Bill 4609 and the proposed amendment by the Committee on Transportation. ESB 4609 is an act relating to county rail districts. This bill deals with the methods for establishing and modifying the boundaries of such districts. The amendment proposed by the committee amends a section of Title 64 RCW, real property and conveyances. It deals with property rights in railroad properties which are no longer used for railroad operations. The Speaker finds that this amendment goes beyond the subject of county rail districts. Your point is well taken, Representative O'Brien, the amendment is out of order."

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4609, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Engrossed Senate Bill No. 4609, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4128, by Committee on Human Services & Corrections (originally sponsored by Senator McCaslin; by Corrections Standards Board request)

Revising the authority of the corrections standards board.

The bill was read the second time.

Mr. Tanner moved adoption of the following amendment by Representatives Tanner, Nealey, Patrick, Braddock, Sommers, B. Williams, Fuhrman, L. Smith, Sutherland, Niemi, J. King, Nutley and Day:

On page 18, after line 21, insert the following:

NEW SECTION, Sec. 19. The legislature finds that increased capacities may be allowed in city and county jails consistent with minimal constitutional guarantees. The corrections standards board is directed to adjust jail capacities consistent with the powers conferred upon it under RCW 70.48.020(12) and section 20 of this act.

NEW SECTION. Sec. 20. In establishing capacity levels for jails, the corrections standards board shall permit, at a minimum, increased jail capacities in those defined areas of the jail that are designed and utilized for: (1) inmates confined for ninety days or less; (2) inmates assigned to work release or community service trustee status, or other programs permitting them to be outside their assigned cell or day room for at least eight hours or more per day; and (3) inmates assigned to double occupancy in a cell previously designed for single occupancy but are permitted outside their assigned cell for twelve or more hours per day in common day room or recreational areas. Nothing in this section is to be construed to permit the board to establish capacity levels that might violate the federal and state constitutional rights of the inmates.

NEW SECTION. Sec. 21. Cities and counties may request additional jail capacity pursuant to this chapter. If all or part of such requests are denied or conditionally approved, the board shall issue written findings setting forth the basis for the denial or conditions of approval and citing the appropriate law or constitutional provision as the basis for the denial.

NEW SECTION. Sec. 22. Sections 19 through 21 of this act are each added to chapter 70.48 RCW."

Mr. D. Nelson moved adoption of the following amendments to the amendment by Representative Tanner and others:

On page 1, line 12 strike "directed" and insert "authorized"

On page 1, line 19 strike "shall" and insert "may"

On page 1, line 19 strike ", at a minimum."

Representatives D. Nelson, Winsley and Sayan spoke in favor of the amendments to the amendment, and Representatives Tanner and Sommers opposed them.

Mr. D. Nelson spoke again in favor of the amendments to the amendment.

The amendments to the amendment were not adopted.

A division was called on the amendment by Representative Tanner and others.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Tanner and others to Engrossed Substitute Senate Bill No. 4128, and the amendment was adopted by the following vote: Yeas, 65; nays, 31; excused, 2.

Voting yea: Representatives Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Betrozoff, Braddock, Bristow, Brooks, Brough, Chandler, Crane, Day, Dobbs, Doty, Ebersole, Fuhrman, Gallagher, Hankins, Hastings, Haugen, Hine, Holland, Isaacson, King J, King P, Kremen, Lewis, Long, Lundquist, Madsen, May, McMullen, Miller, Nealey, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rust, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, West, Williams B, Williams J, Wilson S, Zellinsky - 65.

Voting nay: Representatives Appelwick, Basich, Baugher, Belcher, Brekke, Cole, Dellwo, Fisch, Fisher, Grimm, Hargrove, Jacobsen, King R, Leonard, Locke, Lux, Nelson D, Rayburn, Sayan, Scott, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 31.

Excused: Representatives Bond, van Dyke - 2.

On motion of Mr. Tanner, the following amendment to the title of the bill was adopted:

On page 1, line 4 of the title after "70.48A.040:" insert "adding new sections to chapter 70.48 RCW:"

The bill was passed to Committee on Rules for third reading.

SENATE BILL NO. 4617, by Senators Peterson, Hansen and Patterson; by request of Department of Licensing

Permitting waiver of the drivers' examination for an instruction permit.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4617, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 4617, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4618, by Committee on Transportation (originally sponsored by Senators Guess, Peterson and Hansen; by request of Department of Licensing)

Revising the International Registration Plan.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4618, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Vekich - 1.

Excused: Representatives Bond, van Dyke - 2.

Substitute Senate Bill No. 4618, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4627, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Hayner, Vognild and Garrett)

Changing regulation of the cigarette industry to eliminate predatory cigarette pricing.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For amendments, see Journal, 44th Day, February 25, 1986.)

On motion of Mr. Wang, the committee amendments were adopted.

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

Representatives Wang and Patrick spoke in favor of passage of the bill, and Representatives Tilly, Addison and Padden spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4627 as amended by the House, and the bill passed the House by the following vote: Yeas, 50; nays, 46; excused, 2.

Voting yea: Representatives Allen, Appelwick, Barrett, Baugher, Belcher, Betzoff, Braddock, Brekke, Brooks, Chandler, Cole, Crane, Dellwo, Doty, Ebersole, Fisch, Fisher, Grimm, Hastings, Hine, Holland, Jacobsen, King J, King R, Leonard, Lewis, Locke, Lux, Madsen, Nelson D, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Scott, Sutherland, Tanner, Todd, Unsoeld, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 50.

Voting nay: Representatives Addison, Armstrong, Ballard, Barnes, Basich, Bristow, Brough, Day, Dobbs, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Isaacson, King P, Kremen, Long, Lundquist, May, McMullen, Miller, Nealey, Nelson G, Niemi, Padden, Sanders, Schoon, Silver, Smith C, Smith L, Smitherman, Sommers, Taylor, Thomas, Tilly, Valle, Van Luven, Vander Stoep, Vekich, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 46.

Excused: Representatives Bond, van Dyke - 2.

Engrossed Substitute Senate Bill No. 4627 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I was recorded as voting "Nay," but I intended to vote "Yea."

SALLY WALKER, 28th District.

SUBSTITUTE SENATE BILL NO. 4629, by Committee on Human Services & Corrections (originally sponsored by Senators Talmadge, Sellar, McDermott, Granlund, Zimmerman and Lee)

Reauthorizing the examining board of psychology.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brekke and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4629, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Substitute Senate Bill No. 4629, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4722, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Newhouse and Vognild)

Modifying provisions on contractor infractions.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For amendments, see Journal, 40th Day, February 21, 1986.)

On motion of Mr. Wang, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4722 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Engrossed Substitute Senate Bill No. 4722 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4757, by Committee on Transportation (originally sponsored by Senators Williams and Peterson)

Granting vehicle licensing reciprocity to Indian tribes.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4757, and the bill passed the House by the following vote: Yeas, 90; nays, 6; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 90.

Voting nay: Representatives Barrett, Bristow, Chandler, Haugen, Lundquist, Zellinsky - 6.

Excused: Representatives Bond, van Dyke - 2.

Substitute Senate Bill No. 4757, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4781, by Senators Moore and Goltz

Eliminating certain reporting requirements for primary candidates appearing on the general election ballot and continuing political committees.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Fisher and Barnes spoke in favor of passage of the bill, and Ms. Valle spoke against it.

Mr. Barnes spoke again in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4781, and the bill passed the House by the following vote: Yeas, 91; nays, 4; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove,

Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Ebersole, Nelson G, Tilly, Valle - 4.

Absent: Representative Armstrong - 1.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 4781, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4990, by Committee on Parks & Ecology (originally sponsored by Senator Goltz)

Regulating river running.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For amendment, see Journal, 43rd Day, February 24, 1986.)

Ms. Rust moved adoption of the committee amendment.

On motion of Ms. Rust, the following amendments by Representatives Rust and Allen to the committee amendment were adopted:

On page 4, line 24 after "has" strike "on it" and insert "accessible"

On page 4, line 30 after "has" strike "on it" and insert "accessible"

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

On page 5, line 6 strike "retrain from" and insert "not allow"

Representatives Rust and Tilly spoke in favor of the amendment to the committee amendment, and it was adopted.

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

On page 5, strike all of lines 10, 11, 12, 13, 14 and 15.

Representatives Barrett, Isaacson, Ballard and Schoon spoke in favor of the amendment to the committee amendment, and Representatives Rust, Madsen and Fisher spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Barrett to the committee amendment to Substitute Senate Bill No. 4990, and the amendment to the amendment was adopted by the following vote: Yeas, 51; nays, 45; excused, 2.

Voting yea: Representatives Addison, Appelwick, Ballard, Barnes, Barrett, Baugher, Betrozoff, Bristow, Brooks, Brough, Chandler, Day, Dellwo, Dobbs, Doty, Fuhrman, Hankins, Hargrove, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Tanner, Taylor, Thomas, Tilly, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 51.

Voting nay: Representatives Allen, Armstrong, Basich, Belcher, Braddock, Brekke, Cole, Crane, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Scott, Smitherman, Sommers, Sutherland, Todd, Unsoeld, Valle, Van Luven, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 45.

Excused: Representatives Bond, van Dyke - 2.

The committee amendment as amended was adopted.

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

Ms. Rust spoke in favor of passage of the bill, and Ms. Brough opposed it.

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. Vekich.

Mr. Vekich: "Representative Rust, in Aberdeen, my wife's club sponsors rafting trips and they derive a good income from this. They are a nonprofit corporation, but they are the ones who provide trips and it really helps subsidize a lot of youth programs. Would they be regulated under your bill?"

Ms. Rust: "The bill regulates commercial river operators. It doesn't regulate people who get together to share the costs of river running on their own, who get together and each chip in so much to pay for the expenses. It would be my belief that it would not cover this activity because it is not a commercial activity."

Mr. Addison spoke against passage of the bill.

POINT OF INQUIRY

Mr. G. Nelson asked Ms. Rust to yield to a question, and she refused to yield.

Mr. G. Nelson opposed passage of the bill, and Representatives Allen and Long spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4990 as amended by the House, and the bill passed the House by the following vote: Yeas, 67; nays, 29; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Betzoff, Braddock, Brekke, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hine, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Smitherman, Sommers, Sutherland, Taylor, Tilly, Todd, Unsoeld, Valle, Van Luven, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 67.

Voting nay: Representatives Addison, Baugher, Bristow, Brooks, Brough, Chandler, Dobbs, Fuhrman, Hastings, Haugen, Holland, Lundquist, Nealey, Padden, Patrick, Sanders, Silver, Smith C, Smith L, Tanner, Thomas, Vander Stoep, Vekich, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 29.

Excused: Representatives Bond, van Dyke - 2.

Substitute Senate Bill No. 4990 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

SENATE BILL NO. 3018, by Senators Gaspard, Zimmerman, McDermott and Conner; by Legislative Budget Committee request

Adopting life-cycle costing in construction design of public facilities.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendments, see Journal, 46th Day, February 27, 1986.)

On motion of Mr. Braddock, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3018 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince,

Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.
Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 3018 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 3397, by Senators Stratton, Vognild, Metcalf and Owen
Revising provisions relating to reimbursements for illegally killed wildlife.

The bill was read the second time. Committee on Natural Resources recommendation: Majority, do pass as amended. (For committee amendments, see Journal, 45th Day, February 26, 1986.)

On motion of Mr. Sutherland, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3397 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 3397 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4446, by Senators Thompson, Saling, DeJarnatt, Zimmerman, Garrett, McCaslin, Bailey, McManus and Vognild

Requiring maintenance of fire hydrants.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass with the following amendment:

On page 1, line 6 after "city" insert ", town"

On motion of Ms. Nutley, the committee amendment was adopted.

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

Representatives Nutley and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4446 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman,

Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 4446 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4470, by Senators Thompson, Saling, Rasmussen and Zimmerman

Prohibiting use of public facilities to influence initiatives to the legislature.

The bill was read the second time. Committee on Constitution, Elections & Ethics recommendation: Majority, do pass as amended. (For amendment, see Journal, 43rd Day, February 24, 1986.)

On motion of Ms. Fisher, the committee amendment was adopted.

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

Representatives Fisher and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4470 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 4470 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4521, by Senators Thompson, Zimmerman and Rinehart

Establishing a fellowship program in forensic pathology.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Nutley, Brooks and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4521, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 4521, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 4527, by Senators Moore, Newhouse, Bender and Sellar; by request of Department of Licensing

Establishing a commodities and securities licensing program.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4527, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Waik, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Engrossed Senate Bill No. 4527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4528, by Senators Talmadge, Newhouse, Barr, Conner and Granlund; by request of Public Disclosure Commission

Consolidating public disclosure reporting exemptions for small political subdivisions.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4528, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Waik, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 4528, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4479, by Committee on Ways & Means (originally sponsored by Senators McManus and Moore)

Permitting broadcast and communications facilities to qualify as public corporations for purposes of industrial development revenue bonds.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For amendments, see Journal, 44th Day, February 25, 1986.)

Mr. McMullen moved adoption of the committee amendment.

Mr. J. Williams moved adoption of the following amendment by Representatives J. Williams and Schoon to the committee amendment:

On page 1, lines 17 and 27 and page 2, line 16 strike "public" and insert "~~(public)~~"

Representatives J. Williams and Schoon spoke in favor of the amendment to the amendment, and Representatives McMullen and Addison opposed it.

The amendment to the amendment was not adopted.

The committee amendment was adopted.

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

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

POINT OF INQUIRY

Mr. McMullen yielded to question by Mr. Addison.

Mr. Addison: "Representative McMullen, to establish legislative intent: Facilities that were purchased with industrial revenue bonds, if the public broadcasting entity decided to sell the facility or a portion of the facility financed under industrial revenue bonds, would they have to sell them to a public broadcasting facility?"

Mr. McMullen: "I believe the purpose of this is to enable the bonds to be sold. Once the bonds are sold there is no restriction on what they do thereafter."

Representatives Lux, McMullen, Schoon and Niemi spoke in favor of passage of the bill, and Representatives Addison and G. Nelson opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4479 as amended by the House, and the bill received the constitutional sixty percent majority by the following vote: Yeas, 64; nays, 32; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Basich, Braddock, Brekke, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Hankins, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 64.

Voting nay: Representatives Addison, Barnes, Barrett, Baugher, Belcher, Betrozoff, Bristow, Brooks, Chandler, Dobbs, Fuhrman, Grimm, Hargrove, Hastings, Isaacson, Locke, Lundquist, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Smith C, Smith L, Thomas, Tilly, Van Luven, Vander Stoep, West, Williams J - 32.

Excused: Representatives Bond, van Dyke - 2.

Substitute Senate Bill No. 4479 as amended by the House, having received the constitutional sixty percent majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4569, by Senators Owen, Warnke and Barr

Requiring a study of consolidating food fish and game fish recreational licenses.

The bill was read the second time. Committee on Natural Resources recommendation: Majority, do pass as amended. (For amendments, see Journal, 45th Day, February 26, 1986.)

On motion of Mr. Sutherland, the committee amendments were adopted.

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

Mr. Sutherland spoke in favor of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4569 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 4569 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4593, by Senators Moore, Sellar and Rasmussen; by request of State Treasurer

Establishing provisions relating to the deposit of public funds.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Lux and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4593, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 4593, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE JOINT RESOLUTION NO. 138, by Committee on Governmental Operations (originally sponsored by Senators Granlund, Zimmerman and Thompson)

Revising procedure for filling vacancies in elective office.

The resolution was read the second time. Committee on Constitution, Elections & Ethics recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

Ms. Fisher moved adoption of the committee amendment.

Representatives Fisher and Walker spoke in favor of the amendment, and it was adopted.

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

Representatives Fisher and Miller spoke in favor of the resolution, and Representative Prince opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Resolution No. 138 as amended by the House, and the resolution received the required two-thirds majority by the following vote: Yeas, 77; nays, 19; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Baugher, Belcher, Betzoff, Braddock, Brekke, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Ballard, Basich, Bristow, Brooks, Chandler, Dobbs, Fuhrman, Hargrove, Hastings, Isaacson, Lundquist, Nealey, Patrick, Peery, Prince, Sanders, Sutherland, Vekich, West - 19.

Excused: Representatives Bond, van Dyke - 2.

Substitute House Joint Resolution No. 138, having received the constitutional two-thirds majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 4639, by Committee on Governmental Operations (originally sponsored by Senators Granlund, Zimmerman and Thompson)

Revising procedures for filling vacancies in elective offices.

The bill was read the second time. Committee on Constitution, Elections & Ethics recommendation: Majority, do pass as amended. (For amendments, see Journal, 46th Day, February 27, 1986.)

On motion of Ms. Fisher, the committee amendments were adopted.

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

Representatives Fisher, Walker and Smitherman spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4639 as amended by the House, and the bill passed the House by the following vote: Yeas, 89; nays, 7; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Chandler, Hargrove, Hastings, Peery, Prince, Sutherland, Vekich - 7.

Excused: Representatives Bond, van Dyke - 2.

Substitute Senate Bill No. 4639 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4644, by Senators Vognild, Newhouse, Wojahn and Rasmussen; by request of Employment Security Department

Including tips as wages for unemployment compensation purposes.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4644, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 4644, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4647, by Senators Warnke, Newhouse and Vognild; by request of Employment Security Department

Modifying employer experience rating definitions.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For amendments, see Journal, 44th Day, February 25, 1986.)

On motion of Mr. Wang, the committee amendments were adopted.

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

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4647 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 4647 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4665, by Committee on Financial Institutions (originally sponsored by Senators Moore, Sellar and Bottiger)

Allowing treasurers to deposit public funds in institutions outside the state of Washington.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For amendments, see Journal, 43rd Day, February 24, 1986.)

On motion of Mr. Lux, the committee amendments were adopted.

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

Representatives Lux and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4665 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeid, Valle, Van Luven, Vander Stoep, Vekich, Waik, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Substitute Senate Bill No. 4665 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4684, by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Owen, Kreidler, Deccio, Kiskaddon, McDonald, Metcalf, Saling, Bauer and Johnson; by request of Department of Corrections)

Providing for restitution by inmates.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4684, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeid, Valle, Van Luven, Vander Stoep, Vekich, Waik, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Substitute Senate Bill No. 4684, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4696, by Committee on Transportation (originally sponsored by Senators Granlund, Peterson, Conner, Kreidler and Vognild)

Requiring appropriations for expenditures from ferry revenue.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Schmidt and Wineberry spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4696, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yeas: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Substitute Senate Bill No. 4696, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4741, by Committee on Natural Resources (originally sponsored by Senators Goltz, Metcalf and Rasmussen)

Granting commercial fishing licenses to owners of vessels seized by a foreign government.

The bill was read the second time. Committee on Natural Resources recommendation: Majority, do pass as amended. (For amendments, see Journal, 40th Day, February 21, 1986.)

Mr. Sutherland moved adoption of the committee amendment.

Ms. K. Wilson moved adoption of the following amendment by Representatives K. Wilson and Lundquist to the committee amendment:

On page 1, line 17 of the amendment, after "1986," insert the following:

***NEW SECTION, Sec. 2.** A new section is added to chapter 75.30 RCW to read as follows:

Any commercial salmon fishing license issued under RCW 75.28.110 or salmon delivery permit issued under RCW 75.28.113 shall revert to the department when any government confiscates and sells the vessel to which the license or permit was issued. Upon application of the person named on the license or permit and the approval of the director, the department shall transfer the license or permit to the original owner. Application for transfer of the license or permit must be made within the calendar year in which the vessel was licensed.*

Representatives K. Wilson and Lundquist spoke in favor of the amendment to the amendment, and it was adopted.

On motion of Mr. Basich, the following amendment by Representatives Basich, Haugen, K. Wilson, Sutherland and Lundquist to the committee amendment was adopted:

On page 1, line 17 of the amendment, after "1986," insert the following:

***NEW SECTION, Sec. 2.** A new section is added to chapter 75.08 RCW to read as follows:

(1) Management of fisheries requires coordinated efforts between all of the coastal and inland states sharing common management problems. Numerous management issues necessitate a regional perspective. Many fishery management issues confront legislators who strive to maximize yields while protecting the resource for the future. The Pacific fisheries legislative task force affords legislators an opportunity to meet for the purpose of exchanging information

and obtaining knowledge on matters crucial to promoting the best possible fishery management.

(2) The president of the senate and the speaker of the house of representatives shall appoint two senators and two representatives, respectively, to represent Washington on the Pacific fisheries legislative task force, which shall operate as a clearinghouse for opinions from all the various interests involved in Pacific fishing, and which shall include among its duties the duty to report to the legislatures of the participating jurisdictions and to the state delegations in the United States Congress concerning means of protecting and fostering Pacific fishing in the participating jurisdictions. Representatives of the state of Washington shall attend no more than four meetings annually."

The committee amendment as amended was adopted.

Mr. Sutherland moved adoption of the committee amendment to the title of the bill.

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

On page 1, beginning on line 23 strike "a new section" and insert "new sections"

On motion of Mr. Basich, the following amendment to the committee title amendment was adopted:

On page 1, line 24 of the title amendment after "75.30 RCW;" insert "adding a new section to chapter 75.08 RCW;"

The committee amendment to the title as amended was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4741 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Substitute Senate Bill No. 4741 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4747, by Senators Garrett and Stratton

Updating the Model Traffic Ordinance.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4747, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders,

Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Betrozoff, Walker - 2.

Excused: Representatives Bond, van Dyke - 2.

Senate Bill No. 4747, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4758, by Committee on Transportation (originally sponsored by Senator Conner)

Revising taxation of special fuel from a keylock pump.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4758, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Bond, van Dyke - 2.

Substitute Senate Bill No. 4758, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 4927, by Senators Moore and Newhouse

Requiring monitoring of health services furnished to industrially injured workers.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For amendments, see Journal, 44th Day, February 25, 1986.)

On motion of Ms. Cole, the committee amendments were adopted.

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

Representatives Cole and Chandler spoke in favor of passage of the bill.

POINT OF INQUIRY

Ms. Cole yielded to question by Mr. Lux.

Mr. Lux: "Representative Cole, does this require that injured workers use a particular medical plan or specific medical provider?"

Ms. Cole: "No, Representative Lux, this bill simply sets up the guidelines for the department to use for monitoring the health services. It does not deal with the question you have asked."

Mr. Lux: "There's no restriction on the use of providers in this bill?"

Ms. Cole: "No."

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4927 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Lux - 1.

Excused: Representatives Bond, van Dyke - 2.

Substitute Senate Bill No. 4927 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

February 28, 1986

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1451,

and the same is herewith transmitted.

William M. Gleason, Assistant Secretary.

March 1, 1986

Mr. Speaker:

The Senate has failed to pass:

HOUSE BILL NO. 1516.

Sidney R. Snyder, Secretary.

The Speaker resumed the Chair.

The House advanced to the eighth order of business.

MOTION

On motion of Mr. Appelwick, SENATE BILL NO. 4914 was referred from Committee on Rules to Committee on Ways & Means.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 1451.

MOTION

On motion of Mr. Appelwick, the House adjourned until 1:15 p.m., Monday, March 3, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FIFTIETH DAY

AFTERNOON SESSION

House Chamber, Olympia, Wash., Monday, March 3, 1986

The House was called to order at 1:15 p.m. by the Speaker. The Clerk called the roll and all members were present except Representative Hankins, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jennifer Spears and Jeff Holland. Prayer was offered by Reverend Richard Terry of the Bible Chapel of Auburn.

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

REPORTS OF STANDING COMMITTEES

March 1, 1986

2SSB 3110 Prime Sponsor, Committee on Ways & Means: Modifying the business and occupation taxation of the income from amusement devices. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, J. King, Locke, Long, Madsen, Niemi, Rust, Sayan, Silver, Smitherman, Sommers and B. Williams.

Voting nay: Representative Braddock, Vice Chair.

Absent: Representatives Hastings, Holland, G. Nelson, Sanders, L. Smith, Taylor, Tilly and Vander Stoep.

Passed to Committee on Rules for second reading.

March 1, 1986

ReESSB 3182 Prime Sponsor, Committee on Ways & Means: Allowing reentering public employees to restore withdrawn contributions to retirement system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Appelwick, Basich, Hine, Holland, J. King, Long, Madsen, G. Nelson, Niemi, Sayan, L. Smith, Smitherman, Taylor and Vander Stoep.

MINORITY recommendation: Do not pass. Signed by Representatives Braddock, Vice Chair; Brekke, Bristow, Locke, Rust, Sanders, Sommers and B. Williams.

Absent: Representatives Hastings, Silver and Tilly.

Passed to Committee on Rules for second reading.

March 1, 1986

ESB 3278 Prime Sponsor, Senator Gaspard: Waiving higher education fees for students of foreign nations. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with Committee on Higher Education amendments. (For amendments, see Journal, 45th Day, February 26, 1986.) Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, J. King, Long, Madsen, Niemi, Rust, Sayan, Silver, Smitherman, Sommers and B. Williams.

Voting nay: Representative Locke.

Absent: Representatives Hastings, Holland, G. Nelson, Sanders, L. Smith, Taylor, Tilly and Vander Stoep.

Passed to Committee on Rules for second reading.

March 1, 1986

SSB 3905 Prime Sponsor, Committee on Human Services & Corrections: Certifying radiologic technologists. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with Committee on Social & Health Services amendment. (For amendment, see Journal, 47th Day, February 28, 1986.) Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

Absent: Representatives Hastings, Silver, L. Smith and Tilly.

Passed to Committee on Rules for second reading.

March 1, 1986

ESSB 4418 Prime Sponsor, Committee on Agriculture: Directing the department of agriculture to study agricultural water supply availability. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment and without the amendments by Committee on Agriculture:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) The legislature finds that:

(a) The wise management and utilization of the state's water resources is in the best interests of the citizens of the state of Washington;

(b) Long-term planning of water uses and water supply projects is necessary to assure our state's water resources will be managed and utilized with the vision to maximize long-term benefits to assure that long-term opportunities are not permanently lost based on short-term conditions;

(c) It is the policy of the state to join with federal agencies and others in developing economically feasible, environmentally sound, and water conservation oriented facilities; and

(d) The state is participating in studies now being conducted by the federal government through the bureau of reclamation in the Yakima river and Columbia river basins for the purpose of determining plans for the proper development and utilization of the state's water resources under sound financing arrangements.

(2) It is the intent of the legislature that additional information be developed on future agricultural needs for water so that these needs will be recognized as planning for the use of water resources proceeds.

NEW SECTION, Sec. 2. (1) The director of the department of agriculture shall organize a committee including but not limited to irrigation farmers, irrigation district representatives, agricultural economists, electric utility representatives, fisheries group representatives, and electric ratepayer representatives to conduct a study on water supply availability to meet future agricultural needs. The study shall include the following:

(a) An examination of the potential for expansion of irrigated land in the state;

(b) An evaluation of the alternatives that are available to renew water rights reserved to maintain future options to expand the production of food;

(c) A review of areas in the state in which available water and irrigable land both exist that have a reasonable potential for food production to meet growing demand for food in coming decades;

(d) An analysis of the impact of additional irrigation on the competitive position and profitability of existing agriculture;

(e) A review of the impact of additional irrigation on electricity costs in the Pacific northwest and alternatives for mitigating electrical cost impact; and

(f) Development of options that facilitate water supply availability for irrigation, through conservation and other methods, without reduction of instream flows or construction of additional storage.

(2) The report shall be submitted to the governor and the legislature by January 1, 1987.

NEW SECTION, Sec. 3. The director of the department of ecology shall:

(1) Continue to participate with the federal government in its studies of the Yakima enhancement project and options for future development of the second half of the Columbia basin project;

(2) Vigorously represent the state's interest in said studies, particularly as relates to protection of existing water rights and to resolve conflicts over water in basins that are currently undergoing a court adjudication of water rights and propose means of resolving the conflict within the framework of state water rights law;

(3) Work with members of the congressional delegation to resolve the elements of the Yakima enhancement project which have general public support and meet study objectives and develop acceptable cost-sharing arrangements, including state credit for expenditures of moneys from Washington state utility ratepayers.

NEW SECTION, Sec. 4. (1) The department of ecology is authorized to transfer funds currently available from Referendum 38, up to seventy-five thousand dollars, to the department of agriculture to conduct studies required under section 2 of this act.

(2) The department of ecology is authorized to expend up to two hundred ten thousand dollars of currently available Referendum 38 funds, together with necessary full-time equivalent staff years, for direct, indirect, and contractual purposes to accomplish the activities required under section 3 of this act."

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, J. King, Locke, Long, Madsen, Niemi, Rust, Sayan, Silver Smitherman and Sommers.

Voting nay: Representative B. Williams.

Absent: Representatives Hastings, Holland, G. Nelson, Sanders, L. Smith, Taylor, Tilly and Vander Stoep.

Passed to Committee on Rules for second reading.

March 1, 1986

SSB 4425 Prime Sponsor, Committee on Agriculture: Exempting livestock sold for personal consumption from sales and use tax. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

Absent: Representatives Hastings and Tilly.

Passed to Committee on Rules for second reading.

March 1, 1986

ESSB 4503 Prime Sponsor, Committee on Commerce & Labor: Revising provisions on the taxation of mobile homes, travel trailers, and campers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment:
Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 266, Laws of 1979 ex. sess. as amended by section 1, chapter 192, Laws of 1984 and RCW 82.45.032 are each amended to read as follows:
Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Real estate' or 'real property' means real property but includes used mobile homes and used floating homes.

(2) 'Used mobile home' means a mobile home which has been previously sold at retail and ~~((the immediately preceding sale))~~ has ~~((already))~~ been subjected to tax under chapter 82.08 RCW, or which has been previously used and ~~((the immediately preceding use))~~ has ~~((already))~~ been subjected to tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities.

(3) 'Mobile home' means a mobile home as defined by RCW 46.04.302, as now or hereafter amended.

(4) 'Used floating home' means a floating home in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.

(5) 'Floating home' means a building on a float used in whole or in part for human habitation as a single-family dwelling, which is not designed for self propulsion by mechanical means or for propulsion by means of wind, and which is on the property tax rolls of the county in which it is located.

Sec. 2. Section 3, chapter 266, Laws of 1979 ex. sess. and RCW 82.08.033 are each amended to read as follows:

The tax imposed by RCW 82.08.020 shall not apply to:

(1) Sales of used mobile homes as defined in RCW 82.45.032 ~~((or sales of used mobile homes if the sale thereof to the present user has already been subjected to tax under (chapter) 82.45-RCW)).~~

(2) The renting or leasing of mobile homes (~~(where such)~~) if the rental agreement or lease exceeds thirty days in duration and (~~(where)~~) if the rental or lease of such mobile home is not conducted jointly with the provision of short-term lodging for transients.

Sec. 3. Section 4, chapter 266, Laws of 1979 ex. sess. and RCW 82.12.033 are each amended to read as follows:

The tax imposed by RCW 82.12.020 shall not apply in respect to:

(1) The use of used mobile homes as defined in RCW 82.45.032 (~~(if the sale thereof to the present user has already been subjected to tax under chapter 82.45 RCW)~~);

(2) The use of a mobile home acquired by renting or leasing if the rental agreement or lease exceeds thirty days in duration and if the rental or lease of the mobile home is not conducted jointly with the provision of short-term lodging for transients.

Sec. 4. Section 2, chapter 22, Laws of 1977 ex. sess. as last amended by section 1, chapter 22, Laws of 1985 and by section 1, chapter 395, Laws of 1985 and RCW 46.44.170 are each reenacted and amended to read as follows:

(1) Any person moving a mobile home as defined in RCW 46.04.302 upon public highways of the state must obtain a special permit from the department of transportation and local authorities pursuant to RCW 46.44.090 and 46.44.093 and shall pay the proper fee as prescribed by RCW 46.44.0941 and 46.44.096.

(2) A special permit issued as provided in subsection (1) of this section for the movement of any mobile home shall not be valid until the county treasurer of the county in which the mobile home is located shall endorse or attach thereto his certificate that all property taxes (~~(due in that calendar year and all delinquent taxes)~~) which are a lien or which are delinquent, or both, upon the mobile home being moved have been satisfied. Further, any mobile home required to have a special movement permit under this section shall display an easily recognizable decal: PROVIDED, That endorsement or certification by the county treasurer and the display of said decal is not required when a mobile home is to enter the state or is being moved from a manufacturer or distributor to a retail sales outlet or directly to the purchaser's designated location or between retail and sales outlets. It shall be the responsibility of the owner of the mobile home or the agent to obtain such endorsement from the county treasurer and said decal.

(3) Nothing herein should be construed as prohibiting the issuance of vehicle license plates for a mobile home, but no such plates shall be issued unless the mobile home for which such plates are sought has been listed for property tax purposes in the county in which it is principally located and the appropriate fee for such license has been paid.

(4) The department of transportation and local authorities are authorized to adopt reasonable rules for implementing the provisions of this section. The department of transportation shall adopt rules specifying the design, reflective characteristics, annual coloration, and for the uniform implementation of the decal required by this section."

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Locke, Long, Madsen, Niemi, Rust, Sayan, Silver, Smitherman, Sommers and B. Williams.

Absent: Representatives Hastings, Holland, G. Nelson, Sanders, L. Smith, Taylor, Tilly and Vander Stoep.

Passed to Committee on Rules for second reading.

March 1, 1986

SSB 4590

Prime Sponsor, Committee on Governmental Operations: Revising provisions relating to local government investments. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments and without Committee on Local Government amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. The purpose of this chapter is to enable political subdivisions to participate with the state in providing maximum opportunities for the investment of surplus public funds consistent with the safety and protection of such funds. The legislature finds and declares that the public interest is found in providing maximum prudent investment of surplus funds, thereby reducing the need for additional taxation. The legislature also recognizes that not all political subdivisions are able to maximize the return on their temporary surplus funds. The legislature therefore provides in this chapter a mechanism whereby political subdivisions may, at their option, utilize the resources of the state treasurer's office to maximize the potential of surplus funds while ensuring the safety of public funds.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) 'Public funds investment account' or 'investment pool' means the aggregate of all funds from political subdivisions that are placed in the custody of the state treasurer for investment and reinvestment.

(2) 'Political subdivision' means any county, city, town, municipal corporation, political subdivision, or special purpose taxing district in the state.

(3) 'Local government official' means any officer or employee of a political subdivision who has been designated by statute or by local charter, ordinance, or resolution as the officer having the authority to invest the funds of the political subdivision. However, the county treasurer shall be deemed the only local government official for all political subdivisions for which the county treasurer has exclusive statutory authority to invest the funds thereof.

(4) 'Funds' means public funds under the control of or in the custody of any local government official by virtue of the official's authority that are not immediately required to meet current demands.

NEW SECTION. Sec. 3. There is created a trust fund in the state treasury to be known as the public funds investment account. All moneys remitted by local government officials under this chapter shall be deposited in this account. The earnings on any balances in the public funds investment account shall be credited to the public funds investment account, notwithstanding RCW 43.84.090.

NEW SECTION. Sec. 4. If authorized by local ordinance or resolution, a local government official may place funds into the public funds investment account for investment and reinvestment by the state treasurer in those securities and investments set forth in RCW 43.84.080 and chapter 39.58 RCW. The state treasurer shall invest the funds in such manner as to effectively maximize the yield to the investment pool. In investing and reinvesting moneys in the public funds investment account and in acquiring, retaining, managing, and disposing of investments of the investment pool, there shall be exercised the judgment and care under the circumstances then prevailing which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but in regard to the permanent disposition of the funds considering the probable income as well as the probable safety of the capital.

NEW SECTION. Sec. 5. The state treasurer's office is authorized to employ such personnel as are necessary to administer the public funds investment account. The bond of the state treasurer as required by law shall be made to include the faithful performance of all functions relating to the investment pool.

NEW SECTION. Sec. 6. The state treasurer shall by rule prescribe the time periods for investments in the investment pool and the procedure for withdrawal of funds from the investment pool. The state treasurer shall promulgate such other rules as are deemed necessary for the efficient operation of the investment pool. The rules shall also provide for the administrative expenses of the investment pool, including repayment of the initial administrative costs financed out of the appropriation included in this act, to be paid from the pool's earnings and for the interest earnings in excess of the expenses to be credited or paid to the political subdivisions participating in the pool. The state treasurer may deduct the amounts necessary to reimburse the treasurer's office for the actual expenses the office incurs and to repay any funds appropriated and expended for the initial administrative costs of the pool. Any credits or payments to political subdivisions shall be calculated and made in a manner which equitably reflects the differing amounts of the political subdivisions' respective deposits in the investment pool fund and the differing periods of time for which the amounts were placed in the investment pool: PROVIDED, That the appropriated start-up costs of the pool must be repaid by June 30, 1989.

NEW SECTION. Sec. 7. The state treasurer shall keep a separate account for each political subdivision having funds in the investment pool. Each separate account shall record the individual amounts deposited in the investment pool, the date of withdrawals, and the earnings credited or paid to the political subdivision. The state treasurer shall report monthly the status of the respective account to each local government official having funds in the pool during the previous month.

NEW SECTION. Sec. 8. At the end of each fiscal year, the state treasurer shall submit to the governor, the state auditor, and the legislative budget committee a summary of the activity of the investment pool. The summary shall indicate the quantity of funds deposited; the earnings of the pool; the investments purchased, sold, or exchanged; the administrative expenses of the investment pool; and such other information as the state treasurer deems relevant.

NEW SECTION. Sec. 9. The state finance committee shall administer this chapter and adopt appropriate rules.

NEW SECTION. Sec. 10. Local governments may not invest in repurchase agreements, nor have their money invested in repurchase agreements, unless the local government or its agent takes possession of the securities to be repurchased, or a third party holds the securities in trust for the local government.

NEW SECTION. Sec. 11. A new section is added to chapter 36.29 RCW to read as follows:

Upon the request of one or several units of local government that invest their money with the county under the provisions of RCW 36.29.020, the treasurer of that county may combine those units' moneys for the purposes of investment.

Sec. 12. Section 15, chapter 103, Laws of 1959 as last amended by section 21, chapter 66, Laws of 1983 and RCW 56.16.160 are each amended to read as follows:

Whenever there shall have accumulated in any general or special fund of a sewer district moneys, the disbursement of which is not yet due, the board of commissioners may, by resolution, authorize the county treasurer to deposit or invest such moneys in qualified public depositories, or to invest such moneys in ~~((direct obligations of the United States government))~~ any investment permitted at any time by RCW 36.29.020; PROVIDED, That the county treasurer may refuse to invest any district moneys the disbursement of which will be required during the period of investment to meet outstanding obligations of the district.

Sec. 13. Section 16, chapter 108, Laws of 1959 as last amended by section 22, chapter 66, Laws of 1983 and RCW 57.20.160 are each amended to read as follows:

Whenever there shall have accumulated in any general or special fund of a water district moneys, the disbursement of which is not yet due, the board of water commissioners may, by resolution, authorize the county treasurer to deposit or invest such moneys in qualified public depositories, or to invest such moneys in ~~((direct obligations of the United States government))~~ any investment permitted at any time by RCW 36.29.020; PROVIDED, That the county treasurer may refuse to invest any district moneys the disbursement of which will be required during the period of investment to meet outstanding obligations of the district.

NEW SECTION. Sec. 14. There is hereby appropriated for the biennium ending June 30, 1987, to the state treasurer from the state treasurer's service fund the sum of one hundred thousand dollars, or so much thereof as may be necessary, to defray the initial administrative costs of the public funds investment account. On or before June 30, 1991, the state treasurer's service fund shall be reimbursed for the amount of such money expended by the state treasurer to defray these initial administrative costs by transferring such money from the public funds investment account to the state treasurer's service fund.

NEW SECTION. Sec. 15. Sections 1 through 10 of this act shall constitute a new chapter in Title 43 RCW."

On page 1, line 1 of the title, after "government," insert "amending RCW 56.16.160 and 57.20.160:"

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, L. Smith, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

Absent: Representatives Hastings, Silver and Tilly.

Passed to Committee on Rules for second reading.

March 1, 1986

SSB 4596 Prime Sponsor, Committee on Human Services & Corrections: Revising provisions relating to community mental health services for children. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with amendments by Committee on Social & Health Services. (For amendments, see Journal, 47th Day, February 28, 1986.) Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Brekke, Bristow, Hine, J. King, Locke, Long, Madsen, Niemi, Rust, Sayan, Smitherman and Sommers.

Voting nay: Representatives Basich, Silver and B. Williams.

Absent: Representatives Hastings, Holland, G. Nelson, Sanders, L. Smith, Taylor, Tilly and Vander Stoep.

Passed to Committee on Rules for second reading.

March 1, 1986

SSB 4661 Prime Sponsor, Committee on Governmental Operations: Extending the authority of the Washington state housing finance commission. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment by Committee on State Government:

On page 2, line 12 after "exceed" strike "~~(one)~~ two" and insert "one and one-half"

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, J. King, Locke, Long, Madsen, Niemi, Rust, Sayan, Silver, Smitherman, Sommers and B. Williams.

Absent: Representatives Hastings, Holland, G. Nelson, Sanders, L. Smith, Taylor, Tilly, Vander Sloep and B. Williams.

Passed to Committee on Rules for second reading.

March 1, 1986

ESSB 4674 Prime Sponsor, Committee on Governmental Operations: Providing adjustments to salaries of elective state officials. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 43.03.010, chapter 8, Laws of 1965 as last amended by section 3, chapter 29, Laws of 1983 1st ex. sess. and RCW 43.03.010 are each amended to read as follows:

(1) (~~Effective July 1, 1979, the annual salaries of the following named state elected officials shall be: Governor, fifty-eight thousand nine hundred dollars; lieutenant governor, twenty-six thousand eight hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, twenty-eight thousand nine hundred dollars; state treasurer, thirty-four thousand eight hundred dollars; state auditor, thirty-four thousand eight hundred dollars; attorney general, forty-four thousand dollars; superintendent of public instruction, forty thousand dollars; commissioner of public lands, forty thousand dollars; state insurance commissioner, thirty-four thousand eight hundred dollars. Members of the legislature shall receive for their service nine thousand eight hundred dollars per annum, effective January 8, 1979; and in addition, ten cents per mile for travel to and from legislative sessions.~~)

(2) ~~Effective (July 1, 1980) January 1, 1987, the annual salaries of the following named state elected officials shall be: Governor, ((sixty-three)) seventy-four thousand nine hundred dollars; lieutenant governor, ((twenty-eight)) forty-one thousand ((six)) two hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, ((thirty-one)) forty-two thousand four hundred dollars; state treasurer, ((thirty-seven)) forty-six thousand ((two)) four hundred fifty dollars; state auditor, ((thirty-seven)) forty-six thousand ((two)) four hundred fifty dollars; attorney general, ((forty-seven)) fifty-five thousand ((one)) four hundred fifty dollars; superintendent of public instruction, ((forty-two)) fifty-three thousand ((eight)) three hundred dollars; commissioner of public lands, ((forty-two)) fifty-three thousand ((eight)) three hundred dollars; state insurance commissioner, ((thirty-seven)) forty-six thousand ((two)) four hundred fifty dollars.~~

(2) ~~Effective January 1, 1988, the annual salaries of the following named state elected officials shall be: Governor, eighty-six thousand eight hundred dollars; lieutenant governor, fifty-three thousand eight hundred dollars plus a sum equal to 1/260th of the difference between the annual salary of the lieutenant governor and the annual salary of the governor for each day that the lieutenant governor is called upon to perform the duties of the governor by reason of the absence from the state, removal, resignation, death, or disability of the governor; secretary of state, fifty-three thousand eight hundred dollars; state treasurer, fifty-five thousand seven hundred dollars; state auditor, fifty-five thousand seven hundred dollars; attorney general, sixty-three thousand eight hundred dollars; superintendent of public instruction, sixty-three thousand eight hundred dollars; commissioner of public lands, sixty-three thousand eight hundred dollars; state insurance commissioner, fifty-five thousand seven hundred dollars.~~

(3) ~~Members of the legislature shall receive for their service ((eleven thousand two hundred dollars per annum, effective January 12, 1981, twelve thousand dollars per annum effective January 1, 1982, twelve thousand eight hundred fifty dollars effective January 10, 1983; and)) thirteen thousand seven hundred fifty dollars effective January 1, 1984; fourteen thousand five hundred dollars per annum, effective January 12, 1987; fifteen thousand dollars per annum, effective January 1, 1988; sixteen thousand dollars per annum, effective January 9, 1989; and seventeen thousand dollars per annum, effective January 1, 1990; and in addition, reimbursement for mileage for travel to and from legislative sessions as provided in RCW 43.03.060.~~

NEW SECTION. Sec. 2. The state committee on salaries shall reexamine the duties and compensation of all state-wide elected officials, develop new recommendations for salaries based upon the reexamination, and establish an objective and automatic method to revise

future salaries for the elected officials. A report on the committee's findings shall be submitted to the legislature no later than December 31, 1986.

NEW SECTION, Sec. 3. Section 1 of this act shall take effect on January 1, 1987."

On page 1, line 2 of the title, after "RCW 43.03.010;" insert "creating a new section:"

Signed by Representatives Grimm, Chair; Appelwick, Basich, Hine, J. King, Locke, Madsen, Niemi, Rust, Sayan, Smitherman, Sommers, Tilly and Vander Stoep.

Voting nay: Representatives Bristow, Holland, G. Nelson, Sanders, Silver, L. Smith, Taylor and B. Williams.

Absent: Representatives Braddock, Vice Chair; Hastings, J. King and Long.

Passed to Committee on Rules for second reading.

March 1, 1986

SB 4693 Prime Sponsor, Senator Thompson: Transferring filing of claims against the state from OFM to the risk management office. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 95, Laws of 1895 as last amended by section 1, chapter 44, Laws of 1973 and RCW 4.92.010 are each amended to read as follows:

Any person or corporation having any claim against the state of Washington shall have a right of action against the state in the superior court. ~~((The plaintiff in such action shall, at the time of filing his complaint, file a surety bond executed by the plaintiff and a surety company authorized to do business in the state of Washington to the effect that such plaintiff will indemnify the state against all costs that may accrue in such action, and will pay to the clerk of said court all costs in case the plaintiff shall fail to prosecute his action or to obtain a judgment against the state: PROVIDED, That in actions for the enforcement or foreclosure of any lien upon, or to determine or quiet title to, any real property in which the state of Washington is a necessary or proper party defendant no surety bond as above provided for shall be required.))~~

The venue for such actions shall be as follows:

(1) The county of the residence or principal place of business of one or more of the plaintiffs;

(2) The county where the cause of action arose;

(3) The county in which the real property that is the subject of the action is situated;

(4) The county where the action may be properly commenced by reason of the joinder of an additional defendant; or

(5) Thurston county.

Actions shall be subject to change of venue in accordance with statute, rules of court, and the common law as the same now exist or may hereafter be amended, adopted, or altered.

Actions shall be tried in the county in which they have been commenced in the absence of a reasonable motion by or in behalf of the state to change the venue of the action.

Sec. 2. Section 2, chapter 95, Laws of 1895 as amended by section 2, chapter 216, Laws of 1927 and RCW 4.92.020 are each amended to read as follows:

Service of summons and complaint in such actions shall be served in the manner prescribed by law upon the attorney general, or by leaving the ~~((same))~~ summons and complaint in ~~((his))~~ the office of the attorney general with an assistant attorney general.

Sec. 3. Section 3, chapter 95, Laws of 1895 as amended by section 24, chapter 81, Laws of 1971 and RCW 4.92.030 are each amended to read as follows:

The attorney general or ~~((his))~~ an assistant attorney general shall appear and act as counsel for the state. The action shall proceed in all respects as other actions. Appeals may be taken to the supreme court or court of appeals of the state as in other actions or proceedings, but in case an appeal shall be taken on behalf of the state, no bond shall be required of the appellant.

Sec. 4. Section 4, chapter 95, Laws of 1895, as last amended by section 28, chapter 161, Laws of 1983 and RCW 4.92.040 are each amended to read as follows:

(1) No execution shall issue against the state on any judgment.

(2) Whenever a final judgment against the state ~~((shall have been))~~ is obtained in an action on a claim arising out of tortious conduct, the ~~((clerk shall make and furnish to the director of financial management a duly certified copy of said judgment and the same))~~ claim shall be paid ((out of) from the tort claims revolving fund.

(3) Whenever a final judgment against the state shall have been obtained in any other action, the clerk of the court shall make and furnish to the ~~((director of financial))~~ risk management office a duly certified copy of such judgment; the ~~((director of financial))~~ risk management office shall thereupon audit the amount of damages and costs therein awarded, and the same shall be paid from appropriations specifically provided for such purposes by law.

(4) (~~On and after September 21, 1977:~~) Final judgments for which there are no provisions in state law for payment shall be transmitted by the risk management office to the senate and house of representatives committees on ways and means as follows:

(a) On the first day of each session of the legislature, the risk management office shall transmit judgments received and audited since the adjournment of the previous session of the legislature.

(b) During each session of legislature, the risk management office shall transmit judgments immediately upon completion of audit.

(5) All claims, other than judgments, made to the legislature against the state of Washington for money or property, shall be accompanied by a statement of the facts on which such claim is based and such evidence as the claimant intends to offer in support of the claim and shall be filed with the (~~director of financial~~) risk management (~~who~~) office, which shall retain the same as a record. All claims of (~~five hundred~~) two thousand dollars or less shall be approved or rejected by the (~~director of financial~~) risk management office, and if approved shall be paid from appropriations specifically provided for such purpose by law. Such decision, if adverse to the claimant in whole or part, shall not preclude the claimant from seeking relief from the legislature (~~(-PROVIDED, That)~~). If the claimant accepts any part of his or her claim which is approved for payment by the (~~director~~) risk management office, such acceptance shall constitute a waiver and release of the state from any further claims relating to the damage or injury asserted in the claim so accepted. The (~~director~~) risk management office shall submit to the house and senate committees on ways and means (~~and to the house committee on appropriations~~), at the beginning of each regular session, a comprehensive list of all claims paid pursuant to this subsection during the preceding (~~two~~) year(s). For all claims (~~over five hundred dollars~~) not approved by the risk management office, the (~~director of financial~~) risk management office shall recommend to the legislature whether such claims should be approved or rejected. Recommendations shall be submitted to the senate and house of representatives committees on ways and means not later than the thirtieth day of each regular session of the legislature. Claims which cannot be processed for timely submission of recommendations shall be held for submission during the following regular session of the legislature. The recommendations shall include, but not be limited to:

(a) A summary of the facts alleged in the claim, and a statement as to whether these facts can be verified by the risk management office;

(b) An estimate by the risk management office of the value of the loss or damage which was alleged to have occurred;

(c) An analysis of the legal liability, if any, of the state for the alleged loss or damage; and

(d) A summary of equitable or public policy arguments which might be helpful in resolving the claim.

(5) The legislative committees to whom such claims are referred shall make a transcript, recording, or statement of the substance of the evidence given in support of such a claim. If the legislature approves a claim the same shall be paid from appropriations specifically provided for such purpose by law.

(~~(5)~~) (~~6~~) Subsections (3) (~~and (4)~~) through (5) of this section do not apply to judgments or claims against the state housing finance commission created under chapter 43.180 RCW.

Sec. 5. Section 1, chapter 79, Laws of 1921 as last amended by section 1, chapter 217, Laws of 1985 and RCW 4.92.060 are each amended to read as follows:

Whenever an action or proceeding for damages shall be instituted against any state officer, including state elected officials, employee, or volunteer, arising from (~~his~~) acts or omissions while performing, or in good faith purporting to perform, (~~his~~) official duties, such officer, employee, or volunteer may request the attorney general to authorize the defense of said action or proceeding at the expense of the state.

Sec. 6. Section 2, chapter 79, Laws of 1921 as last amended by section 2, chapter 217, Laws of 1985 and RCW 4.92.070 are each amended to read as follows:

If the attorney general shall find that said officer, employee, or volunteer's acts or omissions were, or purported to be in good faith, within the scope of (~~his~~) that person's official duties, said request shall be granted, in which event the necessary expenses of the defense of said action or proceeding shall be paid from the appropriations made for the support of the department to which such officer, employee, or volunteer is attached. In such cases the attorney general shall appear and defend such officer, employee, or volunteer, who shall assist and cooperate in the defense of such suit.

Sec. 7. Section 3, chapter 159, Laws of 1963 as last amended by section 3, chapter 151, Laws of 1979 and RCW 4.92.100 are each amended to read as follows:

All claims against the state for damages arising out of tortious conduct shall be presented to and filed with the (~~director of financial~~) risk management office. All such claims shall be verified and shall accurately describe the conduct and circumstances which brought about the injury or damage, describe the injury or damage, state the time and place the injury or damage occurred, state the names of all persons involved, if known, and shall contain the amount of damages claimed, together with a statement of the actual residence of the claimant at the time of presenting and filing the claim and for a period of six months immediately prior

to the time the claim arose. If the claimant is incapacitated from verifying, presenting, and filing ~~((his))~~ the claim or if the claimant is a minor, or is a nonresident of the state, the claim may be verified, presented, and filed on behalf of the claimant by any relative, attorney, or agent representing ~~((him))~~ the claimant.

With respect to the content of such claims this section shall be liberally construed so that substantial compliance will be deemed satisfactory.

Sec. 8. Section 4, chapter 159, Laws of 1963 as last amended by section 4, chapter 151, Laws of 1979 and RCW 4.92.110 are each amended to read as follows:

No action shall be commenced against the state for damages arising out of tortious conduct until a claim has first been presented to and filed with the ~~((director of financial))~~ risk management office. The requirements of this section shall not affect the applicable period of limitations within which an action must be commenced, but such period shall begin and shall continue to run as if no claim were required.

Sec. 9. Section 10, chapter 159, Laws of 1963 as last amended by section 3, chapter 144, Laws of 1979 ex. sess. and RCW 4.92.160 are each amended to read as follows:

Payment of claims and judgments arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the ~~((director of financial))~~ risk management office, and ~~((he))~~ that office shall authorize and direct the payment of moneys only from the tort claims revolving fund whenever:

(1) The head or governing body of any agency or department of state or the designee of any such agency certifies to ~~((him))~~ the risk management office that a claim has been settled under authority of RCW 4.92.140 as herein or hereafter amended; or

(2) The clerk of court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action on a claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall be made to the clerk of the court for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state.

Sec. 10. Section 11, chapter 159, Laws of 1963 as last amended by section 6, chapter 151, Laws of 1979 and RCW 4.92.170 are each amended to read as follows:

Liability for and payment of claims arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. is declared to be a proper charge as part of the normal cost of operating the various agencies and departments of state government whose operations and activities give rise to the liability and a lawful charge against moneys appropriated or available to such agencies and departments.

Within any agency or department the charge shall be apportioned among such appropriated and other available moneys in the same proportion that the moneys finance the activity causing liability. Whenever the operations and activities of more than one agency or department combine to give rise to a single liability, the ~~((director of financial))~~ risk management office shall determine the comparative responsibility of each agency or department for the liability.

State agencies shall make reimbursement to the tort claims revolving fund for any payment made from it for the benefit of such agencies. The director of financial management is authorized and directed to transfer or order the transfer to the tort claims revolving fund, from moneys available or appropriated to such agencies, that sum of money which is a proper charge against them. Such amounts may be expended for the purposes for which the tort claims revolving fund was created by RCW 4.92.130 ~~((as herein or hereafter amended))~~ without further or additional appropriation ~~((- PROVIDED, That))~~. In any case where reimbursement would seriously disrupt or prevent substantial performance of the operations or activities of the state agency, the director of financial management may relieve the agency of all or a portion of the obligation to make reimbursement.

The ~~((director of financial))~~ risk management office shall report on request to the legislature on the status of the tort claims revolving fund, all payments made therefrom, all reimbursements made thereto, and the identity of agencies and departments of state government whose operations and activities give rise to liability ~~((- including those agencies and departments over which he does not have authority to revise allotments under chapter 43-88 RCW))~~.

The ~~((director of financial))~~ risk management office may authorize agencies, in accordance with chapter 41.05 RCW to the extent that it is applicable, to purchase insurance to protect and hold personally harmless any officer or employee of the state, or any classes of such officers or employees or for other persons performing services for the state, whether by contract or otherwise, from any action, claim, or proceeding for damages arising out of the performance of duties for, employment with, or the performance of services on behalf of the state and to hold ~~((him))~~ the officer or employee harmless from any expenses connected with the defense, settlement, or monetary judgment from such actions.

The ~~((director of financial))~~ risk management office shall adopt rules ~~((and regulations))~~ governing the procedures to be followed in making payment from the tort claims revolving fund ~~((;))~~. The office of financial management shall adopt rules governing the procedures to be

followed in reimbursing the tort claims revolving fund and in relieving an agency of its obligation to reimburse the tort claims revolving fund.

Sec. 11. Section 77.12.270, chapter 36, Laws of 1955 as last amended by section 45, chapter 78, Laws of 1980 and RCW 77.12.270 are each amended to read as follows:

The commission may compromise, adjust, settle, and pay claims for damages caused by deer or elk in accordance with RCW 77.12.280 through 77.12.300. Payments for claims shall not exceed ~~(one)~~ two thousand dollars. The payment of a claim by the commission constitutes full and final payment for the claim.

Sec. 12. Section 77.12.280, chapter 36, Laws of 1955 as last amended by section 46, chapter 78, Laws of 1980 and RCW 77.12.280 are each amended to read as follows:

(1) Claims under RCW 77.12.270 ~~((not exceeding one thousand dollars))~~ may be filed ~~((with the director of financial management))~~ under RCW 4.92.040(5) if within one year of filing with the commission the claim is not settled and paid. ~~((Claims shall conform to the tort claim filing requirements in RCW 4.92.100 as now or hereafter amended.))~~ The ~~((director of financial))~~ risk management office shall recommend to the legislature whether the claim should be approved. If the legislature approves the claim, the department shall pay it from moneys appropriated for that purpose.

(2) If a claim for damages under RCW 77.12.270 has been refused or has not been settled and paid by the commission within one hundred twenty days of the filing of the claim, either the claimant or the commission may serve upon the other personally or by registered mail a notice of intent to arbitrate. The notice shall contain the name of an arbitrator. Within ten days of receiving the notice, the person served shall serve the name of an arbitrator personally or by registered mail upon the other party. The two arbitrators, within seven days of the naming of the second arbitrator, shall select a third arbitrator who shall not be an employee of the department or member of the commission. If the two arbitrators cannot agree upon a third arbitrator, either party may petition the superior court in the county in which the claim arose to select the third arbitrator. Upon receiving the petition, the court shall appoint a third arbitrator. Filing fees or court costs arising from the petition shall be shared equally by the claimant and the department.

(3) The award of the arbitrators is advisory only and shall be filed with the department within ninety days following the naming of the third arbitrator. Payment shall not be made by the commission until the arbitrators have made their advisory award.

NEW SECTION. Sec. 13. Section 4, chapter 140, Laws of 1969 and RCW 4.92.131 are each repealed."

On page 1, line 3 of the title, after "4.92.170," insert "77.12.270,"

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, J. King, Locke, Long, Madsen, Niemi, Rust, Sayan, Silver, Smitherman, Sommers and B. Williams.

Absent: Representatives Hastings, Holland, G. Nelson, Sanders, L. Smith, Taylor, Tilly and Vander Stoep.

Passed to Committee on Rules for second reading.

March 1, 1986

ESSB 4710 Prime Sponsor, Committee on Ways & Means: Establishing the automatic fingerprint information system. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

Absent: Representatives Hastings, L. Smith and Tilly.

Passed to Committee on Rules for second reading.

March 1, 1986

SB 4712 Prime Sponsor, Senator Thompson: Creating state archivist oral history program. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment by Committee on State Government:

On page 3, line 24 after "to the" strike "state archivist" and insert "secretary of state"

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson,

Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams

Voting nay: Representatives Braddock, Vice Chair; and Niemi.

Absent: Representatives Hastings, L. Smith and Tilly.

Passed to Committee on Rules for second reading.

February 28, 1986

ESSB 4762 Prime Sponsor, Committee on Ways & Means: Adopting the supplemental budget. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

PART I
GENERAL GOVERNMENT

Sec. 101. Section 110, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

	FY 1986	FY 1987
General Fund Appropriation	\$ 9,552,000	((9,501,000)) <u>9,752,000</u>
General Fund—Public Safety and Education Account Appropriation	\$ ((7,219,000)) <u>6,380,000</u>	((6,619,000)) <u>3,261,000</u>
Total Appropriation	\$((32,891,000)) <u>28,945,000</u>	

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

(1) A maximum of \$5,767,000 of the fiscal year 1986 general fund appropriation and \$5,767,000 of the fiscal year 1987 general fund appropriation may be spent for the superior court judges.

(2) ~~\$((50,000))~~ 123,000 of the general fund appropriation for fiscal year 1987 is provided solely for the additional costs associated with the newly created superior court judges positions in ~~((accordance with Substitute Senate Bill No. 3165. If SSB 3165 is not enacted by July 1, 1985, this appropriation shall lapse))~~ Chapter 357, Laws of 1985.

(3) \$1,456,000 of the fiscal year 1986 and \$1,456,000 of the fiscal year 1987 general fund—state appropriation are provided solely for the continuation of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane and Yakima counties. All property which has been received by the department of corrections from contractors for these programs shall be delivered to the custody of the administrator for the courts.

(4) \$122,000 of the fiscal year 1986 and \$121,000 of the fiscal year 1987 general fund—state appropriation are provided solely for community diversion programs.

(5) ~~\$((100,000))~~ 278,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

NEW SECTION, Sec. 102. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE HOUSE OF REPRESENTATIVES

General Fund Appropriation		\$ 40,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be used by a joint senate and house ways and means subcommittee whose members will be appointed by the ways and means chairmen of the senate and house of representatives to study the relocation of the college of veterinary medicine to the Spokane area.

Sec. 103. Section 121, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

	FY 1986	FY 1987
General Fund Appropriation	\$ ((7,939,000)) <u>7,794,000</u>	((6,861,000)) <u>6,942,000</u>
Medical Aid Fund Appropriation	\$ 50,000	50,000
Total Appropriation	\$((14,900,000)) <u>14,836,000</u>	

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

(1) \$8,300 of the general fund appropriation is provided solely for payment of claims against the state of \$500 or less, under RCW 4.92.040.

(2) ~~((195,000 of the fiscal year 1986 and \$169,000 of the fiscal year 1987 general fund appropriation are provided solely for health care cost containment activities as provided in chapter (SHB 1077 or SSB 4242), Laws of 1985. If neither bill is enacted by July 1, 1985, the amounts provided in this subsection shall revert.~~

(3)) \$69,000 of the fiscal year 1986 and \$38,000 of the fiscal year 1987 general fund appropriation are provided solely for jail population forecast activities as provided in chapter ((~~SB 3596~~)) 201, Laws of 1985. (~~If SB 3596 is not enacted by July 1, 1985, the amounts provided in this subsection shall revert.~~)

(4)) (3) \$1,000,000 of the fiscal year 1986 general fund—state appropriation is provided solely for grants to cities and counties for adjudication of serious traffic offenses as defined in section 2, chapter 110, Laws of 1984. The funding provided under this subsection is intended to assist cities and counties in becoming able to adjudicate these offenses without financial assistance from the state. These grants shall be distributed using the eligibility and priority standards provided in sections 2 through 5 of chapter 110, Laws of 1984, after adjusting the dates specified in that chapter as appropriate to achieve the purpose of this subsection. These grants shall be limited to adjudication activities conducted on or before February 28, 1986.

(4) \$50,000 of the general fund—state appropriation for fiscal year 1986 is provided solely to pay defense costs in State v. Howard, Yakima County superior court no. 84-1-00953-1, that may become a liability of the state under the final decision of the state supreme court upon reconsideration of its decision in State v. Howard, 105 Wn.2d 71. This amount shall be placed in a reserve account, and the director shall pay to the attorney general such sums, if any, from the account as the attorney general from time to time certifies are required to be paid under the final decision. The director may transfer the balance of the reserve account to the appropriation for fiscal year 1987 as necessary to meet the certified payment requirements. Upon certification by the attorney general that the defense costs in the case have been fully paid, the balance remaining in the reserve account shall lapse.

(5) \$200,000 of the fiscal year 1987 general fund appropriation is provided solely for costs related to the governor's advisory council on education funding.

(6) \$50,000 of the fiscal year 1987 general fund—state appropriation is provided solely for a study to assess the feasibility of establishing an office of state public defender for appellate cases. The study shall include:

(a) A description of the current system for providing representation to persons accused of crime who would not otherwise be able to afford representation at the appellate level;

(b) A proposal to establish a state defender program at the appellate level;

(c) Recommendations for a manner of financing the program;

(d) Standards and guidelines for determining who should be eligible to receive legal services under the program;

(e) Recommendations for a plan to provide counsel when a conflict of interest would prevent representation by attorneys in the program;

(f) Standards and guidelines for determining maximum and minimum caseloads for attorneys in the program; and

(g) Recommendations for a plan to train attorneys in the program. The study shall be presented to the ways and means committees of the senate and house of representatives no later than January 15, 1987.

Sec. 104. Section 123, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

		FY 1986	FY 1987
Department of Personnel Service Fund			
Appropriation	\$	((5,807,000))	((5,850,000))
		<u>5,842,000</u>	<u>5,900,000</u>
State Employees' Insurance Fund Appropria-			
tion	\$	885,000	933,000
Total Appropriation		\$((13,475,000))	
		13,560,000	

Sec. 105. Section 129, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

		FY 1986	FY 1987
General Fund Appropriation—State	\$	3,825,000	((3,869,000))
			<u>3,678,000</u>
General Fund Appropriation—			
Private/Local	\$	30,000	30,000
General Fund—Motor Transport Account			
Appropriation	\$	3,452,000	3,207,000
General Administration Facilities and Ser-			
vices Revolving Fund Appropriation	\$	9,897,000	9,048,000
Total Appropriation		\$((33,358,000))	
		33,167,000	

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

(1) The community college districts shall transfer to the motor transport account \$8,373 from the general local fund and \$34,469 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

(2) ~~\$(131,000 for fiscal year 1986 and \$175,000 for fiscal year 1987))~~ 115,000 of the general fund—state appropriation ~~((are))~~ is provided solely to continue storage and transportation activities in connection with the surplus commodities distribution program of the federal department of agriculture. If federal funding for this purpose is continued after September 30, ~~((1985))~~ 1986, this appropriation shall lapse.

(3) \$136,411 of the fiscal year 1986 and \$136,411 of the fiscal year 1987 general fund appropriation are provided solely for the operation of the risk management office.

(4) \$109,425 of the fiscal year 1986 and \$109,425 of the fiscal year 1987 general fund appropriation are to fully implement ~~((Senate Bill No. 3569. If SB 3569 is not enacted by July 1, 1985, this appropriation shall lapse))~~ chapter 188, Laws of 1985.

(5) \$150,000 of the fiscal year 1986 and \$150,000 of the fiscal year 1987 general fund—state appropriation are provided solely for energy retrofit studies.

(6) Not later than December 1, 1986, the department shall submit to the legislature an interim plan for the relocation of offices of the department of natural resources now located in the John A. Cherberg building. The interim plan shall not include design or construction of the proposed natural resources building but shall include one or more specific proposals to lease appropriate space within the city of Olympia to house the offices now located in the Cherberg building.

Sec. 106. Section 130, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

	FY 1986	FY 1987
General Fund Appropriation—State \$	4,332,000	((4,332,000))
		1,013,000
<u>Insurance Commissioner's Regulatory</u>		
<u>Account \$</u>		4,082,000
Total Appropriation	\$(8,764,000))	9,427,000

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

(1) If Senate Bill No. 3636 is not enacted prior to June 30, 1986, the appropriation from the insurance commissioner regulatory account shall lapse and the fiscal year 1987 general fund appropriation shall be \$4,332,000.

(2) A portion of the fiscal year 1986 and \$929,000 of the fiscal year 1987 general fund—state appropriations shall be transferred to the department of community development to support activities related to the state fire marshal. The exact amount of the fiscal year 1986 appropriation to be transferred shall be negotiated by the insurance commissioner and the director of community development, with the approval of the director of financial management.

(3) \$100,000 of the insurance commissioner's regulatory account appropriation is provided solely for a legal action task force, including legislative participation, to collect and review data relevant to Washington's experience in tort law and to recommend any changes needed to improve the availability and affordability of liability insurance.

(4) \$84,000 of the fiscal year 1987 general fund appropriation is provided solely to regulate health maintenance organizations.

Sec. 107. Section 134, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIFORM LEGISLATION COMMISSION

	FY 1986	FY 1987
General Fund Appropriation \$	12,000	((2,000))
		17,000
Total Appropriation	\$(14,000))	29,000

The appropriation in this section is subject to the following conditions and limitations: ~~\$(10,000 is))~~ 9,800 of the fiscal year 1986 appropriation and \$9,800 of the fiscal year 1987 appropriation are provided solely for Washington state's contribution to the national conference of commissioners on uniform state laws.

Sec. 108. Section 143, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT

	FY 1986	FY 1987
General Fund Appropriation—State \$	((518,000))	((518,000))
	529,000	594,000
General Fund Appropriation—Federal \$	((2,715,000))	((2,715,000))
	2,423,000	2,304,000
Total Appropriation	\$(6,456,000))	5,850,000

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

(1) \$57,000 of the general fund—state appropriation is provided solely for a hazardous materials coordinator.

(2) \$30,000 of the general fund—state appropriation is provided solely for emergency medical treatment services for protecting the lives and safety of Washington residents as well as visitors to the Mt. St. Helens area.

PART II
HUMAN SERVICES

Sec. 201. Section 201, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

General Fund Appropriation	\$	FY 1986 ((27,799,000))	FY 1987 ((27,816,000))
		27,349,000	27,366,000
Total Appropriation		\$((55,615,000))	
		54,715,000	

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

(a) \$15,226,000 is provided for fiscal year 1986 and \$15,243,000 is provided for fiscal year 1987 to provide community supervision services. The department shall develop workload standards for meeting the requirements of chapter 9.94A RCW and shall report to the legislature such workload standards and actual results on June 30, 1986, and annually thereafter.

(b) ~~\$((11,351,000))~~ 10,901,000 is provided for fiscal year 1986 and ~~\$((11,351,000))~~ 10,901,000 is provided for fiscal year 1987 to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(c) \$1,122,000 is provided for fiscal year 1986 and \$1,122,000 is provided for fiscal year 1987 for support of the office of the director of community services. The director of community services shall monitor community corrections services provided and/or contracted for by other governmental jurisdictions in the state. The state director shall document such nonstate community corrections services as of July 1, 1985, for the purpose of establishing a basis upon which to evaluate current services, to assess any local program changes, and to identify emerging program needs.

(d) \$100,000 of the fiscal year 1986 and \$100,000 of the fiscal year 1987 general fund—state appropriation are provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation	\$	FY 1986 ((126,625,000))	FY 1987 ((119,240,000))
		127,275,000	120,688,000
Total Appropriation		\$((245,865,000))	
		247,963,000	

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

(a) \$13,475,000 of the general fund—state appropriation is provided solely for operating the Clallam Bay corrections center, of which \$5,443,000 is provided for fiscal year 1986 and \$8,032,000 is provided for fiscal year 1987.

~~(b) ((5502,000 of the fiscal year 1986 and 5502,000 of the fiscal year 1987 general fund—state appropriation are provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050, for persons who: (i) are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.~~

(c)) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

~~((d))~~ (c) \$620,000 of the fiscal year 1986 and \$620,000 of the fiscal year 1987 general fund—state appropriation are provided solely for contracting with counties for the use of county jail beds for state inmates.

~~((e))~~ (d) \$200,000 is provided solely for Snohomish county pursuant to Snohomish county v. State of Washington to cover local impact costs of the Twin Rivers corrections center.

(e) A maximum of \$500,000 of the general fund—state appropriation may be spent for the operation of Firlands Corrections Center.

(3) ADMINISTRATION AND PROGRAM SUPPORT

General Fund Appropriation	\$	(9,426,000)	8,527,000
		<u>9,226,000</u>	
General Fund—Institutional			
Impact Account Appropriation	\$	150,000	150,000
Total Appropriation	\$	(10,253,000)	
		<u>18,053,000</u>	

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

(a) \$400,000 of the general fund appropriation is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(b) The department shall report to the house and senate ways and means committees on January 1, 1986, and January 1, 1987, regarding its progress toward employing more minorities and women in top level management positions.

(4) INSTITUTIONAL INDUSTRIES

General Fund Appropriation	\$	FY 1986 2,039,000	FY 1987 (1,766,000)
Total Appropriation	\$	(3,805,000)	<u>766,000</u>
		<u>2,805,000</u>	

Sec. 202. Section 203, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

General Fund Appropriation—State	\$	FY 1986 (64,335,000)	FY 1987 (63,290,000)
		<u>64,545,000</u>	<u>66,425,000</u>
General Fund Appropriation—Federal	\$	24,343,000	26,095,000
Total Appropriation	\$	(178,663,000)	
		<u>181,408,000</u>	

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

(1) Vendor rate adjustments shall average 3% on January 1, 1986.

(2) \$2,423,000 for fiscal year 1986 and \$3,231,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for phased-in increases in child protective services field staff.

(3) \$116,000 for fiscal year 1986 and \$116,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand the homebuilders program beyond current service levels.

(4) \$185,000 for fiscal year 1986 and \$185,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand services in the therapeutic day-care program beyond current levels.

(5) \$516,000 for fiscal year 1986 and \$487,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for field staff increases in day-care screening, licensing, monitoring, and information and referral. The department shall conduct at least one scheduled and one unannounced on-site inspection of each licensed day-care facility during the facility's licensing period. The department shall make available to any parent, guardian, or custodian requesting information about day-care providers, for inspection and copying (with copying fees waivable in cases of hardship), any documents in its possession relating to any licensed day-care facility that are not exempt from public disclosure under chapter 42.17 RCW. The department shall require that every licensed day-care facility display prominently on its premises the address and telephone number of the appropriate local or regional office of the department and the name(s) of any department employee(s) responsible for the licensing and monitoring of the facility.

(6) \$3,654,000 for fiscal year 1986, of which \$3,370,000 is from the general fund—state appropriation, and \$3,654,000 for fiscal year 1987, of which \$3,370,000 is from the general fund—state appropriation, are provided solely to increase the safety and quality of care in children's group homes, including the conversion of at least 75 but not more than 143 beds for use in intensive residential treatment of severely disturbed youth at a monthly rate of \$2,100 per occupied bed, effective July 1, 1985. The department shall develop and implement written standards as to which children may be placed in residential treatment, clearly distinguishing the residential treatment population from the remaining group care population. As used in this subsection, "residential treatment" includes permanent planning for child placement, counseling of natural parents when appropriate, and recruiting, training, and counseling of adoptive or foster parents when appropriate, for which services the department may develop additional rates. The department shall develop a client outcome monitoring system as part of a specific plan for performance-based contracts whereby a portion of vendor payments for group care and residential treatment is contingent on vendor attainment of client outcome standards to be developed by the department. The plan shall be transmitted to the ways and means committees of the senate and house of representatives and the legislative budget committee by July 1, 1986, and scheduled for implementation on July 1, 1987, pending legislative review.

(7) \$615,000 for fiscal year 1986, of which \$554,000 is from the general fund—state appropriation, and \$615,000 for fiscal year 1987, of which \$554,000 is from the general fund—state appropriation, are provided solely to increase vendor rates for family foster care, effective July 1, 1985.

(8) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase private agency service fees in connection with foster care placements, effective July 1, 1985.

(9) \$17,000 for fiscal year 1986 and \$17,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for group crisis residential centers, effective July 1, 1985.

(10) \$51,000 for fiscal year 1986 and \$51,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for family interim care homes, effective July 1, 1985.

(11) \$139,000 for fiscal year 1986, of which \$132,000 is from the general fund—state appropriation, and \$139,000 for fiscal year 1987, of which \$132,000 is from the general fund—state appropriation, are provided solely to expand the children's hospitalization alternative program by up to 25 additional beds, including expansion into geographical areas not presently served.

(12) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for emergency medical examinations of child protective services clients who are not eligible for federally matched medical assistance.

(13) ~~\$(455,000))~~ 910,000 of the general fund—state appropriation (~~for fiscal year 1986~~) is provided solely for contracted services to "street kids." For purposes of this subsection, "street kids" are children between the ages of eight and seventeen who do not receive care, shelter, or supervision from parents or other responsible adults, who are not placed in residential settings by the department, and who are living in a dangerous urban environment. Services may include street outreach, advocacy, counseling, and foster care. Not more than 150 "street kids" may receive services supported under this subsection from any single center at any one time. All programs receiving funds under this subsection shall provide cultural- and language-sensitive services to minority "street kids."

(14) ~~\$(1,241,000))~~ 11,451,000 for fiscal year 1986, of which ~~\$(7,976,000))~~ 8,186,000 is from the general fund—state appropriation, and ~~\$(1,370,000))~~ 13,960,000 for fiscal year 1987, of which ~~\$(6,301,000))~~ 8,971,000 is from the general fund—state appropriation, shall be initially allotted for day-care payments. (~~The department shall revise program eligibility and/or participation criteria, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year.~~)

(15) \$175,000 for fiscal year 1986 and \$175,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for the victims of sexual assault program.

(16) \$90,000 from the general fund—state appropriation for fiscal year 1987 is provided solely for an education and training pilot project for the prevention of child abuse and neglect in inner-city Seattle. The department shall distribute these funds to the department of pediatric at Harborview medical center. The project shall be evaluated by comparing the group of mothers served to a control group based on objective outcome measures such as episodes of abuse and neglect, evidence of failure to thrive, hospitalizations, anemia, immunization status, and the ratio of scheduled well-child visits to episodic drop-in visits. The department shall report to the legislature by January 1, 1987, on the status of the project.

Sec. 203. Section 205, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM
(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	49,275,000	((50,057,000)) 50,057,000
General Fund Appropriation—Federal \$	17,930,000	18,178,000
General Fund Appropriation—Local \$	355,000	355,000
Total Appropriation	\$(136,150,000)) 136,150,000	

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

(a) \$240,000 for fiscal year 1986 and \$240,000 for fiscal year 1987 from the general fund—state are provided solely for continuation of the community psychiatric training program at the University of Washington.

(b) \$309,000 for fiscal year 1986 and \$309,000 for fiscal year 1987 from the general fund—federal are provided solely for the continuation of the minority mental health program.

(c) \$565,000 for fiscal year 1986 of which \$500,000 is from the general fund—state appropriation and \$65,000 for fiscal year 1987 of which \$500,000 is from the general fund—state appropriation, is provided solely to increase the children's hospitalization alternative program by 25 additional beds to allow for increased service capacity and to extend the program to

unserved areas within the state. The department shall not increase the number of beds over 85 in total.

(d) ~~\$(452,000)~~ 227,000 for fiscal year 1986, of which ~~\$(405,000)~~ 203,000 is from the general fund—state appropriation and \$783,000 for fiscal year 1987, of which \$689,000 is from the general fund—state appropriation are provided solely for the Kitsap (~~resources consolidated~~) mental health services residential treatment center's alternative project. Of the ~~\$(452,000)~~ 227,000 for fiscal year 1986, \$61,000 of the general fund—state appropriation is provided solely for initial program costs associated with implementation. The state reimbursement rate shall not exceed \$180 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals will be made to the project. No involuntary treatment referrals of Kitsap county residents will be made to Western State Hospital after (~~December 31, 1985~~) March 31, 1986. The maximum reimbursement rate to Kitsap county private hospitals shall be \$250 per day per patient. Kitsap (~~resources consolidated~~) mental health services shall provide quarterly reports to the senate and house committees on ways and means describing the numbers and characteristics of clients served and resulting diversions from private hospitals and Western State Hospital. In addition, the department shall present an annual report to the same legislative committees beginning January 1, 1987, indicating progress made toward meeting the long-term residential bed needs of Kitsap County.

(e) \$280,000 from the fiscal year 1987 general fund—state appropriation is provided solely for the operation of the El Ray residential treatment facility for homeless mentally ill adults, effective January 1, 1987.

(f) \$350,000 for fiscal year 1987 from the general fund—state appropriation is provided solely for community mental health services for children in Spokane and Pierce counties who have been displaced from services due to impacts on the communities from institutional releases and the low priority assigned to children in the community mental health services act, chapter 71.24 RCW.

(g) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	(66,188,000)	(66,904,000)
	<u>67,607,000</u>	<u>71,085,000</u>
General Fund Appropriation—Federal \$	(3,103,000)	(3,116,000)
	<u>4,003,000</u>	<u>4,316,000</u>
Total Appropriation	\$(139,311,000)	147,011,000

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

(a) \$814,000 for fiscal year 1986 and \$1,086,000 for fiscal year 1987 from the general fund—federal appropriation are provided solely for compliance with the Medicare survey of eastern state hospital.

(b) \$86,000 for fiscal year 1986 and \$114,000 for fiscal year 1987 from the general fund—federal appropriation are provided solely for continuation of five positions at the child study and treatment center added in the 1983-1985 biennium.

(c) \$1,419,000 for fiscal year 1986 and \$4,181,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for compliance with the Medicare survey of western state hospital.

(d) \$20,000 for fiscal year 1986 and \$20,000 for fiscal year 1987 from the general fund—state appropriation are provided solely to conduct a study to develop alternatives for the long range use of Northern state hospital.

(3) PROGRAM SUPPORT

	FY 1986	FY 1987
General Fund Appropriation—State \$	1,439,000	1,438,000
General Fund Appropriation—Federal \$	771,000	771,000
Total Appropriation	\$4,419,000	

The appropriations in this section are subject to the following conditions and limitations: \$38,000 for fiscal year 1986 and \$38,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for an allocation to a nonprofit agency advocating for the mentally ill for the purposes of technical assistance to state agencies, educational programs, outreach and family support, self-help support groups, and patient advocacy.

(4) SPECIAL PROJECTS

	FY 1986	FY 1987
General Fund Appropriation—Federal \$	111,000	111,000
Total Appropriation	\$222,000	

Sec. 204, Section 206, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

FY 1986	FY 1987
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General Fund Appropriation—State	\$	30,435,000	((36,969,000))
			32,542,000
General Fund Appropriation—Federal	\$	((26,046,000))	((26,252,000))
		26,678,000	27,378,000
Total Appropriation		S((113,702,000))	117,033,000

The appropriations in this subsection are subject to the following conditions and limitations:
 (a) \$56,000 for fiscal year 1986 and \$56,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(b) \$1,952,000 for fiscal year 1986 of which \$1,144,000 is from the general fund—state appropriation and \$1,952,000 for fiscal year 1987 of which \$1,144,000 is from the general fund—state appropriation, is provided solely to increase compensation for staff providing treatment and training in division contracted community residential and training programs. Contracts with vendors shall specify the amount of payments to be used solely for this purpose.

(c) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(d) If House Bill No. 1702 or Substitute Senate Bill No. 4719 is enacted, creating 42 new community residential beds and/or placements, by June 30, 1986, \$1,931,000 for fiscal year 1987, of which \$1,573,000 is from the general fund—state appropriation, is provided solely for the establishment of 90 additional community residential beds and/or placements for a combined total of 132 new community residential beds and/or placements which will result in the reduction of the average daily population at the Rainier school to not more than 500 by June 30, 1987; PROVIDED, That:

(i) The department shall develop the most appropriate, cost-conscious configuration of community residential beds and/or placements within the funds appropriated;

(ii) If the net cost to develop the additional 90 community residential beds and/or placements is less than the amount contained in subsection (1)(d) of this section, the savings shall revert;

(iii) The department shall apply for a federal Title XIX waiver for financial participation for the residents transferred from the Rainier school to community living; and

(iv) If neither House Bill No. 1702 nor Substitute Senate Bill No. 4719 is enacted by June 30, 1986, the funds provided in this subsection (1)(d) shall revert.

(2) INSTITUTIONAL SERVICES

General Fund Appropriation—State	\$	FY 1986 53,405,000	FY 1987 ((52,812,000))
			47,385,000
General Fund Appropriation—Federal	\$	((37,330,000))	((37,330,000))
		40,620,000	47,744,000
Total Appropriation		S((100,877,000))	189,154,000

The appropriations in this subsection are subject to the following conditions and limitations:
(a) If Substitute Senate Bill No. 4658 is enacted by June 30, 1986, the secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce services to existing clients.

(b) If House Bill No. 1702 or Substitute Senate Bill No. 4719 is enacted on or before June 30, 1986, the department shall:

(i) Reduce the average daily population of the Rainier school to not more than 500 by June 30, 1987;

(ii) Decertify an appropriate number of beds to provide for no more than 500 certified beds as of June 30, 1987; and

(iii) If the net cost of community residential beds and/or placements is less than that assumed in the cost estimate contained in subsection (1)(d) of this section for the transfer of Rainier school residents to community living, such savings shall revert.

(c) The department shall apply for a federal Title XIX waiver for financial participation for the residents transferred from the Rainier school to community living.

(d) If neither House Bill No. 1702 nor Substitute Senate Bill No. 4719 is enacted by June 30, 1986, the general fund—state appropriation in this subsection for fiscal year 1987 shall be increased by \$427,000 and the general fund—federal appropriation in this subsection for fiscal year 1987 shall be increased by \$427,000.

(3) PROGRAM SUPPORT

General Fund Appropriation—State	\$	FY 1986 1,652,000	FY 1987 1,652,000
General Fund Appropriation—Federal	\$	388,000	388,000
Total Appropriation		\$4,080,000	

~~((4)) SPECIAL PROJECTS~~

General Fund Appropriation—State	\$	FY 1986 54,000	FY 1987 54,000
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General Fund Appropriation—Federal	\$	606,000	606,000
Total Appropriation			\$1,320,000))
Sec. 205, Section 207, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:			
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES			
		FY 1986	FY 1987
General Fund Appropriation—State	\$	137,965,000	((132,964,000))
			136,509,000
General Fund Appropriation—Federal	\$	120,741,000	((126,895,000))
			129,895,000
Total Appropriation			\$((618,565,000))
			525,110,000

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

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) \$187,048,000 for fiscal year 1986, of which \$94,078,000 is from the general fund—state appropriation, and \$((188,104,000)) 194,104,000 for fiscal year 1987, of which \$((94,610,000)) 97,610,000 is from the general fund—state appropriation, are provided for nursing home services.

(a) ~~((Substitute Senate Bill No. 3390 is not enacted before July 1, 1985, \$2,500,000 in fiscal year 1986 and \$2,500,000 in fiscal year 1987 of the general fund—state appropriation shall be provided solely for full scope audits under chapter 74.46 RCW as interpreted by the state auditor.~~

~~((b))~~ Rates shall be adjusted for inflation under RCW 74.46.495 by 3% on July 1, 1985, and on July 1, 1986.

~~((c))~~ ~~((b))~~ Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

~~((d))~~ ~~((c))~~ \$65,000 for fiscal year 1986 and \$65,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for prospective rate increases for installation of sprinkler systems in facilities not meeting federal and state fire safety requirements.

(3) \$63,899,000 for fiscal year 1986, of which \$39,543,000 is from the general fund—state appropriation, and \$64,554,000 for fiscal year 1987, of which \$34,555,000 is from the general fund—state appropriation, are provided solely for community-based long-term care services including congregate care, adult family home care, chore services, home health care, nutrition services, transportation services, and case management services.

(a) Vendor rate adjustments shall average 3% on January 1, 1986.

(b) Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

(c) \$80,000 for fiscal year 1986 and \$80,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to purchase insurance coverage for adult family homes in order to promote participation in the program.

(d) \$41,000 for fiscal year 1986 and \$41,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to extend eligibility for adult family home and congregate care services to adult protective services clients.

(e) \$200,000 for fiscal year 1986 and \$200,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for case management services under the senior citizen services act for adult protective services clients.

(f) \$7,558,000 for fiscal year 1986 and \$7,666,000 for fiscal year 1987 from the general fund—state appropriation shall be initially allotted for implementation of the senior citizens services act. At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(g) \$39,225,000 for fiscal year 1986, of which \$25,611,000 is from the general fund—state appropriation, and \$39,286,000 for fiscal year 1987, of which \$19,762,000 is from the general fund—state appropriation, shall be initially allotted for chore services. The department shall revise eligibility and cost-sharing criteria and/or establish waiting lists for the chore services program, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year, including state general fund moneys used to match federal moneys under the community options programs entry system.

(4) The bureau of nursing home affairs shall increase patient review staff by two full time equivalents not later than October 1, 1985.

(5) \$((545,000 for fiscal year 1986)) 1,090,000 of the general fund—state appropriation is provided solely to continue the three respite care demonstration projects as established and defined under chapter 158, Laws of 1984 until June 30, ((1986)) 1987.

Sec. 206. Section 208, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	((213,137,000))	((224,166,000))
	226,695,000	239,686,000
General Fund Appropriation—Federal \$	((171,118,000))	((178,924,000))
	185,518,000	193,724,000
Total Appropriation	\$((787,365,000))	
	845,623,000	

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

(1) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1987.

(2) Not later than October 1, 1985, the department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(3) Grant payment standards and vendor rates shall be increased by 3% on January 1, 1986, above the standards and rates in effect on March 1, 1985, for aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance.

(4) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$100,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8	or more
Exemption:	\$30	39	46	56	63	72	84	92	

(5) The department shall establish a study committee to examine the general assistance income and medical programs. The committee shall particularly examine the structure of the general assistance—unemployable program as it relates to treatment programs for alcoholism, mental illness, and substance abuse. The committee shall include representatives of affected department programs, treatment providers, community advocacy groups, legal services, and the legislature. The committee shall examine alternative treatment or assistance methods which would increase client incentives to overcome their illnesses, while providing necessary assistance. The report shall include detailed historical and projected income and medical caseload and cost information by client group. The report shall further identify policy changes, statutory or otherwise, which have affected caseload levels and costs. The department shall report the findings and recommendations of the study committee to the appropriate committees of the senate and house of representatives by January 15, 1987.

Sec. 207. Section 211, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	21,765,000	((21,646,000))
		22,846,000
General Fund Appropriation—Federal \$	((33,260,000))	((33,375,000))
	34,317,000	35,718,000
General Fund Appropriation—Local \$	4,024,000	3,996,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Appropriation \$	22,444,000	22,444,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128,		

Laws of 1972 ex. sess. (Referendum 27);
chapter 258, Laws of 1979 ex. sess.
(chapter 43.99D RCW); and chapter 234,
Laws of 1979 ex. sess. (Referendum

38)—Recapportionation	\$	28,908,000
Total Appropriation		\$(191,862,000) 196,462,000

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

(1) Vendor rate adjustments shall average 3% on January 1, 1986.

(2) \$1,000,000 for fiscal year 1986 and \$1,000,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to public and private nonprofit community health centers serving populations that lack access to affordable health care. Grants awarded under this subsection shall be used by the centers to provide primary health care services to persons who have no health care coverage. The grants shall be in addition to any federal or other funding available to the centers. No center may receive funding under this subsection if it fails or refuses to provide medically necessary care on the basis of any patient's inability to pay or lack of coverage, or if it does not contract with the department to provide care under the medical assistance program. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of community health centers to assure compliance with the purposes of this subsection. In awarding grants, the secretary shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(3) \$43,000 for fiscal year 1986 and \$43,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 187, Laws of 1984, regarding standards for organic chemicals in drinking water.

(4) \$34,000 for fiscal year 1986 and \$34,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 156, Laws of 1984, regarding compiling of information on sentinel birth defects.

(5) \$90,000 for fiscal year 1986 and \$90,000 for fiscal year 1987 of the general fund—local appropriation are provided solely for monitoring and implementation of health and sanitation standards for agricultural labor camps under chapter 248-63 WAC, as adopted by the state board of health in 1984. In health jurisdictions where there is no agreement with the local health officer for local enforcement of the standards, the department shall enforce the standards and charge fees under RCW 43.20A.670 in amounts sufficient to cover its enforcement costs.

(6) \$260,000 for fiscal year 1986 and \$276,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for contracts on a competitive selection basis to public and private nonprofit nationally recognized academic or research organizations engaged in cancer research or in research concerning the effects of smoking on the cardiovascular and respiratory systems.

(7) \$593,000 for fiscal year 1986 and \$554,000 for fiscal year 1987 of the general fund—local appropriation is provided solely for radiation control activities, including those required under Engrossed Substitute Senate Bill No. 3799 and Engrossed Second Substitute House Bill No. 3.

(8) \$2,800,000 of the general fund—federal appropriation is provided solely to continue prenatal care services for low-income pregnant women who do not qualify for full coverage under the medical assistance program. The department shall pay for direct prenatal care, including delivery and postpartum medical services, and including the services of licensed nurse midwives where appropriate, as defined by the department, at rates not exceeding those paid under the medical assistance program and only to the extent of available funds. The department may also provide educational services to low-income women regarding the importance of early prenatal care through the development or acquisition of pamphlets or video tapes to be distributed through county health departments, schools, and other appropriate social and health services agencies and organizations. Not later than January 1, 1987, the department shall submit a report to the social and health services and ways and means committees of the senate and house of representatives on the prenatal program. The report shall include definitions of eligibility, numbers of persons served, an estimate of the number of persons potentially eligible for program services and, if the department has requested funding to continue the program in the 1987-89 biennium, a proposal for legislation establishing the program in statute.

(9) \$600,000 of the general fund—federal appropriation is provided solely for increased vaccine costs.

(10) \$1,000,000 from the general fund—state appropriation is provided solely for adult dental services that are not mandated by Title XIX of the federal social security act. The department shall contract for these services with public and private nonprofit community health centers serving populations that lack access to affordable dental health care. The department shall impose such limitations as may be necessary to provide services throughout fiscal year 1987.

Sec. 208. Section 214, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	((61,840,000))	((62,614,000))
	<u>61,870,000</u>	<u>62,578,000</u>
General Fund Appropriation—Federal \$	((72,747,000))	((72,979,000))
	<u>72,777,000</u>	<u>72,995,000</u>
General Fund Appropriation—Local \$	366,000	366,000
Total Appropriation \$	((270,912,000))	
	<u>270,952,000</u>	

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

(1) Department staff shall assist general assistance clients in establishing eligibility for social security and/or supplemental security income benefits. The assistance shall include providing to the client or the appropriate social security office any documentation of the client's disability and, if appropriate, referral to legal counsel with expertise in social security law.

(2) The department shall provide a comprehensive report to the legislature no later than January 15, 1987, on all child day care programs currently being provided, including but not limited to programs related to seasonal and regular employment, child welfare or protection, training, and education. To the extent possible, the report shall provide historical and projected data by program on the number of families and children served, client characteristics, expenditures, eligibility criteria, payment or income disregard levels, and program policy. In addition, the report shall identify programs or services mandated or prioritized by federal or state statutes or rules and identify variations in administrative processes or eligibility determination among programs. The department shall also study and report on the cost effectiveness of current child care programs for employed parents and parents in training. The study shall measure the effectiveness of these programs in reducing or avoiding public assistance costs on both a short- and long-term basis. The report shall include an analysis of existing programs and recommendations regarding continuing, revising, or discontinuing any existing programs.

(3) \$300,000, of which \$150,000 is from the general fund—state appropriation, is provided solely to implement the employment partnership program created in Engrossed Second Substitute House Bill No. 1505. If Engrossed Second Substitute House Bill No. 1505 is not enacted by July 1, 1986, the amounts provided by this subsection shall revert.

Sec. 209. Section 215, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	7,815,000	8,043,000
General Fund Appropriation—Federal \$	15,556,000	((16,093,000))
		<u>16,693,000</u>
General Fund Appropriation—Local \$		200,000
Total Appropriation \$	((47,507,000))	
	<u>48,307,000</u>	

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

(1) \$1,195,000 for fiscal year 1986, of which \$359,000 is from the general fund—state appropriation, and \$1,597,000 for fiscal year 1987, of which \$478,000 is from the general fund—state appropriation, are provided solely to implement the order of the King county superior court in Carter v. Simpson, cause number 82-5-50039-0. If this order is reversed on appeal, the unexpended balance of the amounts provided in this subsection shall revert.

(2) In serving custodial parents not on public assistance who apply for support enforcement services, the department shall, to the maximum extent permitted by federal and state law, give priority to cases in which the custodial parent is at risk of becoming eligible for aid to families with dependent children.

(3) The department shall study and make recommendations to the legislature regarding a comprehensive and equitable plan for determining financial responsibility of clients and relatives of clients who receive department-provided or department-funded services. A committee shall be established to oversee the study, to be composed of representatives of the department, the affected population, the public, and other branches of government, including both caucuses of both houses of the legislature. The secretary of social and health services, or the secretary's designee, shall serve as chairperson of the committee. The study shall consider the legal, ethical, financial, managerial, and pragmatic consequences of the imposition of financial responsibility on utilizers of services provided or funded by the department. The study specifically shall address, but is not limited to:

(a) The level of financial responsibility assessed under existing statutes and policy for utilization of various department services by clients and their responsible relatives;

(b) The effect of financial responsibility on discouraging the utilization of necessary services provided by the department; and

(c) An equitable method of assessing the amount of financial responsibility.

The study findings shall be submitted to the appropriate committees of the house of representatives and the senate no later than November 1, 1986, along with any recommendations for legislative action.

Sec. 210. Section 217, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

	FY 1986	FY 1987
General Fund Appropriation—State \$	((6,363,000))	((6,146,000))
	6,442,000	9,478,000
General Fund Appropriation—Federal \$	((70,233,000))	70,406,000
	68,233,000	
General Fund—Building Code Council Account Appropriation \$	84,000	120,000
Public Works Assistance Account Appropria- tion \$	204,000	303,000
Total Appropriation	\$((153,372,000))	155,270,000

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

(1) \$975,000 for fiscal year 1986 and \$975,000 for fiscal year 1987 of the general fund—state appropriation shall be used solely for grants in aid to public or private nonprofit organizations operating shelters for homeless persons. Grants awarded under this subsection shall be used to provide temporary emergency shelter, including either direct shelter services or vouchers to pay for low-cost commercial accommodations, to persons and families who are without housing and lack funds to purchase lodging. Priority in awarding grants shall be given to organizations which do not otherwise receive state general funds. Grantee organizations shall give priority in the use of grant funds to shelter for families and children. Grants shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state(including rural areas)) as demonstrated by the estimated number of unserved homeless persons in each area.

(2) \$475,000 for fiscal year 1986 and \$475,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to public or private nonprofit organizations operating food banks which distribute food without charge to persons unable to purchase enough food for their subsistence, and to public or private nonprofit organizations operating food distribution systems that furnish donated or purchased food to food banks. Grants awarded under this subsection shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Sixty percent of the funds under this subsection shall be provided to food banks and forty percent to food distribution organizations. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(3) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation is provided solely for administration of grants in aid to emergency shelter and food programs under subsections (1) and (2) of this section.

(4) If Second Substitute House Bill No. 738 is not enacted by July 1, 1985, \$250,000 in fiscal year 1986 and \$250,000 in fiscal year 1987 of the general fund—state appropriation shall revert.

(5) \$120,000, of which \$96,000 is from the general fund—state appropriation for fiscal year 1986 and \$24,000 is from the general fund—building code council account appropriation for fiscal year 1986, and \$120,000 from the general fund—building code council account appropriation for fiscal year 1987 is provided solely to implement Engrossed Substitute Senate Bill No. 3261. The general fund—state appropriation shall be paid back to the state general fund from the building code council account by June 30, 1989.

(6) \$60,000 of the general fund—building code council account appropriation for fiscal year 1986 is provided solely to implement Substitute House Bill No. 1114. The funds generated from the surcharge on building permits established by SHB 1114 shall be deposited in the general fund—building code council account. If federal funds are available for the purposes of

SHB 1114, a portion of the amount provided in this subsection equal to the amount of available federal funds shall revert.

(7) A maximum of \$100,000 for fiscal year 1986 and \$100,000 for fiscal year 1987 of the general fund—state appropriation may be spent in a study of mitigating the impact of the proposed Navy home port at Everett, Washington.

(8) \$2,970,000 of the general fund—state appropriation for fiscal year 1987 is provided solely to initiate preschool state education and assistance programs at the local level in accordance with chapter 418 (E2SHB 1078), Laws of 1985 (early childhood assistance act).

(9) \$46,000 of the general fund—state appropriation for fiscal year 1986 is provided solely for the reimbursement of government and nonprofit entities for costs incurred in controlling fires on the L.T. Murray Range.

(10) \$200,000 for fiscal year 1986 and \$550,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for the state matching funds for the federal emergency management agency grant for damages caused by heavy rains, flooding, mud slides, and wind which occurred on January 16-25, 1986.

NEW SECTION. Sec. 211. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	108,000
General Fund Appropriation—Federal	\$	1,212,000
Total Appropriation	\$	1,320,000

The appropriations in this section are provided solely for the operation and support of the developmental disabilities planning council. However, moneys expended under this section shall not exceed amounts remaining unexpended from the moneys appropriated by section 206(4), chapter 6, Laws of 1985 ex. sess.

Sec. 212. Section 222, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

	FY 1986	FY 1987
General Fund—Death Investigations		
Account Appropriation	\$ 15,000	15,000
General Fund—Public Safety and Education Account Appropriation	\$ ((3,506,000))	((3,506,000))
	3,446,000	3,266,000
Total Appropriation	\$((7,042,000))	
	6,742,000	

Sec. 213. Section 223, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

	FY 1986	FY 1987
General Fund Appropriation	\$ 4,014,000	3,795,000
General Fund—Public Safety and Education Account Appropriation	\$ 3,952,000	3,954,000
Accident Fund Appropriation	\$ 35,481,000	34,916,000
Electrical License Fund Appropriation	\$ 3,642,000	3,651,000
Medical Aid Fund Appropriation	\$ 34,530,000	33,868,000
Plumbing Certificate Fund Appropriation	\$ 218,000	((218,000))
		314,000
Pressure Systems Safety Fund Appropriation ..	\$ 524,000	531,000
Worker and Community Right to Know Fund Appropriation	\$ 540,000	961,000
Farm Worker Revolving Fund Appropriation—Local	\$ 78,000	72,000
Total Appropriation	\$((164,945,000))	
	165,041,000	

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

(1) The department shall establish a review committee. The review committee shall monitor on a regular quarterly basis the progress reports and work plans of the agency's information systems, including the medical information and payment system (MIPS), to ensure executive-level oversight and control of the data processing and management information systems within the agency. The review committee shall include representatives of the department of labor and industries, the office of financial management, and other appropriate persons.

(2) \$160,000 of the general fund appropriation is provided solely as a loan for the worker-right-to-know program and shall be repaid to the general fund when sufficient funds are available in the worker and community right to know fund.

(3) The farm worker revolving fund appropriation is provided solely for increased activities in connection with the licensing and regulation of farm labor contractors under ((Substitute

~~House Bill No. 199~~) chapter 280, Laws of 1985. If the bill is not enacted by July 1, 1985, this appropriation shall lapse.

Sec. 214. Section 224, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF PRISON TERMS AND PAROLES

	FY 1986	FY 1987
General Fund Appropriation \$	(1,458,000)	(1,294,000)
	1,506,000	1,342,000
Total Appropriation	S(2,752,000)	
	2,848,000	

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

(1) \$77,000 for fiscal year 1986 and \$77,000 for fiscal year 1987 of the general fund—state appropriation are provided to continue the board membership at seven members through June 30, 1986, under Engrossed Substitute House Bill No. 204. If Engrossed Substitute House Bill No. 204 is not enacted by July 1, 1985, the amounts provided shall revert.

(2) \$36,000 of the general fund—state appropriation is provided solely for one-time overtime costs associated with meeting the requirements of In re Obert Myers, 105 Wn.2d ... (February 13, 1986).

(3) \$60,000 of the general fund—state appropriation is provided solely for one-time attorney general costs associated with meeting the requirements of In re Obert Myers, 105 Wn.2d ... (February 13, 1986).

Sec. 215. Section 226, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

	FY 1986	FY 1987
General Fund Appropriation—State \$	2,526,000	(2,526,000)
		2,801,000
General Fund Appropriation—Federal \$	75,144,000	75,144,000
General Fund Appropriation—Local \$	3,866,000	3,866,000
Administrative Contingency Fund		
Appropriation—Federal \$	3,204,000	3,204,000
Unemployment Compensation Administration		
Fund Appropriation \$	52,696,000	52,696,000
Total Appropriation	S(274,872,000)	
	275,147,000	

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

(1) In administering the work incentive program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.

(2) \$300,000 for fiscal year 1986 and \$300,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for contracting with other agencies for the Washington conservation corps. None of these funds may be spent by the employment security department for administration.

(3) \$275,000 of the general fund—state appropriation for fiscal year 1987 is provided solely for contracting with community nonprofit groups for comprehensive job-generation community development projects with substantial private sector financial and planning support. None of these funds may be spent by the employment security department for administration.

Sec. 216. Section 228, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE CORRECTIONS STANDARDS BOARD

	FY 1986	FY 1987
General Fund Appropriation—State \$	346,000	346,000
General Fund Appropriation—Federal \$	36,000	36,000
General Fund—Local Jail Improvement and Construction Account Appropriation \$	21,232,000	(11,904,000)
		17,104,000
Total Appropriation	S(33,900,000)	
	39,100,000	

The appropriations in this section are subject to the following conditions and limitations: A maximum of \$875,000 from moneys that are turned back to the local jail improvement and construction account from existing projects authorized by the board on or before February 7,

1986, and any unobligated interest earned shall be provided for the Kitsap county jail extension project.

PART III
NATURAL RESOURCES

Sec. 301. Section 301, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE ENERGY OFFICE

	FY 1986	FY 1987
General Fund Appropriation—State \$	818,000	((777,000))
		<u>792,000</u>
General Fund Appropriation—Federal \$	7,281,000	6,697,000
General Fund Appropriation—Geothermal Account/Federal \$	42,000	44,000
General Fund—Building Code Council Account Appropriation \$	375,000	375,000
Total Appropriation	\$((16,409,000))	
	<u>16,424,000</u>	

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

(1) \$122,000 in each fiscal year is provided solely for the state building energy management program. The office of financial management shall revert savings in state agency budgets resulting from this program.

(2) The general fund—building code council account appropriation is provided solely for an in situ testing program by the University of Washington college of architecture and department of mechanical engineering, of annual thermal transmittance of individual construction components and conservation measures proposed for new residential construction by the Pacific northwest electric power planning and conservation council. These funds shall be inclusive of administrative costs incurred by the state energy office. The funds generated from the surcharge on building permits established in Substitute House Bill No. 1114 shall be deposited in the general fund—building code council account. This appropriation is limited to the amount of revenues in the building code council account.

(3) \$15,000 of the fiscal year 1987 general fund—state appropriation is provided solely for membership assessments in the western interstate energy board.

Sec. 302. Section 303, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

	FY 1986	FY 1987
General Fund Appropriation—State \$	((21,250,000))	((21,143,000))
	<u>20,873,000</u>	<u>22,136,000</u>
General Fund Appropriation—Federal \$	10,122,000	10,128,000
General Fund Appropriation— Private/Local \$	64,000	((64,000))
		<u>460,000</u>
General Fund—Hazardous Waste Control and Elimination Account Appropriation . . . \$	1,154,000	1,158,000
General Fund—Flood Control Account Appropriation \$	2,000,000	2,000,000
General Fund—Special Grass Seed Burn- ing Account Appropriation \$	35,000	35,000
General Fund—Reclamation Revolving Account Appropriation \$	561,000	562,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess. \$	311,000	335,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess. Reappropriation . . . \$	3,000,000	3,570,000
Water Project Revolving Account Sub- total \$	3,311,000	3,905,000
General Fund—Litter Control Account Appropriation \$	2,356,000	((2,394,000))
		<u>2,929,000</u>
((General Fund—Water Quality Account Appropriation \$	10,000,000	90,000,000))
General Fund—State and Local Improve- ments Revolving Account—Waste Dis- posal Facilities: Appropriated pursuant		

to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	363,000	373,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26): Reappropriation	\$	20,000,000	26,278,000
Referendum 26 Subtotal	\$	20,363,000	26,651,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	39,346,000	39,441,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39): Reappropriation	\$	130,000,000	127,400,000
Referendum 39 Subtotal	\$	169,346,000	166,841,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities	\$	3,354,000	3,412,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation	\$	18,000,000	18,043,000
Water Supply Subtotal	\$	21,354,000	21,455,000
Stream Gaging Basic Data Fund Appropriation	\$	100,000	100,000
Total Appropriation	\$	(608,460,000) 509,999,000	

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

(1) On or before October 1, 1985, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1985-87 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each bond proceed account. The department shall submit updates for the master compilation to the committees on ways and means and the office of financial management at six-month intervals during the 1985-87 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means and the office of financial management thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees and the office of financial management of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities. If the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed by this subsection.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) ~~((Contingent on the enactment of House Bill No. 811, House Bill No. 1081, Substitute Senate Bill No. 3703, or Engrossed Second Substitute Senate Bill No. 3827, the appropriation from the water quality account may be expended by the department to pay up to 50% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution or water storage facilities which enhance water quality. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.~~

~~(6) In order to monitor the expenditure of Referendum 38 funds that are to be expended prior to the use of funds provided by Second Substitute Senate Bill No. 4136, the department of ecology shall provide an annual report to the legislature of the funds remaining from Referendum 38 and the projects that are in work and awaiting approval. If SSB 4136 is not enacted by July 1, 1985, the annual reports shall not be required.~~

(7) The department may operate, and seek and accept grants or gifts for the purpose of operating and maintaining, the Padilla Bay estuarine sanctuary and interpretive center.

~~((6)) (6) Not more than \$10,545,000 of the general fund—state appropriation for fiscal year 1986 and ~~\$(10,473,000))~~ 11,302,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the hazardous waste and air quality program. ~~((This includes funds necessary to implement Engrossed Substitute House Bill No. 975.))~~ The spending limits under this subsection include up to \$1,310,000 for implementation of chapter 448, Laws of 1985 (E2SSB 975). Moneys provided in subsection (11) of this section are in addition to the moneys provided in this subsection.~~

~~((9)) (7) Not more than ~~\$(4,304,000))~~ 3,919,000 of the general fund—state appropriation for fiscal year 1986 and ~~\$(4,301,000))~~ 4,361,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water and land resources program including but not limited to:~~

- (a) Public water supply reservation;
- (b) Well drilling enforcement;
- (c) Ground/surface water data collection;
- (d) State-wide groundwater planning;
- (e) Increased shoreline management grants to local governments; and
- (f) Shoreline management support.

~~((10)) (8) Not more than \$2,155,000 of the general fund—state appropriation for fiscal year 1986 and ~~\$(2,133,000))~~ 2,178,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water quality program including but not limited to:~~

- (a) Groundwater management and investigation;
- (b) Groundwater technical assistance; and
- (c) Municipal water management.

~~((11)) (9) \$985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.~~

~~((12)) (10) \$200,000 of the general fund—state appropriation is provided solely as a loan for the hazardous substances information and education program. At the close of the 1985-87 biennium, the state treasurer shall transfer \$200,000 from the worker and community right to know fund to the general fund. If House Bill No. 865 is not enacted before July 1, 1985, the general fund amount provided in this subsection shall revert and the transfer from the worker and community right to know fund shall not occur.~~

~~((13)) (11) \$354,000 of the general fund—state appropriation is provided solely for the department to develop a state hazardous waste management plan, including criteria for the siting of hazardous waste management facilities.~~

~~((14)) (12) For the purpose of implementing the requirements of a shellfish protection program, including a pilot program for the prevention of nonpoint source pollution of important shellfish resource areas, the department of ecology shall expend up to a maximum of \$300,000 for:~~

- (a) The development of regulations designating priority shellfish protection resource areas;
- (b) Contracts with local governments and conservation districts to develop plans, educational programs, and other activities to clean up and protect shellfish resource areas; and
- (c) Washington conservation corps activities and other programs to assist land owners in eliminating animal waste related pollution.

~~((15)) (13) The office of financial management is authorized to allow the department to deviate from the annual allocation of moneys provided in this section. This authorization pertains only to moneys appropriated and reappropriated for construction grants and hazardous waste remedial action construction contracts.~~

(14) \$470,000 of the general fund—state appropriation and \$396,000 of the general fund—local appropriation are provided solely to implement either Senate Bill No. 4876 or House Bill No. 1655 on low-level radioactive waste. If neither Senate Bill No. 4876 nor House Bill No. 1655 is enacted by July 1, 1986, the amounts provided by this subsection shall lapse.

(15) \$57,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 69 (chapter 426, Laws of 1985), dealing with the development of guidelines and standards for the establishment of solid waste trust funds.

(16) \$52,000 of the general fund—state appropriation is provided solely to implement House Bill No. 974 (chapter 456, Laws of 1985), dealing with acid rain assessment.

(17) \$45,000 of the general fund—state appropriation is provided solely for water quality laboratory analysis.

(18) \$59,000 of the general fund—state appropriation is provided solely for the conduct of civil and criminal investigations of violations of environmental statutes.

(19) Not more than \$15,000 from the general fund—reclamation revolving account appropriation shall be paid to Cowlitz county as reimbursement for prior contributions of the flood control district to the account.

(20) Not more than \$150,000 from the general fund—private/local appropriation may be expended by the department to perform studies, by contract or otherwise, to define site closure and perpetual care and maintenance requirements for the Hanford low-level radioactive waste disposal facility and to assess the adequacy of insurance coverage for general liability, radiological liability, and transportation liability for the facility. The department shall complete the studies and report its findings to the legislature by December 31, 1987. The department shall make a preliminary progress report to the legislature by December 31, 1986.

Sec. 303. Section 310, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

	FY 1986	FY 1987
General Fund Appropriation \$	10,265,000	10,016,000
Motor Vehicle Fund Appropriation \$	((258,000))	((261,000))
	281,000	298,000
Total Appropriation	\$((20,800,000))	
	20,860,000	

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

(1) \$1,951,000 of the general fund—state appropriation shall be expended in each fiscal year solely for the University of Washington for the continuation of the Washington high technology center and the center for international trade in forest products as matching funds to private-sector, federal, and in-kind contributions, on the basis of the following percentages:

(a) Washington high technology center, 50 percent; and nonstate contributions, 50 percent; and

(b) Center for international trade in forest products, 50 percent; and nonstate contributions, 50 percent.

(2) The motor vehicle fund appropriation shall be used in conformance with constitutional limitations.

(3) \$175,000 of the general fund appropriation is provided solely for the Washington state economic development board. If House Bill No. 627 is not enacted before July 1, 1985, the amount provided in this subsection shall revert.

(4) Not more than \$251,000 of the general fund—state appropriation shall be expended in fiscal year 1986 for the high-technology coordinating board. A plan shall be submitted to the legislature not later than December 20, 1985, detailing the future activities, structure, and costs of the board.

(5) Funds provided for county economic development councils shall be matched at fifty percent, except that no funds contained in this appropriation nor in-kind contributions shall be used for such matching funds.

(6) The department may contract with the small business development center at Washington State University for services to assist the promotion and expansion of small businesses in the state.

(7) The department is authorized to transfer from the surplus of the state trade fair fund not more than \$150,000 to the centennial commission.

(8) \$23,000 for fiscal year 1986 and \$37,000 for fiscal year 1987 from the motor vehicle fund appropriation are provided solely to implement a computer-assisted tourist information network at selected visitor information centers and state highway rest areas. The department shall coordinate with the state department of transportation in establishing the system. All revenue derived from a vendor or vendors associated with the system shall be deposited by the department in the motor vehicle fund.

Sec. 304. Section 312, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GAME

	FY 1986	FY 1987
General Fund—ORV (Off-Road Vehicle)		
Account Appropriation \$	123,000	124,000
General Fund—Aquatic Lands Enhancement Account Appropriation \$	158,000	158,000
General Fund—Public Safety and Education Account Appropriation \$	233,000	245,000

Game Fund Appropriation—State	\$	((20,054,000))	((19,585,000))
		20,116,000	19,917,000
Game Fund Appropriation—Federal	\$	5,664,000	5,803,000
Game Fund Appropriation—Private/Local	\$	647,000	646,000
Game Fund—Special Wildlife Account			
Appropriation	\$	148,000	148,000
Total Appropriation		S((53,736,000))	
		54,130,000	

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

(1) ~~\$57,000~~ from the game fund—state appropriation is provided solely for legal fees resulting from the Chehalis river contempt hearing.

(2) Not more than \$337,000 from the game fund—state appropriation may be expended for the purposes of chapter 243, Laws of 1985.

Sec. 305. Section 314, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

		FY 1986	FY 1987
General Fund Appropriation—State	\$	((15,799,000))	((14,992,000))
		22,416,000	14,923,000
General Fund Appropriation—Federal	\$	129,000	129,000
General Fund—ORV (Off-Road Vehicle)			
Account Appropriation	\$	1,508,000	1,488,000
General Fund—Geothermal Account			
Appropriation—Federal	\$	8,000	8,000
General Fund—Forest Development			
Account Appropriation	\$	((6,606,000))	((6,401,000))
		7,496,000	7,945,000
General Fund—Survey and Maps Account			
Appropriation	\$	362,000	369,000
General Fund—Landowner Contingency			
Forest Fire Suppression Account Approp-			
riation	\$	708,000	724,000
General Fund—Resource Management			
Cost Account Appropriation	\$	((24,595,000))	((24,655,000))
		26,361,000	27,419,000
Total Appropriation		S((98,561,000))	
		111,993,000	

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

(1) ~~S((601,000))~~ 346,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1986, and ~~S((501,000))~~ 245,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1987, associated with court actions brought by the state against timber companies that have defaulted on timber sales contracts. ~~((Ten percent of all funds recovered by the state in these court actions shall be deposited in the general fund until the total deposited in the general fund equals \$1,182,000.))~~

(2) \$310,000 of the general fund—state appropriation in each fiscal year is provided solely for costs associated with flood damage litigation in Skagit and Whatcom counties.

(3) \$482,000 of the general fund—state appropriation for fiscal year 1986 shall be used solely for the department of natural resources to move from the public lands building and vacate the house office building.

Sec. 306. Section 315, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

		FY 1986	FY 1987
General Fund Appropriation—State	\$	7,482,000	((7,352,000))
			7,409,000
General Fund Appropriation—Federal	\$	387,000	354,000
General Fund—Feed and Fertilizer			
Account Appropriation	\$	10,000	7,000
Fertilizer, Agricultural, Mineral and Lime			
Fund Appropriation	\$	214,000	220,000
Commercial Feed Fund Appropriation	\$	246,000	236,000
Seed Fund Appropriation	\$	486,000	498,000
Nursery Inspection Fund Appropriation	\$	315,000	316,000
Livestock Security Interest Fund Appropria-			
tion	\$	21,000	17,000
Total Appropriation		S((18,123,000))	
		18,218,000	

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

(1) Not more than \$851,000 of the general fund—state appropriation shall be expended in each fiscal year for enhanced export and domestic marketing in the agricultural development program.

(2) Not more than \$549,000 of the general fund—state appropriation in each fiscal year shall be expended for the continuation of the IMPACT center at Washington State University.

(3) \$125,000 for fiscal year 1986 and \$125,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for the purchase of materials or biological control agents for controlling or eradicating noxious weeds and shall be available only for distribution by the director of the department to those activated county noxious weed control boards and active weed districts that employ administrative personnel to supervise a weed control program and that have a budget from other than state sources of at least twenty-five thousand dollars annually. The moneys provided under this paragraph shall be allocated to such boards and districts based on the severity of the noxious weed control problems.

(4) \$57,000 of the general fund—state appropriation is provided for the purchase of vaccine for the prevention of brucellosis and for the cost of distributing brucellosis vaccine to veterinarians practicing in the state of Washington, in a manner to be established by the office of state veterinarian.

PART IV
TRANSPORTATION

Sec. 401. Section 401, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

	FY 1986	FY 1987
General Fund Appropriation—State \$	((6,684,000))	((6,611,000))
	6,881,000	6,778,000
General Fund Appropriation—Federal \$	70,000	70,000
General Fund Appropriation—		
Private/Local \$	718,000	539,000
General Fund—Death Investigations		
Account Appropriation \$	12,000	12,000
Total Appropriation	\$(14,716,000)	
	15,080,000	

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

(1) \$95,000 for fiscal year 1986 and \$63,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to operate a missing children clearinghouse under Substitute House Bill No. 242. ((If the bill is not enacted before July 1, 1985, the amounts provided shall revert:))

(2) \$197,000 for fiscal year 1986 and \$167,000 for fiscal year 1987 from the general fund—state appropriation are provided to eliminate backlogs and provide mandated services for the state patrol identification and criminal history section.

Sec. 402. Section 402, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

	FY 1986	FY 1987
General Fund Appropriation \$	6,342,000	((5,697,000))
		6,924,000
General Fund—Architects' License		
Account Appropriation \$	234,000	234,000
General Fund—Medical Disciplinary		
Account Appropriation \$	440,000	440,000
General Fund—Health Professions Account		
Appropriation \$	2,826,000	2,770,000
General Fund—Professional Engineers'		
Account Appropriation \$	405,000	400,000
General Fund—Real Estate Commission		
Account Appropriation \$	2,834,000	2,434,000
Total Appropriation	\$(25,056,000)	
	26,283,000	

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

(1) \$900,000 of the fiscal year 1987 general fund—state appropriation is provided solely for redevelopment and expansion of the master license system. This funding is contingent on interagency transfers of \$200,000 from the department of labor and industries, \$200,000 from the department of employment security, and \$200,000 from the department of revenue. The department shall begin development and pilot testing of common business identification numbers.

(2) \$44,000 of the fiscal year 1987 general fund—state appropriation is provided solely for regulation of commodity-related activities under Senate Bill No. 4527 or Substitute House Bill

No. 1012. If neither Substitute House Bill No. 1012 nor Senate Bill No. 4527 is enacted by July 1, 1986, the amount provided by this subsection shall lapse.

(3) \$151,000 of the fiscal year 1987 general fund—state appropriation is provided solely to establish a small business capital formation program under Substitute House Bill No. 205. If Substitute House Bill No. 205 is not enacted by July 1, 1986, the amount provided by this subsection shall lapse.

(4) \$132,000 of the fiscal year 1987 general fund—state appropriation is provided solely for registration and regulation of vessel dealers under House Bill No. 1613. If House Bill No. 1613 is not enacted by July 1, 1986, the amount provided by this subsection shall lapse.

PART V
EDUCATION

Sec. 501. Section 503, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation \$ ~~(3,465,393,000)~~
3,436,643,000

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

(1) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent shall require school districts to ensure that, during the respective school year, the district has complied with all rules adopted by the superintendent of public instruction to implement RCW 28A.58.095. For any violation of such rules, the superintendent shall withhold an amount equal to the level of the violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance with the rules.

(2) ~~\$(~~917,285,000~~)~~ 314,650,000 is provided solely for the remaining months of the 1984-85 school year.

(3) Allocations for certificated salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education certificated salary allocation defined in section 504 of this act by the district's formula-generated certificated staff units determined as follows:

(a) One certificated staff unit for each twenty average annual full time equivalent kindergarten, elementary, and secondary students, excluding handicapped full time equivalent enrollment as calculated according to the procedures in the allocation model established in section 506 of this act and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations in subsection (3) (b) through ~~((c))~~ (e) of this section: PROVIDED, That those school districts with a minimum enrollment of 250 full time equivalent students and whose full time equivalent student enrollment count in a given enrollment month exceeds the first of the month full time equivalent enrollment count by 5% shall be entitled to an additional state allocation of 110% of the pro rata share that such enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(b) During the 1985-86 school year, one certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction, for the 1986-87 school year one certificated staff unit for each average annual seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction: PROVIDED, That in skills centers, the ratio shall be one certificated staff unit for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in an approved vocational education program.

(c) For districts enrolling not more than twenty-five average annual full time equivalent students and for small school plants within any school district, which small plants enroll not more than twenty-five average annual full time equivalent students and have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For the 1985-86 school year, for those enrolling no students in grades seven or eight, three certificated staff units;

(ii) For the 1985-86 school year, for those enrolling students in either grades seven or eight, four certificated staff units;

(iii) For the 1986-87 school year, for those enrolling no students in grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-twentieth of a certificated staff unit for each additional student enrolled; and

(iv) For the 1986-87 school year, for those enrolling students in either grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-tenth of a certificated staff unit for each additional student enrolled.

(d) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants enroll more than twenty-five average annual full

time equivalent students and have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollments above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated staff unit;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated unit.

~~((c))~~ (e) A district that operates no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students shall be allocated certificated staff units for enrollment in each such high school as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

~~((e))~~ (f) In addition to those staffing ratios specified by RCW 28A.41.140, school districts with an enrollment of at least 100 annual average full time equivalent students in grades kindergarten through third grade shall receive during the 1986-87 school year a certificated unit allocation in addition to that provided in subsection (3)(a) of this section, at a rate of one certificated staff unit per 1,000 annual average full time equivalent students enrolled in grades kindergarten through third grade: PROVIDED, That school districts shall use the additional certificated unit allocation to provide during the 1986-87 school year additional personnel whose primary duty is the daily classroom educational instruction of students.

(4) Allocations for classified salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education classified salary allocation as defined in section 504 of this act by the district's formula-generated classified staff units determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (3) (a), (c), ~~((and))~~ (d), and (e) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(5) Fringe benefit allocations shall be calculated at a rate of 20.03 percent in the 1985-86 school year and 20.08 percent in the 1986-87 school year of certificated salary allocations provided pursuant to subsection (3) of this section, and a rate of 16.86 percent in the 1985-86 school year and 16.91 percent in the 1986-87 school year of classified salary allocations provided pursuant to subsection (4) of this section.

(6) Insurance benefit allocations for the 1985-86 and 1986-87 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (3) of this section and for the number of classified staff units determined in subsection (4) of this section multiplied by 1.152.

(7)(a) For nonemployee related costs with each certificated staff unit determined under subsection (3) (a), (c), ~~((and))~~ (d), and (e) of this section, there shall be provided a maximum of \$5,614 per staff unit in the 1985-86 school year and a maximum of \$5,833 per staff unit in the 1986-87 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (3)(b) of this section, there shall be provided a maximum of \$10,698 per staff unit in the 1985-86 school year and a maximum of \$11,115 per staff unit in the 1986-87 school year.

(8) Allocations for costs of substitutes for classroom teachers shall be provided at a rate of \$268 per full time equivalent basic education classroom teacher during the 1985-86 and 1986-87 school years.

(9) The superintendent shall distribute a maximum of \$3,010,000 outside the basic education formula during fiscal years 1986 and 1987 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$320,000 may be expended in fiscal year 1986 and a maximum of \$342,000 in fiscal year 1987.

(b) For summer vocational programs at skills centers, not more than ~~\$(999,000))~~ 771,000 shall be expended in fiscal year 1986 and not more than \$1,077,000 in fiscal year 1987.

(c) For school district emergencies, a maximum of \$136,000 may be expended in fiscal year 1986 and a maximum of \$136,000 may be expended in fiscal year 1987.

NEW SECTION, Sec. 502. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—RETIREMENT BENEFITS

General Fund—Revenue Accrual Account

Appropriation \$ 11,254,000

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

(1) The superintendent shall distribute funds appropriated in this section in proportion to the state-supported classified salary allocation to each district.

(2) Funds appropriated in this section are intended to fully fund employer contributions to the public employees' retirement system.

Sec. 503. Section 504, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION

General Fund Appropriation \$ 46,162,000

(1) For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(a) 'LEAP Document 7' means the computer tabulation of 1984-85 derived base salaries for basic education certified staff and 1984-85 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 11, 1985, at 10:36 hours.

(b) 'Revised LEAP Document 7' means the computer tabulation of certificated and classified derived base salaries as developed by the legislative evaluation and accountability program committee on February 27, 1986, at 9:41 hours.

(c) For the purposes of the appropriation in section 501 of this 1986 act, each district's average basic education certificated salary allocation shall be the district's certificated derived base salary shown on LEAP Document 7, multiplied by the district's prior year staff mix factor calculated using LEAP Document 1.

~~((c))~~ (d) For the purposes of the appropriation in section 501 of this 1986 act, each district's average basic education classified salary allocation for both the 1985-86 and 1986-87 school years shall be the district's classified derived base salary multiplied by the district's prior year classified increment mix factor, as specified in this section. For the 1985-86 school year, the classified derived base salary for each district shall be the average classified salary specified for each district in LEAP Document 7 divided by the 1984-85 classified increment mix factor for each district calculated according to the formula used by the superintendent of public instruction in the 1984-85 school year. By December 1, 1985, the superintendent of public instruction shall provide to the legislative evaluation and accountability program committee the appropriate data with which to modify LEAP Document 7 to reflect the classified derived base salary for use in the 1986-87 school year.

(e) 'Incremental fringe benefits' means 19.44 percent for certificated staff and 15.49 percent for classified staff, which percentages shall be the fringe benefit rates applied to all salary increases provided in this section, and is for employer contributions to employee benefits and retirement benefits.

(2) For the purposes of RCW 28A.58.095 and section 503(1) of this act, the following conditions and limitations apply:

(a) Effective September 1, 1986, each school district is authorized to grant salary increases that increase the district's actual basic education certificated derived base salary for the 1986-87 school year to no more than the sum of: (i) The district's certificated derived base salary as shown on revised LEAP Document 7; and (ii) three percent of the state-wide average certificated derived base salary as shown on revised LEAP Document 7.

(b) Effective September 1, 1986, each school district is authorized to grant salary increases that increase the district's actual basic education classified derived base salary for the 1986-87 school year to no more than the sum of: (i) The district's classified derived base salary as shown on revised LEAP Document 7; and (ii) three percent of the state-wide average classified derived base salary as shown on revised LEAP Document 7.

(c) The maximum average percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized pursuant to this section for the district's basic education program.

~~((fb))~~ (d) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with

no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1985-86 or 1986-87 school year which would raise the rate per full time equivalent unit to over \$167 per month.

((c)) (e) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

((d)) (f) Seniority increments granted by a school district pursuant to the district's salary schedule for classified employees shall constitute salary increase in the year in which the increments are given to the extent only that the aggregate of the increments granted by the district exceeds the amount of the district's increments calculated using the formula adopted by the superintendent of public instruction for the classified increment mix factor.

(g) Districts may elect an alternate measure of salary compliance for classified staff by comparing base salaries of 1986-87 staff to the imputed base that was or would have been paid the same staff in the same positions during 1985-86 if the districts electing this alternative certify by board resolution that any amount in excess of state-funded salary levels in each year henceforward is solely a district obligation created through local district personnel policies and salary schedule placements, and that the effect shall neither incur nor imply any current or future funding obligation by the state.

(3)(a) A maximum of \$650,000 of the appropriation in this section is provided to fund the conversion from LEAP Document 7 to revised LEAP Document 7, effective September 1, 1986. The superintendent of public instruction shall distribute these moneys to fund increases in salary costs and incremental fringe benefits resulting from using revised LEAP Document 7 to calculate allocations for certificated and classified staff units as in section 501 of this 1986 act.

(b) \$28,582,000 is provided, effective September 1, 1986, to increase funding for each basic education certificated staff unit allocated for the 1986-87 school year in section 501 of this 1986 act by an amount equal to the district's 1985-86 LEAP Document 1 basic education staff mix factor times three percent of the state-wide average certificated derived base salary as shown on revised LEAP Document 7, and for incremental fringe benefits.

(c) \$5,926,000 is provided, effective September 1, 1986, to increase funding for each basic education classified staff unit allocated for the 1986-87 school year in section 501 of this 1986 act by an amount equal to the district's 1985-86 basic education classified increment mix factor times three percent of the state-wide average classified derived base salary as shown on revised LEAP Document 7, and for incremental fringe benefits.

(d) A maximum of \$2,263,000 is provided for salary increases and incremental fringe benefits in the following programs, to be distributed by increasing 1986-87 school year allocation rates as specified:

(i) Transitional bilingual instruction (section 508), \$11.43 per pupil;

(ii) Remediation assistance (section 509), \$8.80 per pupil;

(iii) Education of highly capable students (section 510), \$6.77 per pupil;

(iv) Vocational-technical institutes (section 512), \$59.94 per FTE pupil;

(v) Pupil transportation (section 514), \$0.48 per weighted pupil-mile.

(e) A maximum of \$3,968,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 506), and for state-supported staff in educational service districts (section 502) and institutional education programs (section 507). The superintendent of public instruction shall distribute a three percent salary increase for these programs using the pertinent program state-wide average derived base salaries.

(f) Each school district with a certificated derived base salary of less than \$16,500, as shown on revised LEAP Document 7, is authorized to grant salary increases for the 1986-87 school year which increase the district's basic education certificated derived base salary, before the salary increase authorized in subsection (2)(a) of this section, to no more than \$16,500. A maximum of \$4,773,000 is provided to fund the cost of this increase in state-supported programs. For the purposes of allocating basic education funds in the 1986-87 school year, the superintendent of public instruction shall modify revised LEAP Document 7 to reflect a certificated derived base salary of \$16,500 for each of these districts.

(4) Increases provided by this section shall be included in the programs referenced in RCW 84.52.0531(1)(b) for purposes of calculating the levy lid.

Sec. 504. Section 506, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((355,371,000)) 362,380,000
General Fund Appropriation—Federal	\$	30,153,000
Total Appropriation	\$	((385,524,000)) 392,533,000

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

(1) ~~\$(32,235,000)~~ 32,120,000 of the general fund—state appropriation is provided solely for the remaining months of the 1984-85 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1985-86 ~~((and 1986-87))~~ school year(s) in accordance with a district's actual handicapped enrollments and the allocation model established in ~~((new))~~ LEAP Document 8 as developed by the legislative evaluation and accountability program committee on May 28, 1985, at 14:04 hours.

(3) The superintendent of public instruction shall distribute state funds for the 1986-87 school year in accordance with a district's actual handicapped enrollments and the allocation model established in LEAP Document 8 (revised) as developed by the legislative evaluation and accountability program committee on December 10, 1985, at 9:45 hours.

(4) A maximum of \$250,840 may be expended from the general fund—state appropriation to fund three teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through home and hospital allocation and the handicapped program.

Sec. 505. Section 509, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR REMEDIATION ASSISTANCE
 General Fund Appropriation \$ ~~((24,733,000))~~
26,363,000

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

(1) \$2,644,000 is provided solely for the remaining months of the 1984-85 school year.

(2) Funding for school district remediation programs serving grades two through nine shall be distributed during the 1985-86 and 1986-87 school years at a maximum rate of \$337 per unit as calculated pursuant to this subsection. The number of units for each school district shall be the sum of: (a) The number of students enrolled in grades two through six in the district multiplied by the most recent prior five-year average percentage of students taking the fourth grade basic skills test ~~((in the previous year))~~ who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages seven through eleven in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades two through six; and (b) the number of students enrolled in grades seven through nine in the district multiplied by the percentage of students taking the eighth grade basic skills test in the ~~((previous))~~ 1984-85 school year who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades seven through nine.

Sec. 506. Section 510, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS
 General Fund Appropriation \$ ~~((4,918,000))~~
4,876,000

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

(1) ~~\$(400,000)~~ 400,000 is provided solely for distribution to school districts for the remaining months of the 1984-85 school year.

(2) A maximum of ~~\$(2,326,000)~~ 2,308,000 may be expended by school district programs for highly capable students during the 1985-86 school year, distributed at a maximum rate of \$326 per student for up to one percent of each district's 1985-86 full time equivalent enrollment.

(3) A maximum of ~~\$(2,391,000)~~ 2,365,000 may be expended in school district programs for highly capable students in the 1986-87 school year, at a maximum rate of \$330 per student for up to one percent of each district's 1986-87 full time equivalent enrollment.

(4) A maximum of \$271,000 is provided to contract for an approved gifted program to be conducted at Fort Worden state park.

Sec. 507. Section 514, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION
 General Fund Appropriation \$ ~~((208,894,000))~~
204,421,000

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

(1) A maximum of ~~\$(92,230,000)~~ 90,093,000 may be distributed for pupil transportation operating costs in the 1985-86 school year.

(2) A maximum of \$755,000 may be expended for regional transportation coordinators.

(3) A maximum of \$56,000 may be expended for bus driver training.

Sec. 508. Section 516, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS

General Fund—Public Safety
and Education Account Appropriation \$ ~~(+123,000)~~
12,862,000

The appropriation in this section is subject to the following conditions and limitations: Not more than \$549,000 may be expended for regional traffic safety education coordinators.

PART VI
HIGHER EDUCATION

NEW SECTION, Sec. 601. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

General Fund Appropriation \$ 131,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation is for fiscal year 1987 to be used for the handling of the papers of Senator Magnuson and Senator Jackson.

Sec. 602. Section 604, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation \$	125,353,000	(+24,940,000)
Total Appropriation	S(250,293,000)	125,062,000
	250,415,000	

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

(1) \$55,330,000 from the fiscal year 1986 general fund appropriation and \$55,320,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$3,458 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$1,222,000 shall be spent for enhancement of the instructional equipment budget.

(2) The office of financial management shall initially allot for the following:

(a) Equipment	\$3,743,000
(b) Plant operations and maintenance (09)	\$33,092,000
(c) Agriculture Research (021)	\$23,573,000
(d) Cooperative Extension (032)	\$16,505,000

(3) A maximum of \$170,000 may be spent for continued funding of the endrin replacement project.

(4) The college of agriculture and home economics shall establish a plan for agricultural research projects and programs. The plan shall be developed in consultation with representatives of the state's agricultural industry. The plan shall identify the amount of funds allocated to or proposed to be allocated to the research projects and programs, by subject area, during each of fiscal years 1986 and 1987 and shall establish an order of priority for funding the various types and subject areas of agricultural research. The order of priority and funding shall reflect the current and future needs of Washington state agriculture and the process to coordinate with research of other land grant universities. The dean of the college shall submit the plan to the office of financial management and to the ways and means committees of the house of representatives and senate by January 1, 1986.

(5) Salary increases for the faculty of Washington State University, effective January 1, 1986, shall be granted solely to reduce critical market disparities in teaching disciplines. For the purposes of this subsection, 'faculty' means only those individuals holding faculty appointments in the instruction, research, public service, primary support, and sponsored research programs, including medical residents. The university shall report to the office of financial management its plans for granting salary increases under this section, including but not limited to data on increases to specific disciplines by professorial rank by October 30, 1985. The office of financial management shall report to the ways and means committees of the senate and house of representatives regarding the specific criteria the university will use to measure market disparities in teaching disciplines and to allocate salary increases to reduce such disparities. The report shall be made no later than December 1, 1985.

~~((7))~~ (6) A maximum of \$1,165,000 may be spent on intercollegiate sports activities.

(7) \$122,000 of the fiscal year 1987 appropriation is provided solely to fund planned degree programs in business administration, education, and computer sciences at the Southwest Washington joint center for education on the condition that the programs are reviewed and favorably recommended by the higher education coordinating board.

(8) Nothing in this section prevents expenditure for civic improvements.

Sec. 603. Section 605, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation \$	36,274,000	35,293,000

Total Appropriation \$71,567,000

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

(1) ~~\$(16,912,000)~~ 18,435,000 from the fiscal year 1986 general fund appropriation and ~~\$(7,932,000)~~ 17,454,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of ~~\$(2,632)~~ 2,564 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$199,000 shall be spent for enhancement of the instructional equipment budget.

(2) A maximum of \$402,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment \$918,000
- (b) Plant operations and maintenance \$13,072,000

(4) A maximum of \$1,000,000 may be spent on intercollegiate sports activities.

Sec. 604. Section 607, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

	FY 1986	FY 1987
General Fund Appropriation \$	((16,768,000))	((16,875,000))
	<u>17,003,000</u>	<u>17,231,000</u>
Total Appropriation	\$(33,643,000)	34,234,000

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

(1) ~~\$(6,813,000)~~ 7,073,000 from the fiscal year 1986 general fund appropriation and ~~\$(7,607,000)~~ 7,273,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of ~~\$(2,831)~~ 2,797 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$132,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, at least \$582,000 shall be spent for enrollments in underserved urban areas.

(2) A maximum of \$130,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) \$20,000 is provided solely for fiscal year 1986 from the general fund appropriation for the Washington state institute for public policy to complete the Washington state minorities incarceration study using the staff of the University of Washington. \$15,000 of this amount is provided solely for increasing the number of sample counties in the study. \$5,000, or the amount equal to the unexpended balance of the 1983-85 appropriation for this purpose, is provided solely for continuation of the original study. The expanded study shall be presented to the legislature by November 1, 1985.

(4) ~~\$(75,000)~~ 50,000 of the fiscal year 1986 and \$45,000 of the fiscal year 1987 general fund appropriations ~~((15))~~ are provided solely for the institute of public policy to conduct a study using the staff of the school of business administration at the University of Washington to update the 1972 Washington input-output study. The study shall be completed and a report made to the senate and house ways and means committees by June 30, ~~((1986))~~ 1987.

(5) A maximum of \$40,000 from the general fund—state appropriation may be spent for matching funds as provided in this subsection. The Washington state center for the improvement of the quality of undergraduate instruction shall include The Evergreen State College, as a participant with other higher education institutions desiring to participate, in instructional program innovation through the establishment of federated learning centers. State funds shall be matched with cash matching funds to the greatest extent possible.

(6) The office of financial management shall initially allot for the following:

- (a) Equipment \$722,000
- (b) Plant operations and maintenance \$6,184,000

(7) A maximum of \$178,000 may be spent on intercollegiate sports activities.

(8) \$25,000 of the fiscal year 1987 appropriation is provided solely for the design of an academic program in the field of business and management.

(9) \$20,000 of the fiscal year 1987 appropriation is provided solely to the institute of public policy to conduct a demographic study of the state of Washington.

Sec. 605. Section 608, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation \$	38,731,000	((37,663,000))
		<u>37,657,000</u>
Total Appropriation	\$(76,333,000)	76,388,000

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

(1) \$22,582,000 from the fiscal year 1986 general fund appropriation and \$21,442,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$2,668 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$371,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, a maximum of \$40,000 may be spent on activities related to federated learning centers.

(2) A maximum of \$407,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment \$1,991,000
- (b) Plant operations and maintenance \$9,752,000

(4) A maximum of \$395,000 may be spent on intercollegiate sports activities.

(5) \$54,000 of the general fund appropriation for fiscal year 1987 is provided solely for the Peoples Republic of China exchange training program: PROVIDED, That at least fifty percent of the expenses of the program shall be provided from nonappropriated and private fund sources.

Sec. 606. Section 609, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE ((COUNCIL FOR POSTSECONDARY EDUCATION)) HIGHER EDUCATION COORDINATING BOARD

	FY 1986	FY 1987
General Fund Appropriation—State \$	((17,966,000))	((17,967,000))
	<u>17,166,000</u>	<u>18,917,000</u>
General Fund Appropriation—Federal \$	<u>1,817,000</u>	<u>1,817,000</u>
State Educational Grant Appropriation \$	20,000	20,000
Total Appropriation	<u>\$((39,607,000))</u>	
	<u>39,757,000</u>	

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

(1) No later than June 30, 1986, the ((council's)) board's first priority shall be to provide financial assistance to the core of students with extremely high unmet need. The ((council)) board shall adopt a definition for this group of students and provide financial aid for all such students at a standard to be established by the ((council)) board. To the greatest extent possible, the ((council)) board shall emphasize work study and other self-help programs in its financial assistance programs.

(2) The ((council)) board shall take all necessary management precautions to ensure that financial aid awards to individuals and institutions do not exceed the amounts provided in subsection (1) of this section. Any over-commitment of funds shall be paid directly from the funds provided for the coordination and policy analysis program until those funds are exhausted.

NEW SECTION. Sec. 607. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$	1,629,000
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The appropriation in this section is subject to the following conditions and limitations: The appropriation shall be expended solely to satisfy judgments and claims incurred from the deferral of faculty salary increases during the 1981-83 fiscal biennium. The appropriation shall be spent for all salary and interest costs incurred in fiscal year 1983. Additional costs related to the salary deferral but incurred after fiscal year 1983 shall be borne by the districts incurring such costs. Acceptance of the proceeds of this appropriation shall result in complete discharge of all claims of any nature whatsoever of all plaintiffs regarding the 1981-83 salary deferral.

PART VII
SPECIAL APPROPRIATIONS

Sec. 701. Section 701, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State \$	1,700,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) The appropriation is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) \$100,000 of this appropriation may be spent for law enforcement and social service problems arising from Expo '86.

Sec. 702. Section 702, chapter 6, Laws of 1985 ex. sess. as amended by section 1, chapter 1, Laws of 1986 (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPARABLE WORTH IMPLEMENTATION AND LAWSUIT

General Fund Appropriation \$	26,790,000
Special Fund Salary Increase	
Revolving Fund Appropriation \$	19,120,000

Total Appropriation \$ 45,910,000

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

(1) \$644,500 of the general fund appropriation and \$326,250 of the special fund salary increase revolving fund appropriation are provided solely for a salary increase for those job classifications tied to salary survey benchmarks falling 8 ranges or more below the January 1, 1985, actual average comparable worth line as calculated under the formula of $\$983.72 + (\$3.28 \times \text{points})$ and rounded to the nearest Step G or equivalent step for shortened ranges. However, a job classification shall receive an increase only if its salary range as of January 1, 1985, is also 8 or more ranges less than the salary range of that classification as calculated under the aforementioned formula using the evaluation points of that classification as adopted by the respective personnel board. This adjustment shall take place July 1, 1985, and shall equal \$75 a year for all affected classes and employees and shall terminate on March 30, 1986.

(2) \$350,000 of the general fund—state appropriation shall be used solely by the office of the governor to hire an independent consultant with expertise in developing and evaluating public employee job classification systems and implementing comparable worth. The consultant shall:

- (a) Review the Willis methodology;
- (b) Update job class specifications for all job classes with incumbents that have not been reviewed for the past five years;
- (c) Develop a new benchmark and indexing structure which reflects the evaluated worth of the job classes; and
- (d) Evaluate the job class specifications for the implementation of comparable worth.

(3) The department of personnel and the higher education personnel board shall provide any assistance needed by the consultant to perform the activities in subsection (2) of this section. Both the state personnel board and higher education personnel board must submit joint reports to the legislature on the progress to date in implementing the consultant's recommendations no later than January 1, 1986, and July 1, 1986. On January 1, 1987, both boards shall submit a final report to the legislature.

(4) \$150,000 of the general fund—state appropriation and \$100,000 of the special fund salary increase revolving fund appropriation shall be used solely for the office of the governor to allocate to agencies that provide technical assistance to the consultant hired under subsection (2) of this section.

(5) \$25,545,500 of the general fund appropriation and ~~\$(18,793,750)~~ 18,693,750 of the special fund salary increase revolving fund appropriation, along with all moneys currently included in agencies' budgets for payment of the \$100 per year comparable worth salary increase pursuant to chapter 76, Laws of 1983 1st ex. sess., are provided for the settlement of all claims of all plaintiffs and class members of American Federation of State, County, and Municipal Employees, et al. v. State of Washington, et al., Cause Nos. C82-4657, 84-3569, and 84-3590 and the implementation of comparable worth pursuant to RCW 28B.16.116 and RCW 41.06.155. The settlement shall result in complete discharge of all claims of any nature whatsoever of all plaintiffs and class members. It is the intent of the legislature that salary adjustments for affected class members not exceed the adjustment calculated using the average actual comparable worth salary line as applied to the Willis evaluation points of the affected job classification and adopted by the state personnel board and the higher education personnel board: PROVIDED, That on or before the dates on which comparable worth increases become effective, the higher education personnel board shall review the salaries of all job classifications receiving comparable worth increases which are also receiving special pay to determine whether the requirements of WAC 251-09-090 continue to be met and shall make any reductions in special pay necessary to adjust for the increases in base pay resulting from comparable worth adjustments. The governor as the chief executive officer of the state, with the assistance of the attorney general, is authorized to seek a proposed settlement. However, any such settlement is tentative and subject to legislative ratification. \$100,000 of the general fund appropriation is provided solely for the office of the governor to retain any special consultants or negotiators to work with the attorney general in seeking a settlement of American Federation of State, County, and Municipal Employees, et al. v. State of Washington, et al., within the terms of the appropriation as set out in this subsection. If a tentative settlement is reached within the terms of the appropriation within this subsection, the governor and the attorney general shall jointly present a report on the tentative settlement to the legislature no later than January 1, 1986, for ratification. No funds shall be released before April 1, 1986, or until such time as stipulated final judgment is entered under the terms of the tentative settlement ratified by the legislature, whichever is later. The appropriation provided for settlement in this subsection shall lapse if no proposal is brought before the legislature before January 1, 1986, if the tentative settlement brought before the legislature is not ratified by the legislature during the 1986 legislative session, or if stipulated final judgment is not entered before June 30, 1986.

(6) The department of personnel and the higher education personnel board shall provide monthly reports to the legislative evaluation and accountability program committee regarding the steps each has taken, or proposes to take, to implement the settlement agreement referred

to in subsection (5) of this section. The reports will include information on all disputes or potential disputes regarding implementation which have been brought to the attention of the two agencies.

The legislative evaluation and accountability program committee shall report to the legislature regarding the implementation steps taken by, and potential disputes facing, the department of personnel and the higher education personnel board. Such reports shall be provided as often as deemed necessary by the committee, but no later than June 1, 1986, December 1, 1986, and April 1, 1987.

(7) The department of personnel and the higher education personnel board shall report to the legislature by January 1, 1986, with a report identifying those job classifications not covered by the lawsuit that would be entitled to receive adjustments under the average actual comparable worth line. The report shall include recommendations regarding implementation of comparable worth adjustments for these affected job classes.

(8) To facilitate payment of salary increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

NEW SECTION, Sec. 703. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE GOVERNOR—COMPENSATION INCREASES

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) There is appropriated for department of personnel classified and exempt employees and higher education personnel board classified employees a 2.5 percent or \$50 per month, whichever is greater, salary increase for all job classes effective September 1, 1986. This increase will be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. Those job classifications which received the 1984 \$100 per year comparable worth salary increase but are not entitled to an adjustment pursuant to the comparable worth agreement shall continue to receive that salary increase, with the increase being credited against what is authorized in this subsection as a general salary increase effective September 1, 1986.

General Fund Appropriation—State	\$	15,952,000
General Fund Appropriation—Federal	\$	3,612,000
Special Fund Salary Increase Revolving Fund Appropriation	\$	7,855,000
Total Appropriation	\$	27,419,000

(2) There is appropriated for higher education graduate assistants a three percent salary increase effective September 1, 1986.

General Fund Appropriation—State	\$	397,000
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(3) There is appropriated for faculty and exempt employees of the four-year institutions of higher education an average three percent salary increase effective September 1, 1986: PROVIDED, That no institution may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

General Fund Appropriation	\$	6,267,000
Special Fund Salary Increase Revolving Fund Appropriation	\$	30,000
Total Appropriation	\$	6,297,000

(4) There is appropriated for all faculty and exempt employees of the state board for community colleges, an average three percent salary increase, including any increments, effective September 1, 1986: PROVIDED, That no community college district may grant from any fund source whatsoever any salary increase greater than provided in this section, and that the average salary increase authorized in this section shall be calculated using the fiscal year 1984-85 salary base.

General Fund Appropriation	\$	3,948,000
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(5) There is appropriated for commissioned officers of the Washington state patrol a five percent salary increase effective July 1, 1986.

General Fund Appropriation	\$	92,000
Motor Vehicle—State Patrol Highway Account Appropriation	\$	1,492,000
Total Appropriation	\$	1,584,000

Sec. 704. Section 706, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT CONTRIBUTIONS

	FY 1986	FY 1987
General Fund Appropriation	\$ 143,000,000	((143,000,000))
General Fund—Revenue Accrual Account Appropriation		133,852,059
Total Appropriation	\$286,000,000	9,147,941

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall be transferred on a quarterly basis.

(1) \$27,500,000 of the fiscal year 1986 appropriation and \$27,500,000 of the fiscal year 1987 appropriation are provided solely for payment for unfunded liability of the law enforcement officers' and fire fighters' retirement system.

(2) The fiscal year 1986 appropriation for unfunded liability shall be transferred to the department of retirement systems on a quarterly basis. The fiscal year 1987 appropriation for unfunded liability shall be transferred to the department of retirement systems on a quarterly basis.

NEW SECTION, Sec. 705. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Washington Distinguished Professorship Trust Fund pursuant to RCW 28B.10.860 through 28B.10.865

\$ 750,000

NEW SECTION, Sec. 706. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- (1) In settlement of all claims for expenses in State v. Johnson, Superior Court for Chelan County, Judgment No. 85-1-00020-1, pursuant to RCW 9.01.200, including interest \$ 17,345.16
- (2) In settlement of all claims for expenses in State v. Negrin, Superior Court for Island County, Judgment No. 85-1-000308, pursuant to RCW 9.01.200, including interest \$ 42,121.18
- (3) In settlement of all claims for expenses in State v. Dowd, Superior Court for Snohomish County, Judgment No. 84-1-00630-1, pursuant to RCW 9.01.200, including interest \$ 8,122.97
- (4) In settlement of all claims for expenses in State v. Ford, Superior Court for Snohomish County, Judgment No. 85-1-00105-7, pursuant to RCW 9.01.200, including interest \$ 6,508.84
- (5) In settlement of all claims for expenses in Seattle v. Semaan, Municipal Court of Seattle, Judgment No. 85-2180747, pursuant to RCW 9.01.200, including interest \$ 1,348.19
- (6) In settlement of all claims for expenses in Garden v. State, Superior Court for King County, Judgment No. 84-2-00837-7, pursuant to RCW 9.01.200, including interest \$ 8,090.33
- (7) In settlement of all claims for expenses in Seattle v. Myer, Municipal Court of Seattle, Judgment No. 85-1260767, pursuant to RCW 9.01.200, including interest \$ 1,455.68
- (8) In settlement of all claims for expenses in State v. Davis, Superior Court for Mason County, Judgment No. 4146444 and Judgment No. 85-1-90-1, both pursuant to RCW 9.01.200, including interest \$ 14,718.90
- (9) In settlement of all claims for expenses in State v. Sloan, Superior Court for Chelan County, Judgment No. 85-1-00147-9, pursuant to RCW 9.01.200, including interest \$ 14,721.81
- (10) In settlement of all claims for expenses in State v. Kinyon, Superior Court for Benton County, Judgment No. 85-1-00241-9, pursuant to RCW 9.01.200, including interest \$ 33,859.02
- (11) In settlement of all claims for expenses in State v. Brosseau, Superior Court for Clark County, Order of Dismissal No. 84-1-00620-0, pursuant to RCW 9.01.200, including interest \$ 15,835.07
- (12) To the department of social and health services, in settlement of all claims in Family Medical Building, Inc. v. State, Superior Court for Okanogan County, Stipulated Judgment No. 23937: PROVIDED, That \$104,000 of this appropriation shall be from federal funds \$ 260,000.00
- (13) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:
 - (a) Ted Richert \$ 346.42
 - (b) Keith Schober \$ 1,700.00
- (14) Mrs. T. Patrick (Marilyn Ruth) Corbett, Payment in full of deceased husband's retirement contributions \$ 32,088.53

Sec. 707. Section 711, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION

General Fund Appropriation for fire insurance premiums tax distribution	\$	((4,337,900)) <u>3,599,171</u>
General Fund Appropriation for public utility district excise tax distribution	\$	((21,932,000)) <u>22,129,000</u>
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,708,071
General Fund Appropriation for motor vehicle excise tax distribution	\$	((43,415,000)) <u>45,955,000</u>
General Fund Appropriation for local mass transit assistance	\$	((136,800,000)) <u>138,500,000</u>
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	((1,263,292)) <u>1,712,190</u>
General Fund—((Harbor Improvement)) <u>Aquatic Lands Enhancement</u> Account Appropriation for ((harbor improvement)) <u>aquatic lands</u> revenue distribution	\$	((22,073)) <u>56,100</u>
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	((16,778,000)) <u>17,881,633</u>
Motor Vehicle Fund Appropriation for motor vehicle fuel tax ((and overload penalties)) distribution	\$	((269,336,034)) <u>257,401,676</u>
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	((44,000,000)) <u>41,000,000</u>
General Fund—Timber Tax Distribution Account Appropriation for distribution to 'Timber' counties	\$	((37,760,000)) <u>36,890,000</u>
General Fund—Municipal Sales and Use Tax Equalization Account Appropriation	\$	((23,378,000)) <u>24,745,000</u>
General Fund—County Sales and Use Tax Equalization Account Appropriation	\$	((7,858,000)) <u>8,300,000</u>
General Fund—Death Investigations Account Appropriation for distribution to counties for public funded autopsies	\$	((200,000)) <u>480,000</u>
Total Appropriation	\$	((610,788,376)) <u>600,357,841</u>

PART VIII
CAPITAL PROJECTS

NEW SECTION. Sec. 801. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To conduct a feasibility study of an economic development project in the city of Tacoma, and to authorize a land purchase option.

GF, St Bldg Constr Acct Project Costs Through 6/30/85	Reappropriation		Appropriation 200,000
	Estimated Costs 7/1/87 and Thereafter	Estimated Total Costs	
			200,000

The appropriation in this section is subject to the following conditions and limitations: Before conducting the feasibility study under this section, the department shall first secure for the state an exclusive option to purchase the project property, which option shall include a fixed selling price.

NEW SECTION. Sec. 802. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

The department of general administration shall prepare a report detailing the comparative cost of purchasing and maintaining the criminal justice training commission's present training center versus building a new facility.

NEW SECTION. Sec. 803. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Provide parking and road improvements for public and constituent use at 16th Avenue and Cherry Street in Olympia to accommodate up to 375 vehicles, to be completed by January 1, 1987: PROVIDED, That the parking area authorized in this section will be used for displacement parking if a natural resources facility is constructed on the east capitol campus: PROVIDED FURTHER, That amounts not needed for the purposes of this section may be spent for purposes provided in section 804 of this 1986 act.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		400,000
GF, Cap Purch & Dev Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,400,000

NEW SECTION. Sec. 804. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Provide road and traffic control and operational improvements at I-5, Exit 105 and Jefferson/Cherry Streets, to be completed by January 1, 1987.

	Reappropriation	Appropriation
Motor Vehicle Fund		600,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		600,000

Sec. 805, Section 256, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

State-wide code compliance: Transformers (PCB) (CR-86-1-012)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		100,000
GF, CEP & RI Acct		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	((400,000))	500,000
	300,000	

NEW SECTION. Sec. 806. A new section is added to chapter 373, Laws of 1985 to read as follows:

DEPARTMENT OF CORRECTIONS

The department of corrections shall develop a six-year plan for its institutional industries programs. The six-year institutional industries plan shall be separate but compatible with the agency's six-year capital plan as submitted to the governor for inclusion in the governor's state facilities and capital plan. The institutional industry plan shall include but not be limited to the identification of proposed new programs or expansion/reduction of existing programs, the numbers of estimated jobs created or lost, cost estimates of new construction/renovation, and related equipment and related operating cost estimates. The six-year institutional industries plan shall be submitted to the office of financial management in conjunction with its annual capital budget request.

NEW SECTION. Sec. 807. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Construction of a movable tall ships tourist attraction in cooperation with the Grays Harbor tall ships restoration society.

	Reappropriation	Appropriation
General Fund		500,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		500,000

NEW SECTION. Sec. 808. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Low-income refugee housing projects

General Fund	Reappropriation	Appropriation
Project	Estimated	1,000,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		1,000,000

The appropriation in this section is subject to the following conditions and limitations: The appropriation is provided solely for matching funds to local governments, nonprofit agencies, or other municipal corporations, except housing authorities, for up to three housing projects to be primarily occupied by low-income refugee families or individuals. A housing project may be located only in a county in which at least ten percent of refugees receiving income assistance from the department of social and health services reside. Local government matching funds for these moneys shall not include federal or other state housing funds or costs for administering funds provided under this section. Expenditure of these funds shall be limited to acquisition, new construction, renovation, or other development costs.

NEW SECTION. Sec. 809. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION
Nalley Valley Farm earnest money (Skokomish River Delta)

General Fund	Reappropriation	Appropriation
Project	Estimated	50,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		50,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation shall only be expended when the department of community development evaluation of the site use is completed and recommends purchase. The earnest money shall be returned to the general fund if the property purchase is not contained in the 1987 capital budget.

NEW SECTION. Sec. 810. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF FISHERIES
Adult holding and spawning: Wishkah River

GF, Sal Enhmt Constr Acct	Reappropriation	Appropriation
Project	Estimated	300,000
Costs	Costs	Estimated
Through	7/1/86 and	Total
1/1/86	Thereafter	Costs
	300,000	300,000

The appropriation in this section shall lapse if substantial progress has not been made in a timely manner as determined by the office of financial management.

NEW SECTION. Sec. 811. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GAME
Migratory Waterfowl Habitat Projects (CI-87-3-034)

State Game Fund	Reappropriation	Appropriation
Project	Estimated	330,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
6/30/85	Thereafter	Costs
		330,000

NEW SECTION. Sec. 812. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GAME
Barnaby Slough steelhead rearing pond

General Fund	Reappropriation	Appropriation
Game Fund—Federal		210,000
Project	Estimated	210,000
Costs	Costs	Estimated
Through	7/1/87 and	Total
		Costs

6/30/85

Thereafter

420,000

The appropriation in this section is subject to the following conditions and limitations: Expenditures of general fund moneys under this section shall not exceed expenditures of game fund—federal moneys under this section. If Initiative 90 is approved by the voters at the 1986 general election, the state treasurer shall transfer from the game fund to the general fund an amount equal to the total general fund expenditure under this section.

Sec. 813. Section 591, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

Washington State Convention and Trade Center (CI-83-R-001)

		Reappropriation	Appropriation
GF. Convention Center Acct		((85,418,000))	
		<u>85,874,334</u>	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
((10,832,000))			96,250,000
<u>10,375,666</u>			

Sec. 814. Section 306, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR EDUCATION

Public school building construction: 1985-87 (CI-86-4-001)

		Reappropriation	Appropriation
Common School Constr Fund			((138,275,000))
			<u>164,500,000</u>
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
			((138,275,000))
			<u>164,500,000</u>

Sec. 815. Section 312, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Design of the heavy equipment building: Grays Harbor (CI-86-3-L04)

		Reappropriation	Appropriation
GF. St H Ed Constr Acct			60,000
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
		((755,000))	755,000
		<u>695,000</u>	

NEW SECTION. Sec. 816. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Lower Columbia roof repairs

		Reappropriation	Appropriation
GF. St H Ed Constr Acct		9,150	
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
1,237,650			1,246,800

Sec. 817. Section 349, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Design of Puyallup extension facility, including a property acquisition option to be negotiated by the department of general administration: Fort Steilacoom (CI-86-3-L50)

		Reappropriation	Appropriation
GF. St H Ed Constr Acct			275,000
GF. CEP & RI Acct			<u>300,000</u>
Project	Estimated		Estimated
Costs	Costs		Total
Through	7/1/87 and		Costs
6/30/85	Thereafter		
		((2,930,000))	((3,205,000))
		<u>3,130,000</u>	<u>3,505,000</u>

Sec. 818. Section 374, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

((Fisheries renovation)) To provide for occupancy code requirement repairs to the existing Fisheries Building, and to design and construct an addition to the Marine Institute Building or a stand-alone facility (CR-86-1-014)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		6,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		6,000,000

Sec. 819. Section 201, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
Referendum 37 projects (CI-79-3-R01)

Approve, construct, renovate, and equip facilities for the care, training, and rehabilitation of persons with physical or mental handicaps, involving ((eleven)) four projects((-of which two are reductions in scope from prior legislative approval)). Moneys allocated to a project under this section shall revert for reallocation if the final application for the project has not been submitted by December 31, ((1985)) 1986, and approved by March 31, ((1986)) 1987.

	Reappropriation	Appropriation
GF, Hndcp Fac Constr Acct	4,242,000	115,126
GF, LIRA, DSHS Fac		90,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
((20,758,000))		25,090,000
<u>20,642,000</u>		

Sec. 820. Section 716, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

(1) A maximum of ~~\$(~~(121,800,000))~~ 177,500,000~~ of the appropriations and reappropriations provided in sections 301 through 309 of this act may be disbursed during the 1985-87 biennium.

(2) Reappropriations in sections 301 through 305 of this act are reauthorizations of appropriations from section 887, chapter 57, Laws of 1983 1st ex. sess. Proceeds of the sale of bonds authorized by chapter 266, Laws of 1984 may be used for the support of these projects.

PART IX MISCELLANEOUS

Sec. 901. Section 4, chapter 39, Laws of 1970 ex. sess. as last amended by section 24, chapter 57, Laws of 1985 and RCW 41.05.040 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the 'state employees insurance fund', to be used by the trustee as a revolving fund for the deposit of contributions, dividends and refunds, and for payment of premiums for employee insurance benefit contracts entered into in accordance with instructions of the board and payments authorized by RCW 41.05.030(2). Moneys from the state employees insurance fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the trustee. However, before June 30, 1987, the treasurer shall not disburse moneys from the fund when the disbursement would result in a fund balance of less than \$11,597,000. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the state employees insurance fund shall be credited to this fund.

Sec. 902. Section 12, chapter 167, Laws of 1975 1st ex. sess. as amended by section 28, chapter 57, Laws of 1985 and by section 507, chapter 405, Laws of 1985 and RCW 43.19.610 are each reenacted and amended to read as follows:

There is hereby established in the state treasury an account to be known as the motor transport account into which shall be paid all moneys, funds, proceeds, and receipts as provided in RCW 43.19.615 and as may otherwise be provided by law. Disbursements therefrom shall be made in accordance with the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 as authorized by the director or his duly authorized representative and as may be provided by law. All earnings of investments of balances in the motor transport account shall be credited to the general fund.

The ~~((office of financial management may direct the))~~ state treasurer ~~((to)) shall~~ transfer to the general fund ~~((an amount not to exceed \$1,500,000))~~ two million dollars from the motor transport account ~~((for the 1983-85 fiscal biennium))~~ on or before June 30, 1987.

NEW SECTION. Sec. 903. The state treasurer shall transfer to the general fund \$1,500,000 from the public facilities construction loan and grant revolving account on or before June 30, 1987.

NEW SECTION. Sec. 904. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 905. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "fiscal matters;" strike the remainder of the title and insert "amending RCW 41.05.040; amending section 110, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 121, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 123, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 129, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 134, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 130, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 143, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 201, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 203, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 205, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 206, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 207, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 208, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 211, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 214, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 215, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 217, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 222, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 223, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 224, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 226, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 228, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 301, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 303, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 310, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 312, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 314, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 315, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 401, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 402, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 503, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 504, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 506, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 509, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 510, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 514, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 516, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 604, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 605, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 607, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 608, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 609, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 701, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 702, chapter 6, Laws of 1985 ex. sess. as amended by section 1, chapter 1, Laws of 1986 (uncodified); amending section 706, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 711, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 201, chapter 373, Laws of 1985 (uncodified); amending section 256, chapter 373, Laws of 1985 (uncodified); amending section 306, chapter 373, Laws of 1985 (uncodified); amending section 312, chapter 373, Laws of 1985 (uncodified); amending section 349, chapter 373, Laws of 1985 (uncodified); amending section 591, chapter 373, Laws of 1985 (uncodified); amending section 374, chapter 373, Laws of 1985 (uncodified); amending section 716, chapter 373, Laws of 1985 (uncodified); reenacting and amending RCW 43.19.610; adding new sections to chapter 373, Laws of 1985; adding new sections to chapter 6, Laws of 1985 ex. sess.; creating new sections; making appropriations; and declaring an emergency."

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, J. King, Locke, Madsen, Niemi, Rust, Sayan, Smitherman and Sommers.

MINORITY recommendation: Do not pass. Signed by G. Nelson, Sanders, Taylor and B. Williams.

Voting nay: Representatives Hastings, Holland, Long, G. Nelson, Sanders, Silver, L. Smith, Taylor, Tilly and B. Williams.

Absent: Representative Vander Stoep.

Passed to Committee on Rules for second reading.

March 1, 1986

SSB 4769 Prime Sponsor, Committee on Agriculture: Revising the excise taxation of feed. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the amendment by Committee on Agriculture. (For amendment, see Journal, 43rd Day, February 24, 1986.)

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Brekke, Bristow, Hine, Holland, J. King, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, Silver, L. Smith, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

Voting nay: Representatives Locke and Sayan.

Absent: Representatives Hastings and Tilly.

Passed to Committee on Rules for second reading.

March 1, 1986

SSB 4783 Prime Sponsor, Committee on Judiciary: Revising seizure provisions of the uniform controlled substances act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after line 3 strike the remainder of the bill and insert:

*NEW SECTION. Sec. 1. A new section is added to chapter 43.17 RCW to read as follows:

(1) Each state agency is authorized to receive property or money made available by the attorney general of the United States under section 881(e) of Title 21 of the United States Code and, except as required to the contrary under subsection (2) of this section, to use the property or spend the money for such purposes as are permitted under both federal law and the state law specifying the powers and duties of the agency.

(2) Unless precluded by federal law, all funds received by a state agency under section 881(e) of Title 21 of the United States Code shall be promptly deposited into the public safety and education account established in RCW 43.08.250."

On page 1, line 2 after "act;" strike the remainder of the line and insert "and adding a new section to chapter 43.17 RCW."

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Locke, Long, Madsen, Niemi, Rust, Sayan, Silver, Smitherman, Sommers and B. Williams.

Absent: Representatives Hastings, Holland, G. Nelson, Sanders, L. Smith, Taylor, Tilly and Vander Stoep.

Passed to Committee on Rules for second reading.

March 1, 1986

SSB 4814 Prime Sponsor, Committee on Ways & Means: Providing education for children on abuse and neglect and creating a pilot project on educating and training young mothers. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendments and without the amendments by Committee on Education:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 9A.16 RCW to read as follows:

It is the policy of this state to protect children from assault and abuse and to encourage parents, teachers, and their authorized agents to use more effective and less dangerous methods of correction and restraint of children. However, the physical discipline of a child is not unlawful when it is reasonable and moderate and is inflicted by a parent or guardian for purposes of restraining or correcting the child. Any assault on a child by any other person is unlawful unless it is reasonable and moderate and is authorized in advance by the child's parent or guardian for purposes of restraining or correcting the child.

The following actions are never reasonable when used to correct or restrain a child: (1) Throwing, kicking, burning, or cutting a child; (2) striking a child with a closed fist; (3) shaking a child under age three; (4) interfering with a child's breathing; (5) threatening a child with a deadly weapon; or (6) doing any other act that is likely to cause and which does cause bodily harm greater than transient pain. 'Bodily harm greater than transient pain' does not include minor and temporary bruising considering the age and size of the child. This list is illustrative of unreasonable actions and is not intended to be exclusive.

Sec. 2. Section 9A.16.020, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 7, chapter 244, Laws of 1979 ex. sess. and RCW 9A.16.020 are each amended to read as follows:

The use, attempt, or offer to use force upon or toward the person of another is not unlawful in the following cases:

(1) Whenever necessarily used by a public officer in the performance of a legal duty, or a person assisting (him) the officer and acting under (his) the officer's direction;

(2) Whenever necessarily used by a person arresting one who has committed a felony and delivering him or her to a public officer competent to receive him or her into custody;

(3) Whenever used by a party about to be injured, or by another lawfully aiding him or her, in preventing or attempting to prevent an offense against his or her person, or a malicious

trespass, or other malicious interference with real or personal property lawfully in his or her possession, in case the force is not more than is necessary;

(4) Whenever reasonably used by a person to detain someone who enters or remains unlawfully in a building or on real property lawfully in the possession of such person, so long as such detention is reasonable in duration and manner to investigate the reason for the detained person's presence on the premises, and so long as the premises in question did not reasonably appear to be intended to be open to members of the public;

(5) ~~((Whenever used in a reasonable and moderate manner by a parent or his authorized agent, a guardian, master, or teacher in the exercise of lawful authority, to restrain or correct his child, ward, apprentice, or scholar;~~

(6)) Whenever used by a carrier of passengers or ~~((his))~~ the carrier's authorized agent or servant, or other person assisting them at their request in expelling from a carriage, railway car, vessel, or other vehicle, a passenger who refuses to obey a lawful and reasonable regulation prescribed for the conduct of passengers, if such vehicle has first been stopped and the force used is not more than is necessary to expel the offender with reasonable regard to ~~((his))~~ the offender's personal safety;

~~((7))~~ (6) Whenever used by any person to prevent a mentally ill, mentally incompetent, or mentally disabled person from committing an act dangerous to ~~((himself or another))~~ any person, or in enforcing necessary restraint for the protection ~~((of his person;))~~ or ~~((his))~~ restoration to health of the person, during such period only as is necessary to obtain legal authority for the restraint or custody of ~~((his))~~ the person."

On page 1, line 1 of the title, after "prevention," strike the remainder of the title and insert "amending RCW 9A.16.020; and adding a new section to chapter 9A.16 RCW."

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Brekke, Hine, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, L. Smith, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

Voting nay: Representative Madsen.

Absent: Representatives Basich, Hastings, Silver and Tilly.

Passed to Committee on Rules for second reading.

March 1, 1986

SSB 4815 Prime Sponsor, Committee on Ways & Means: Appropriating funds for public works projects. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, J. King, Long, Madsen, Niemi, Rust, Sayan, Silver, Smitherman, Sommers and B. Williams.

Absent: Representatives Hastings, Holland, G. Nelson, Sanders, L. Smith, Taylor, Tilly and Vander Stoep.

Passed to Committee on Rules for second reading.

March 1, 1986

SB 5068 Prime Sponsor, Senator Moore: Modifying the office of the state actuary. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment:

On page 1, after line 28 insert:

"(5) Effective July 1, 1987, the legislative budget committee shall assume the duties of the committee created in this section."

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Holland, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, L. Smith, Smitherman, Sommers, Taylor, Vander Stoep and B. Williams.

Voting nay: Representative Hine.

Absent: Representatives Hastings, Silver and Tilly.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Mr. J. King the House advanced to the eighth order of business.

Mr. J. King moved that the Rules Committee be relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 4762 and it be placed at the top of the second reading calendar.

Mr. Barrett spoke in favor of the motion and it was carried.

On motion of Mr. J. King, the Rules Committee was relieved of ENGROSSED SUBSTITUTE SENATE BILL NO. 4630 and it was ordered placed at the bottom of the second reading calendar.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 86-119, by Representatives Jacobsen, O'Brien, S. Wilson, Niemi, Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Ehlers, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, D. Nelson, G. Nelson, Nutley, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, B. Williams, J. Williams, K. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, In November of 1981, Seattle artist Diane Volk founded a program to teach art to persons afflicted with cerebral palsy; and

WHEREAS, This budding program blossomed into a nonprofit organization sponsored by Allied Arts Foundation and endorsed by United Cerebral Palsy of King-Snohomish; and

WHEREAS, This organization began with seven disabled artists gathered at Seattle's United Cerebral Palsy Residential Center and who were determined to produce quality art; and

WHEREAS, A year after its conception, the organization exhibited the works of the seven artists in Seattle's downtown library and in the Seafirst Bank Building; and

WHEREAS, Several months after the library exhibit, three of the artist's works were selected for the Pacific Northwest Arts and Crafts Fair in Bellevue; and

WHEREAS, By 1985, the organization increased its artists by twenty-eight and currently has a waiting list of sixty; and

WHEREAS, In July of 1985, with great amounts of confidence, the Artists Unlimited organization presented its first professional exhibition at Davidson Galleries in Seattle;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That the organization, Artists Unlimited and Diane Volk, its founder, be extended best wishes and be commended for giving persons with cerebral palsy opportunity to participate in the arts as legitimately creative individuals; and

BE IT FURTHER RESOLVED, That the artists of Artists Unlimited be commended for providing evidence that developmentally disabled persons contribute things of significance to society; and

BE IT FURTHER RESOLVED, That this Resolution be transmitted by the Chief Clerk of the House of Representatives to Artists Unlimited and to its founder, Diane Volk.

Mr. Jacobsen moved adoption of the resolution. Representatives Jacobsen and Cole spoke in favor of the resolution, and it was adopted.

HOUSE FLOOR RESOLUTION NO. 86-144, by Representative Jacobsen

WHEREAS, Al H. Bowles, Jr. has made significant contributions to the growth and development of the State of Washington; and

WHEREAS, Citizens of the State of Washington have benefited greatly from the character, intelligence and initiative of Al H. Bowles, Jr.; and

WHEREAS, He directed, coordinated and instructed over three-hundred fifty employment-finding and sales workshops over a twenty-two year period, funded by the Washington State Employment Security agency; and

WHEREAS, He has provided employment and career counseling to hundreds of people in individual and group situations; and

WHEREAS, His creative and innovative ideas of job training not only helped thousands of people find jobs over the past twenty-two years in his own organization, but also established prototypes for employment and training courses throughout our state and nation; and

WHEREAS, He constructed curriculum for job placement, employment orientation, job finding and career change programs; and

WHEREAS, He lectured on career development, career planning and life planning at universities, colleges, federal, state and local government agencies, religious institutions, labor and business organizations; and

WHEREAS, He excelled in sales management and sales training techniques; and

WHEREAS, He pioneered in early radio in Seattle as a sales manager, operations manager and disk jockey; and

WHEREAS, Thousands of former students know him as the "Professor" and the "Patriarch of Employment Procedure";

NOW, THEREFORE, BE IT RESOLVED, That the Washington State House of Representatives recognize and honor Al H. Bowles, Jr. for his contributions and inspiration to all citizens of the State of Washington.

On motion of Mr. Jacobsen, the resolution was adopted.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

March 1, 1986

Mr. Speaker:

The Senate has passed:

- HOUSE BILL NO. 1058,
- SUBSTITUTE HOUSE BILL NO. 1332,
- ENGROSSED HOUSE BILL NO. 1350,
- ENGROSSED HOUSE BILL NO. 1353,
- SUBSTITUTE HOUSE BILL NO. 1385,
- SUBSTITUTE HOUSE BILL NO. 1460,
- SUBSTITUTE HOUSE BILL NO. 1496,
- HOUSE BILL NO. 1517,
- ENGROSSED HOUSE BILL NO. 1563,
- HOUSE BILL NO. 1572,
- HOUSE BILL NO. 1602,
- SUBSTITUTE HOUSE BILL NO. 1622,
- HOUSE BILL NO. 1637,
- SUBSTITUTE HOUSE BILL NO. 1654,
- HOUSE BILL NO. 1711,
- ENGROSSED HOUSE BILL NO. 1743,
- HOUSE BILL NO. 1776,
- SUBSTITUTE HOUSE BILL NO. 1831,
- SUBSTITUTE HOUSE BILL NO. 1866,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 3, 1986

Mr. Speaker:

The President has signed:

- SUBSTITUTE HOUSE BILL NO. 37,
- SUBSTITUTE HOUSE BILL NO. 1335,
- HOUSE BILL NO. 1371,
- HOUSE BILL NO. 1442,
- SUBSTITUTE HOUSE BILL NO. 1451,

SUBSTITUTE HOUSE BILL NO. 1480,
HOUSE BILL NO. 1599,
HOUSE BILL NO. 1702,
SENATE BILL NO. 4443,
SENATE BILL NO. 4512,
SENATE BILL NO. 4521,
SENATE BILL NO. 4527,
SENATE BILL NO. 4528,
SENATE BILL NO. 4593,
SENATE BILL NO. 4609,
SENATE BILL NO. 4617,
SUBSTITUTE SENATE BILL NO. 4618,
SUBSTITUTE SENATE BILL NO. 4629,
SENATE BILL NO. 4644,
SUBSTITUTE SENATE BILL NO. 4684,
SUBSTITUTE SENATE BILL NO. 4696,
SENATE BILL NO. 4721,
SENATE BILL NO. 4747,
SUBSTITUTE SENATE BILL NO. 4757,
SUBSTITUTE SENATE BILL NO. 4758,
SENATE BILL NO. 4781,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 4443,
SENATE BILL NO. 4512,
SENATE BILL NO. 4521,
SENATE BILL NO. 4527,
SENATE BILL NO. 4528,
SENATE BILL NO. 4593,
SENATE BILL NO. 4609,
SENATE BILL NO. 4617,
SUBSTITUTE SENATE BILL NO. 4618,
SUBSTITUTE SENATE BILL NO. 4629,
SENATE BILL NO. 4644,
SUBSTITUTE SENATE BILL NO. 4684,
SUBSTITUTE SENATE BILL NO. 4696,
SENATE BILL NO. 4721,
SENATE BILL NO. 4747,
SUBSTITUTE SENATE BILL NO. 4757,
SUBSTITUTE SENATE BILL NO. 4758,
SENATE BILL NO. 4781.

The House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 4762, by Committee on Ways & Means (originally sponsored by Senators McDermott and Rasmussen; by request of Governor)

Adopting the supplemental budget.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendments, see Reports of Standing Committees, today's Journal.)

Mr. Grimm moved adoption of the committee amendment.

Mr. B. Williams moved adoption of the following amendment by Representatives B. Williams, Long, Schoon, Chandler, Silver, G. Nelson, van Dyke, Thomas, Van Luven, Miller, Doty and Addison to the committee amendment:

On page 4, after line 27 insert:

"(7) The office of financial management shall take such action as is necessary to limit the following general fund-state funded objects of expenditure allotted to be spent during the last 15 months of the biennium to no more than the amount expended during the last 15 months of the 1983-85 biennium plus an inflation factor of seven percent: personal services contracts; goods and services; travel; and furnishings and equipment. The office shall reduce the general fund-state allotments to agencies to produce a savings of no less than \$93 million to reach this goal. The savings produced under this section shall revert."

Representatives B. Williams and Tilly spoke in favor of the amendment to the amendment, and Mr. Braddock opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative B. Williams and others to page 4 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was not adopted by the following vote: Yeas, 45; nays, 52; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley - 45.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, Zellinsky, and Mr. Speaker - 52.

Excused: Representative Hankins - 1.

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

On page 2, strike section 102 and renumber the remaining sections consecutively.

Ms. Silver spoke in favor of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Silver to page 2 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was adopted by the following vote: Yeas, 78; nays, 19; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Ballard, Barnes, Barrett, Baugher, Betrozoff, Bond, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King P, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Padden, Patrick, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, van Dyke, Van Luven, Vander Stoep, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 78.

Voting nay: Representatives Armstrong, Basich, Belcher, Braddock, Gallagher, King J, King R, Nutley, O'Brien, Peery, Rust, Scott, Sommers, Unsoeld, Valle, Vekich, Wang, West, and Mr. Speaker - 19.

Excused: Representative Hankins - 1.

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

On page 5, after line 2 insert:

"Sec. 105, Section 127, chapter 6, Laws of 1985 ex. sess (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

	FY 1986	FY 1987
General Fund Appropriation \$	30,552,000	((29,305,000))
	<u>28,994,000</u>	
General Fund—Hazardous Waste Control and Elimination Account		
Appropriation \$	54,000	54,000

General Fund—Timber Tax Distribution

Account Appropriation	\$	1,469,000	1,469,000
Total Appropriation		\$((62,963,000))	
		<u>62,592,000*</u>	

Renumber the remaining sections accordingly.

Mr. Braddock spoke in favor of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Braddock to page 5 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was adopted by the following vote: Yeas, 94; absent, 3; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 94.

Absent: Representatives Nealey, Walk, Zellinsky - 3.

Excused: Representative Hankins - 1.

Mr. D. Nelson moved adoption of the following amendments by Representatives D. Nelson, Brekke and Tilly to the committee amendment:

On page 10, line 6 strike "120,688,000" and insert "121,190,000"

On page 10, line 8 strike "247,963,000" and insert "248,465,000"

On page 10, line 15 after "(b)" strike all language through "treatment" on line 24 and insert "\$502,000 of the fiscal year 1986 and \$502,000 of the fiscal year 1987 general fund—state appropriation are provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050, for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment."

Correct internal references accordingly.

Representatives D. Nelson, K. Wilson, Brekke and Long spoke in favor of the amendments to the amendment, and Ms. Niemi opposed them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative D. Nelson and others to page 10 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments were not adopted by the following vote: Yeas, 48; nays, 49; excused, 1.

Voting yea: Representatives Addison, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Brekke, Brough, Cole, Day, Dobbs, Doty, Ebersole, Fisch, Isaacson, Jacobsen, Leonard, Lewis, Long, Lundquist, Miller, Nealey, Nelson D, Nelson G, O'Brien, Padden, Prince, Rayburn, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Tanner, Taylor, Tilly, Unsoeld, Valle, van Dyke, Vander Stoep, Williams J, Wilson K, Wilson S - 48.

Voting nay: Representatives Allen, Appelwick, Braddock, Bristow, Brooks, Chandler, Crane, Dellwo, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, King J, King P, King R, Kremen, Locke, Lux, Madsen, May, McMullen, Niemi, Nutley, Patrick, Peery, Rust, Sanders, Schoon, Smitherman, Sommers, Sutherland, Thomas, Todd, Van Luven, Vekich, Walk, Walker, Wang, West, Williams B, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 49.

Excused: Representative Hankins - 1.

Ms. Valle moved adoption of the following amendment by Representatives Valle, D. Nelson, Grimm and Appelwick to the committee amendment:

On page 8, after line 12 insert a new section to read as follows:

"NEW SECTION. Sec. 109. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

The legislative budget committee shall prepare a comprehensive report on the issuance of state debt. Among other things, such report shall address the following: (1) Given the inflation rates, interest rates and the costs of issuing debt, when is it prudent for the state to use a 'pay as

you go' approach, instead of borrowing? (2) To what extent do other states use a 'pay as you go' approach? (3) What devices, if any, do other states use to limit their costs of issuing debt, including underwriter, bond counsel and financial adviser costs? (3) Would it be in the public interest to require that bond counsel costs for state G.O. bonds be paid from the state treasurer's appropriations, as opposed to from the proceeds of bond sales, and to require that bond counsel state their fees in dollars per hour of services provided? (4) To what extent are bond proceeds used to pay operating costs that could be paid from the general fund?"

Representatives Valle and Tilly spoke in favor of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Valle and others to page 8 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was adopted by the following vote: Yeas, 93; nays, 4; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Holland, Isaacson, Jacobsen, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 93.

Voting nay: Representatives Hine, King J, West, and Mr. Speaker - 4.
Excused: Representative Hankins - 1.

Mr. Fisch moved adoption of the following amendment by Representatives Fisch and Hargrove to the committee amendment:

On page 11, line 20 after "facilities," insert "The one time impact funds for Clallam Bay Corrections Center may be disbursed by the Department of Corrections in separate payments for the opening of those facilities to be used in the minimum custody operation and those facilities used in the medium Custody Operation."

Mr. Fisch spoke in favor of the amendment to the committee amendment, and Mr. Braddock opposed it.

Mr. Fisch spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Fisch and Hargrove to page 11 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was not adopted by the following vote: Yeas, 36; nays, 61; excused, 1.

Voting yea: Representatives Addison, Appelwick, Barrett, Basich, Baugher, Betzoff, Brooks, Brough, Chandler, Crane, Day, Dobbs, Fisch, Hargrove, Hastings, King P, Lewis, Locke, Lundquist, Lux, McMullen, Nealey, Nelson G, O'Brien, Padden, Patrick, Prince, Sayan, Silver, Taylor, Tilly, Vander Stoep, Vekich, Walker, Wilson S, Winsley - 36.

Voting nay: Representatives Allen, Armstrong, Ballard, Barnes, Belcher, Bond, Braddock, Brekke, Bristow, Cole, Dellwo, Doty, Ebersole, Fisher, Fuhrman, Gallagher, Grimm, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King R, Kremen, Leonard, Long, Madsen, May, Miller, Nelson D, Niemi, Nutley, Peery, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Walk, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 61.

Excused: Representative Hankins - 1.

Ms. L. Smith moved adoption of the following amendments to the committee amendment:

On page 12, line 3 strike "66,425,000" and insert "66,025,000"
On page 12, line 7 strike "181,408,000" and insert "181,008,000"
On page 14, line 32 strike "13,960,000" and insert "13,560,000"
On page 14, line 33 strike "8,971,000" and insert "8,571,000"
On page 24, line 2 strike "239,686,000" and insert "240,086,000"
On page 24, line 7 strike "845,623,000" and insert "846,023,000"
On page 25, after line 23 insert a new subsection as follows:

"(6) An additional \$400,000 of the general fund--state appropriation for fiscal year 1987 provided solely to increase day care services for parents participating in training programs through the work incentive program or the employment and training program administered under this section. It is the intent of the legislature that these day care services be provided to parents participating in training programs designed to achieve long-term employment and self-sufficiency."

Ms. L. Smith spoke in favor of the amendments to the committee amendment, and Mr. J. King opposed them.

Ms. L. Smith spoke again in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative L. Smith the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments were not adopted by the following vote: Yeas, 45; nays, 52; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fisher, Fuhrman, Hastings, Holland, Isaacson, Lewis, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 45.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 52.

Excused: Representative Hankins - 1.

On motion of Mr. Sayan, the following amendments by Representatives Sayan and Grimm to the committee amendment were adopted:

On page 16, line 14 after "(d)" strike everything through "227,000" and insert "452,000"

On page 16, line 15 after "\$" strike everything through "203,000" and insert "405,000"

On page 16, line 19 after "\$" strike everything through "227,000" and insert "452,000"

Mr. Lundquist moved adoption of the following amendment by Representatives Lundquist, S. Wilson and Haugen to the committee amendment:

On page 18, following line 3 insert:

"(e) \$15,000 for fiscal year 1986 and \$15,000 for fiscal year 1987 from the general fund--state appropriation are provided solely for a neurologically impaired service center pilot project to be established on the grounds of Northern State Hospital."

Representatives Lundquist and Padden spoke in favor of the amendment to the amendment, and Mr. Locke opposed it.

Mr. Lundquist spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Lundquist and others to page 18 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was adopted by the following vote: Yeas, 73; nays, 24; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Ballard, Barnes, Barrett, Baugher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Day, Dellwo, Dobbs, Doty, Ebersole, Fisher, Fuhrman, Grimm, Hastings, Haugen, Holland, Isaacson, King J, Kremen, Lewis, Long, Lundquist, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Nutley, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 73.

Voting nay: Representatives Armstrong, Basich, Belcher, Crane, Fisch, Gallagher, Hargrove, Hine, Jacobsen, King P, King R, Leonard, Locke, Lux, Madsen, Niemi, O'Brien, Rust, Sommers, Todd, Vekich, Wang, West, and Mr. Speaker - 24.

Excused: Representative Hankins - 1.

Mr. Sanders moved adoption of the following amendments by Representatives Sanders, Long, Holland, G. Nelson and Vander Stoep to the committee amendment:

On page 18, line 31 strike "32,542,000" and insert "33,042,000"

On page 19, line 1 strike "117,033,000" and insert "117,533,000"

On page 20, after line 1 insert the following subsection:

"(e) \$2,477,000 of which \$1,472,000 is from the general fund--state appropriation for fiscal year 1987 is provided solely for home aid services."

Representatives Sanders and Holland spoke in favor of the amendments to the committee amendment, and Mr. Braddock opposed them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Sanders and others to the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments were not adopted by the following vote: Yeas, 46; nays, 51; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fisch, Fuhrman, Hastings, Holland, Isaacson, Jacobsen, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 46.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 51.

Excused: Representative Hankins - 1.

Mr. Wineberry moved adoption of the following amendments by Representatives Wineberry, Day, Lewis and D. Nelson to the committee amendment:

On page 18, line 31 of the amendment, strike "32,542,000" and insert "32,562,000"

On page 19, line 1 of the amendment, strike "117,033,000" and insert "117,053,000"

On page 20, after line 1 of the amendment insert:

"(e) \$20,000 for fiscal year 1987 from the general fund--state appropriation is provided solely for continued support of the deaf/blind service center. This amount represents a transfer of moneys from the administration and supporting services program."

On page 28, after line 31 of the amendment, insert the following:

"Sec. 208, Section 213, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES--ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

	FY 1986	FY 1987
General Fund Appropriation--State \$	31,922,000	((31,049,000))
		31,029,000
General Fund Appropriation--Federal \$	19,555,000	19,477,000
General Fund--Institutional Impact		
Account Appropriation \$	37,000	37,000
Total Appropriation	\$ ((102,077,000))	
	102,057,000	

The appropriations in this section are subject to the following conditions and limitations: The department of social and health services shall transfer from its various programs up to \$1,600,000 from the general fund--state appropriations from the operating programs to the administration and support services program for travel, goods and services, and equipment for the biennium ending June 30, 1987, and revise initial allotments accordingly."

Remember the sections consecutively.

Mr. Wineberry spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Wineberry and others to the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments were adopted by the following vote: Yeas, 91; nays, 6; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk,

Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 91.

Voting nay: Representatives Crane, King J, Locke, Lux, Rust, and Mr. Speaker - 6.
Excused: Representative Hankins - 1.

On motion of Mr. Braddock, the following amendments to the committee amendment were adopted:

On page 19, line 26 after "develop" strike "the most" and insert "an"

On page 20, line 22 after "1987;" insert "and"

On page 20, line 23 after "(ii)" strike everything through and including "(iii)" on line 25

Mr. Lewis moved adoption of the following amendments by Representatives Lewis, van Dyke and Lundquist to the committee amendment:

On page 21, line 22 strike "136,509,000" and insert "139,509,000"

On page 21, line 27 strike "525,110,000" and insert "528,110,000"

On page 22, line 21 strike "64,554,000" and insert "(~~64,554,000~~) 67,554,000"

On page 22, line 22 strike "34,555,000" and insert "(~~34,555,000~~) 37,555,000"

On page 23, line 15 strike "39,286,000" and insert "(~~39,286,000~~) 42,286,000"

On page 23, line 16 strike "19,762,000" and insert "(~~19,762,000~~) 22,762,000"

Representatives Lewis and Lundquist spoke in favor of the amendments to the amendment, and Mr. Braddock opposed them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Lewis and others to the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments were adopted by the following vote: Yeas, 49; nays, 48; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Baugher, Betzoff, Bond, Brekke, Brooks, Brough, Chandler, Dobbs, Doty, Fisch, Fuhrman, Hastings, Holland, Isaacson, Leonard, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luvan, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 49.

Voting nay: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Bristol, Cole, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 48.

Excused: Representative Hankins - 1.

Mr. Braddock moved adoption of the following amendment by Representative Grimm to the committee amendment:

On page 25, after line 23 insert a new subsection as follows:

"(6) The department of social and health services shall seek a waiver to delay implementation of the sales tax exemption on food stamp purchases in accordance with public law 99-198."

Representatives Braddock and Tilly spoke in favor of the amendment to the committee amendment, and it was adopted.

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

On page 25, line 31 strike "22,846,000" and insert "22,646,000"

Representatives Barnes, Padden and B. Williams spoke in favor of the amendment to the amendment, and Ms. Niemi spoke against it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Barnes to page 25 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was not adopted by the following vote: Yeas, 48; nays, 49; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Bristol, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hargrove, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luvan, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 48.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D,

Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 49.

Excused: Representative Hankins - 1.

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

On page 1, line 16 strike "6,380,000" and "3,361,000" and insert "6,998,000" and "5,733,000"

On page 1, line 18 strike "28,945,000" and insert "32,035,000"

On page 2, beginning on line 16 insert the following:

"(6) If HB 1869 is not enacted before April 1, 1986, \$1,384,000 of the Public Safety and Education Account appropriation shall revert."

Renumber remaining subsections consecutively and correct internal references accordingly.

On page 34, beginning on line 30 insert:

"Sec. 212, Section 221, chapter 6, Laws of 1985 1st ex. sess. (uncodified) is amended as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

	FY 1986	FY 1987
General Fund Appropriation—State \$	31,922,000	((31,049,000))
General Fund—Public Safety and Education Account Appropriation \$	((67,000))	((67,000))
	65,000	58,000
Accident Fund Appropriation	71,893,000	1,848,000
Medical Aid Fund Appropriation	71,893,000	1,848,000
Total Appropriation	\$((7,616,000))	
	\$7,605,000	

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

(1) \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the accident fund appropriation, and \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the medical aid fund appropriation, are provided solely for a medication program and the publication and indexing of board decisions, as provided in Substitute Senate Bill 4190. If the bill is not enacted by July 1, 1985, the amounts provided shall revert.

(2) If HB 1869 is not enacted before April 1, 1986, \$13,000 of the Public Safety and Education Account appropriation shall revert."

On page 35, line 5 strike "3,446,000" and "3,266,000" and insert "3,450,000" and "3,282,000"

On page 35, line 7 strike "6,742,000" and insert "6,762,000"

On page 35, beginning on line 8 insert the following:

"The appropriations in this section are subject to the following conditions and limitations: If HB 1869 is not enacted before April 1, 1986, \$351,000 of the Public Safety and Education Account appropriation shall revert."

On page 48, line 33 strike "233,000" and "245,000" and insert "225,000" and "214,000"

On page 49, line 7 strike "54,130,000" and insert "54,091,000"

On page 49, beginning on line 16 insert the following:

"(3) If HB 1869 is not enacted before April 1, 1986, \$48,000 of the Public Safety and Education Account appropriation shall revert."

On page 55, beginning on line 7 insert:

"Sec. 403, Section 10, chapter 460, Laws of 1985, 1st ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education Account Appropriation \$	((2,056,000))	1,892,000
Highway Safety Fund Appropriation		\$30,005,000
Highway Safety Fund—Motorcycle Safety Education Account Appropriation		\$ 193,000
Total Appropriation	\$ ((32,254,000))	32,090,000

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

(1) The appropriations in this section provide no moneys for the administrative suspension of drivers' licenses pursuant to chapter 165, Laws of 1983 (SHB 289).

(2) The appropriations in this section provide no moneys for the 'pre-driver education program' operated by the department and no funds may be expended by the department for this purpose.

(3) If HB 1869 is not enacted before April 1, 1986, \$206,000 of the Public Safety and Education Account appropriation shall revert."

On page 68, line 14 strike "12,862,000" and insert "13,876,000"

On page 68, line 16 after "limitations" strike everything through "coordinators," on line 17 and insert:

"(1) Not more than \$549,000 may be expended for regional traffic safety education coordinators."

(2) If HB 1869 is not enacted before April 1, 1986, \$1,559,000 of the Public Safety and Education Account appropriation shall revert.

Mr. Braddock spoke in favor of the amendments.

POINT OF INQUIRY

Mr. Braddock yielded to question by Mr. Tilly.

Mr. Tilly: "Representative Braddock, the other night in Ways & Means Committee, we had a similar amendment that was passed. I'm confused. What's the difference between what we did then and this massive change?"

Mr. Braddock: "There are two differences. One is that we found in research that the cuts changing from the 15% cut to the 20% cut on the judicial information system (a 20% cut was in our proposal) that that money was put into crime victims and criminal justice training. What this amendment does is decrease the amount of that. We won't take it all out of the judicial information system. We do not take such a drastic cut, plus the amendment addresses the possibility of a bill passing. The bill has passed out of the Senate which would provide additional money into the system through a surcharge on traffic fines. If that bill makes it through this house--that's House Bill 1869 as amended by the Senate--then the public safety and education appropriation will revert."

Mr. Tilly: "If the bill doesn't pass, then were will that shortage be made up, Representative Braddock?"

Mr. Braddock: "The shortage will be made up in a similar fashion but not as drastic a cut as in the judicial information system."

Mr. Tilly spoke against the amendments, and Mr. Braddock spoke again in favor of them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Braddock to the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments were adopted by the following vote: Yeas, 74; nays, 23; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Belcher, Berozoff, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lundquist, Lux, Madsen, McMullen, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsold, Valle, Van Luven, Vekich, Walk, Wang, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 74.

Voting nay: Representatives Ballard, Barnes, Barrett, Baugher, Bond, Brough, Dobbs, Fuhrman, Hastings, Holland, Isaacson, Long, May, Miller, Nealey, Schoon, Thomas, Tilly, van Dyke, Vander Stoep, Walker, West, Wilson K - 23.

Excused: Representative Hankins - 1.

Mr. Todd moved adoption of the following amendments by Representatives Todd and Crane to the committee amendment:

On page 18, line 31 strike "32,542,000" and insert "30,969,000"

On page 18, line 34 strike "27,378,000" and insert "27,020,000"

On page 19, line 1 strike "117,033,000" and insert "115,102,000"

On page 19, beginning on line 17 strike all material down to and including "revert." on page 20, line 1

On page 20, line 6 strike "47,385,000" and insert "47,817,000"

On page 20, line 9 strike "47,744,000" and insert "47,171,000"

On page 20, line 11 strike "189,154,000" and insert "190,008,000"

On page 20 beginning on line 19 after "(b)" strike all material down to and including "\$427,000" on line 36 and insert the following:

"The department shall in conjunction with the House Social and Health Services Committee and the Senate Human Services & Corrections Committee study the feasibility of reducing the average daily population at Rainier School to 500 through appropriate community placements. The study shall include an analysis of the costs involved, including any potential federal financial participation for community-based care. The study shall be presented to the appropriate committees of the House of Representatives and the Senate no later than December 31, 1986."

Representatives Todd and Crane spoke in favor of the amendments to the amendment, and Mr. Braddock opposed them.

POINT OF INQUIRY

Mr. Braddock yielded to question by Ms. Long.

Ms. Long: "Representative Braddock, in Ways & Means Committee, I asked the question whether any parent or person in one of these institutions would be required to leave?"

Mr. Braddock: "The question is, if the people would be forced out without going willingly?"

Ms. Long: "And without parental permission."

Mr. Braddock: "The cases where they have parents, and unfortunately, many of them do not, but where they have parents, they would not be forced to leave without parental intent."

Mr. Lundquist spoke in favor of the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Todd and Crane to the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments were not adopted by the following vote: Yeas, 35; nays, 60; absent, 2; excused, 1.

Voting yea: Representatives Allen, Barnes, Barrett, Basich, Betrozoff, Bond, Brooks, Brough, Chandler, Crane, Fisch, Gallagher, Hastings, Haugen, King P, Lundquist, May, Miller, Nealey, Nelson G. O'Brien, Patrick, Prince, Schoon, Silver, Smith C, Smith L, Thomas, Todd, van Dyke, Vander Stoep, Walk, Walker, Wilson S. Winsley - 35.

Voting nay: Representatives Addison, Appelwick, Armstrong, Ballard, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Day, Dellwo, Dobbs, Doty, Ebersole, Fisher, Fuhrman, Grimm, Hargrove, Hine, Holland, Isaacson, Jacobsen, King J, King R, Kremen, Leonard, Lewis, Long, Madsen, McMullen, Nelson D, Niemi, Nutley, Padden, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Unsoeld, Valle, Van Luven, Vekich, Wang, West, Williams B, Williams J, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 60.

Absent: Representatives Locke, Lux - 2.

Excused: Representative Hankins - 1.

MOTION

On motion of Mr. J. King, the House recessed until 8:00 p.m.

EVENING SESSION

The House was called to order at 8:00 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Bond, Hankins and Sanders. Representative Hankins was excused.

The House resumed consideration of ENGROSSED SUBSTITUTE SENATE BILL NO. 4762 on second reading.

MOTION FOR RECONSIDERATION

Ms. Leonard, having voted on the prevailing side, moved that the House now reconsider the vote by which the amendments by Representatives Lewis, van Dyke and Lundquist to the committee amendment were adopted.

MOTION

Mr. Ballard moved that Engrossed Substitute Senate Bill No. 4762 be rereferred to Committee on Ways & Means.

The motion was lost.

The motion by Representative Leonard was carried.

The amendments were reconsidered and were not adopted.

Mr. Tilly moved adoption of the following amendment by Representatives Tilly and Zellinsky to the committee amendment:

On page 11, after line 6 insert:

"(f) The department shall not distribute tobacco or tobacco products to inmates without being reimbursed for the provision of such products. This subsection shall not apply to inmates who are disabled and unable to reimburse the state. Funds reimbursed by inmates purchasing tobacco or tobacco products shall be placed in the state general fund."

Representatives Tilly and G. Nelson spoke in favor of the amendment to the amendment, and Representatives Grimm and Vander Stoep opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Tilly and Zellinsky to page 11 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was not adopted by the following vote: Yeas, 44; nays, 44; absent, 9; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Brooks, Brough, Chandler, Dobbs, Doty, Ebersole, Fuhrman, Hastings, Holland, Isaacson, King P, Kremen, Locke, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Valle, van Dyke, Van Luven, Walker, West, Williams B, Williams J, Winsley, Zellinsky - 44.

Voting nay: Representatives Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, Leonard, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Vander Stoep, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 44.

Absent: Representatives Appelwick, Bond, Haugen, King R, Lewis, Lux, Prince, Sanders, Wilson S - 9.

Excused: Representative Hankins - 1

MOTION

On motion of Mr. Tilly, Rule 14(C) was suspended.

Mr. J. King demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Bond, Hankins and Sanders.

Mr. J. King moved that the absent members be excused and the House proceed with business under the Call of the House.

Mr. Padden demanded an oral roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the motion to excuse the absent members and proceed with business under the Call of the House, and the motion was carried by the following vote: Yeas, 60; nays, 34; absent, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Thomas, Todd, Unsoeld, Valle, Vekich, Walk, Wang, West, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 60.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Betzoff, Brooks, Chandler, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Lewis, Lundquist, May, Nealey, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Williams J, Wilson S - 34.

Absent: Representatives Bond, Brough, Hankins, Sanders - 4.

Mr. Todd moved adoption of the following amendment By Representatives Todd and Crane:

On page 19, line 28 after "appropriated" insert the following "and ensure those residents who are placed in such community settings will receive care equal to or better than those offered at the Rainier School"

Mr. Todd spoke in favor of the amendment to the committee amendment.

Mr. J. King demanded an electric roll call vote and the demand was sustained.

Mr. Braddock opposed the amendment to the amendment, and Mr. Schoon spoke in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Todd and Crane to page 19 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was not adopted by the following vote: Yeas, 41; nays, 54; excused, 3.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Brooks, Brough, Chandler, Cole, Crane, Dobbs, Doty, Hastings, Haugen, Isaacson, Jacobsen, Lewis, Long, Lundquist, May, Miller, Nelson D, Nelson G, Padden, Patrick, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Tilly, Todd, van Dyke, Van Luven, Vander Stoep, West, Williams B, Wilson S, Winsley - 41.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hine, Holland, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nealey, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Schmidt, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Unsoeld, Valle, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 54.

Excused: Representatives Bond, Hankins, Sanders - 3.

Mr. Todd moved adoption of the following amendment by Representatives Todd and Crane to the committee amendment:

On page 20, after line 36 insert the following:

"(e) Prior to the community placement of a resident of Rainier School pursuant to subsection (2)(b) through (d), the department shall ensure that the review process established by RCW 72.33.161 is utilized."

Mr. Todd spoke in favor of the amendment to the amendment.

Mr. J. King demanded an electric roll call vote and the demand was sustained.

Representatives Crane and Braddock spoke in favor of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Todd and Crane to page 20 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was adopted by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Bond, Hankins, Sanders - 3.

Mr. J. Williams moved adoption of the following amendments by Representatives J. Williams and Brocks to the committee amendment:

On page 25, line 36 strike "4,024,000" and insert "~~((4,024,000))~~ 3,531,000" and strike "3,996,000" and insert "~~((3,996,000))~~ 3,542,000"

On page 27, line 32 strike "593,000" and insert "~~((593,000))~~ 100,000" and strike "544,000" and insert "~~((544,000))~~ 100,000"

Mr. J. Williams spoke in favor of the amendments to the committee amendment.

Ms. Hine demanded an electric roll call vote and the demand was sustained.

Representatives D. Nelson and R. King opposed adoption of the amendments to the amendment, and Representatives Brooks, B. Williams and May spoke in favor of them.

Mr. J. Williams again spoke in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives J. Williams and Brooks to pages 25 and 27 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments were not adopted by the following vote: Yeas, 46; nays, 49; excused, 3.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Baugher, Betzoff, Brooks, Brough, Chandler, Crane, Day, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 46.

Voting nay: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Cole, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 49.

Excused: Representatives Bond, Hankins, Sanders - 3.

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

On page 7, line 11 strike the period and insert: " PROVIDED, That if SB 4630 is enacted before July 1, 1986, this subsection is null and void."

Mr. Tilly spoke in favor of the amendment to the amendment.

Mr. J. King demanded an electric roll call vote and the demand was sustained.

Mr. Braddock opposed the amendment to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Tilly to page 7 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was not adopted by the following vote: Yeas, 37; nays, 58; excused, 3.

Voting yea: Representatives Allen, Ballard, Barrett, Betzoff, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Miller, Nealey, Nelson G, Padden, Prince, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Williams J, Wilson K, Wilson S, Zellinsky - 37.

Voting nay: Representatives Addison, Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lundquist, Lux, Madsen, May, McMullen, Nelson D, Niemi, Nutley, O'Brien, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, West, Wineberry, Winsley, and Mr. Speaker - 58.

Excused: Representatives Bond, Hankins, Sanders - 3.

Representative Bond appeared at the bar of the House.

Mr. Fuhrman moved adoption of the following amendment by Representatives Fuhrman, Hargrove and Padden to the committee amendment:

On page 26, following line 25 insert:

"(1) No funds shall be expended directly or indirectly for the production or distribution of any materials regarding homosexual sex safety."

Remember the remaining subsections accordingly.

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

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

Representatives Niemi and Locke opposed the amendment to the amendment, and Representatives Barnes, Hargrove, B. Williams, Padden and L. Smith spoke in favor of it.

Mr. Fuhrman spoke again in favor of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Fuhrman and others to page 26 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was adopted by the following vote: Yeas, 52; nays, 44; excused, 2.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Baugher, Betzozoff, Bond, Bristow, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hargrove, Hastings, Haugen, Holland, Isaacson, King P. Kremen, Lewis, Long, Lundquist, Madsen, May, Miller, Nealey, Nelson G. Padden, Patrick, Rayburn, Schmidt, Schoon, Silver, Smith C. Smith L. Tanner, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 52.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hine, Jacobsen, King J, King R, Leonard, Locke, Lux, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Prince, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, and Mr. Speaker - 44.

Excused: Representatives Hankins, Sanders - 2.

Representative Sanders appeared at the bar of the House.

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

On page 30, after line 7 insert new subsections as follows:

"(4) The department shall develop a program to supplement the community work and training program for recipients of food stamps established under RCW 74.04.477.

The supplemental program shall provide that the program be extended to an additional four counties, two east and two west of the Cascade Mountains, and shall serve a minimum of three thousand recipients, in fiscal year 1987. The supplemental program shall be run under the same terms and conditions as set forth in RCW 74.04.477 and the regulations thereunder.

"(5) The department shall develop a program to supplement the community work and training program for recipients of aid to families with dependent children established under RCW 74.04.473. The supplemental program shall provide for community work and training services to a minimum of five hundred recipients during fiscal year 1987 under the same terms and conditions as set forth in RCW 74.04.473 and the regulations thereunder."

Mr. Addison spoke in favor of the amendment to the amendment.

Mr. J. King demanded an electric roll call vote and the demand was sustained.

Ms. Brekke opposed the amendment to the amendment, and Mr. Tilly spoke in favor of it.

POINT OF INQUIRY

Mr. Addison yielded to question by Mr. Smitherman.

Mr. Smitherman: "Representative Addison, on the way you have put this program together, I was just wondering, is this a voluntary or mandatory program?"

Mr. Addison: "The RCW has the various rules and guidelines that are applied and I would remind you of what I said before: That for a member of a household who is between the ages of 18 and 60 years old, who is not a parent of a child under 6, and various other requirements--in other words, if they are taking care of someone who is incapacitated--this is a mandatory program they are asked to participate in. It's the mandatory part of the program that has made it so successful. It's the mandatory part of the program that has, for instance in the food stamp program, mainly been directed at males who are 25 years of age and older. In those situations we find that a third of them drop out of the program when they are asked to work in the program."

Mr. Smitherman: "In terms of job skills, do these jobs that the people are undertaking provide them with real skills so that they can continue on to make good living wages? I heard talk about community services, and that's laudable, but on the other hand, are they being provided with the real skills that will enable them to carry on in a real job in the future?"

Mr. Addison: "That's a good question and I think the answer is yes. We have asked the department not to provide simply make-work time, but jobs and, in fact,

one of the real successes was the gentleman in the Moses Lake CSO who was working for the sheriff's department over there and has done an outstanding job for them. They have asked him if he would like to go to school to become a deputy sheriff. He is now training and will become a deputy sheriff in Moses Lake."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Addison to page 30 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was adopted by the following vote: Yeas, 63; nays, 34; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Baugher, Betrozoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fuhrman, Hastings, Haugen, Holland, Isaacson, King P, Kremen, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Valle, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 63.

Voting nay: Representatives Appelwick, Armstrong, Basich, Belcher, Brekke, Cole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King R, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Rust, Sayan, Scott, Sommers, Unsoeld, Vekich, Walk, Wang, Wineberry, and Mr. Speaker - 34.

Excused: Representative Hankins - 1.

Mr. Holland moved adoption of the following amendments by Representatives Holland and L. Smith to the committee amendment:

On page 31, line 32 strike "9,478,000" and insert "6,508,000"

On page 32, line 6 strike "155,270,000" and insert "152,300,000"

On page 34, beginning on line 5 strike all material down through "act)," on line 9.

Mr. Holland spoke in favor of the amendments to the committee amendment, and Mr. Ebersole opposed them.

Mr. J. King demanded an electric roll call vote and the demand was sustained.

Representatives L. Smith and Long spoke in favor of the amendments, and Ms. Cole opposed them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Holland and L. Smith to the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments were not adopted by the following vote: Yeas, 37; nays, 60; excused, 1.

Voting yea: Representatives Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Haugen, Holland, Isaacson, Long, Lundquist, May, Miller, Nealey, Padden, Patrick, Prince, Sanders, Schoon, Silver, Smith L, Taylor, Thomas, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J - 37.

Voting nay: Representatives Addison, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Smith C, Smitherman, Sommers, Sutherland, Tanner, Tilly, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 60.

Excused: Representative Hankins - 1.

STATEMENT FOR THE JOURNAL

It was my intention to vote "No" on the amendments by Representatives Holland and L. Smith.

SHIRLEY DOTY, 14th District.

Mr. Nealey moved adoption of the following amendment by Representatives Nealey, Chandler, Doty, C. Smith, Rayburn Baugher, May, Tilly, Day and Bristow to the committee amendment:

On page 51 following line 36 insert:

"(4) An amount up to but not more than \$500,000 of the general fund--state appropriation in each fiscal year shall be expended for grasshopper control as needed."

Renumber the remaining subsections accordingly.

Representatives Nealey, C. Smith and Chandler spoke in favor of the amendment to the amendment, and Mr. Vekich opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Nealey and others to page 51 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was not adopted by the following vote: Yeas, 47; nays, 50; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Baugher, Betzoff, Bond, Bristow, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 47.

Voting nay: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 50.

Excused: Representative Hankins - 1.

Mr. Patrick moved adoption of the following amendments by Representatives Patrick, Chandler, Isaacson, Bond, Doty, Holland, West, Brooks, Barnes, Scott, Van Luven, Thomas, May, Schmidt, Zellinsky, Brough, Nealey, Walker and Betzoff to the committee amendment:

On page 53, line 9 strike "6,778,000" and insert "6,878,000"

On page 53, line 18 strike "15,080,000" and insert "15,180,000"

Mr. Patrick spoke in favor of the amendments, and Mr. Braddock opposed them.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Patrick and others to page 53 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments were not adopted by the following vote: Yeas, 47; nays, 50; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fisch, Fuhrman, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 47.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 50.

Excused: Representative Hankins - 1.

Mr. McMullen moved adoption of the following amendments by Representatives McMullen and Grimm to the committee amendment:

On page 56, line 8 strike "3,436,643,000" and insert "3,436,768,000"

On page 60, after line 32 insert:

"(10) A maximum of \$125,000 shall be distributed to enhance funding provided in subsections (3) through (9) of this section in the 1986-87 school year for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands."

Representatives McMullen and Grimm spoke in favor of the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives McMullen and Grimm to the committee amendment to Engrossed Substitute Senate

Bill No. 4762, and the amendments were adopted by the following vote: Yeas, 93; nays, 4; excused, 1.

Voting yea: Representatives Addison, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Allen, Brough, Locke, Lux - 4.

Excused: Representative Hankins - 1.

Ms. Valle moved adoption of the following amendment by Representatives Valle, Appelwick, Betzoff, Unsoeld, Holland, Cole, Leonard, D. Nelson, Todd and Schoon to the committee amendment:

On page 56 of the committee amendment after "EDUCATION" insert the following:

"Section 501, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	(19,173,000)
		19,248,000
General Fund Appropriation—Federal	\$	7,412,000
General Fund—Public Safety		
and Education Account Appropriation	\$	464,000
Total Appropriation	\$	(27,049,000)
		27,124,000

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

(1) The general fund—public safety and education account appropriation may be expended solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$66,000 of the general fund—state appropriation is provided for compensation of members of the state board of education pursuant to RCW 43.03.240.

(3) The superintendent of public instruction is directed to establish an environmental education task force of natural resource agency representatives, educators, legislators, and concerned citizens to:

(a) Establish a definition of environmental literacy;

(b) Identify existing environmental and conservation education resources in the public and private sectors; and

(c) Conduct a needs assessment to determine how to maximize use of existing environmental education resources and to provide for future needs.

\$5,000 of the general fund—state appropriation is provided solely to establish the environmental education task force. The task force shall report its findings to the committees on education and parks and ecology of the senate and the committees on education and environmental affairs of the house of representatives during the 1986 regular legislative session.

(4) \$58,000 of the general fund—state appropriation is provided solely for teacher exchange activities between the province of Sichuan, China, and the state of Washington. Such funds may be used to offset living expenses and travel costs for not more than three Chinese and three American exchange teachers per year.

(5) A maximum of \$350,000 of the general fund—state appropriation may be expended for the implementation of Second Substitute House Bill No. 141, achievement test/10th grade.

(6) ~~\$(1,550,000)~~ 1,625,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 174, teacher's assistance program.

(7) \$512,000 of the general fund—state appropriation is provided solely for implementation of House Bill No. 849, teacher evaluation.

(8) \$500,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1056, school based management.

(9) \$1,000,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1065, school inservice program.

(10) \$10,000, or so much thereof as is necessary, of the general fund—state appropriation may be expended for implementation of section 2 of House Bill No. 999, authorizing a data base report on educational clinics."

Representatives Valle, Schoon, Betzoff and Taylor spoke in favor of the amendment to the amendment, and Mr. Braddock opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Valle and others to page 56 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was adopted by the following vote: Yeas, 73; nays, 24; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Ballard, Barnes, Barrett, Baugher, Belcher, Betzoff, Bond, Brooks, Chandler, Cole, Crane, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hastings, Hine, Holland, Isaacson, Jacobsen, King R. Kremen, Leonard, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson D. Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley - 73.

Voting nay: Representatives Armstrong, Basich, Braddock, Brekke, Bristow, Brough, Day, Dobbs, Grimm, Hargrove, Haugen, Hine, Holland, King J, King P, Locke, Lux, Madsen, McMullen, Sayan, Sommers, van Dyke, Vekich, Walk, Zellinsky, and Mr. Speaker - 24.

Excused: Representative Hankins - 1.

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

On page 61 strike all of line 13.

On page 62, after line 16 strike everything through and including "Document 7," on line 30

On page 63, after line 36 strike everything through and including "lid," on page 65, line 14.

Mr. Hargrove spoke in favor of the amendments to the amendment, and Representatives Belcher and Ebersole opposed them.

Mr. Hargrove spoke again in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Hargrove to the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments were not adopted by the following vote: Yeas, 1; nays, 96; excused, 1.

Voting yea: Representative Hargrove - 1.

Voting nay: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representative Hankins - 1.

Mr. Vander Stoep moved adoption of the following amendment by Representatives Vander Stoep, Doty, Taylor, Silver, Chandler, Holland, Barnes, Schoon, Van Luven, West, Walker, van Dyke, Thomas, Isaacson, C. Smith, G. Nelson, May, Betzoff, Ballard, Long, Lundquist, S. Wilson, Tilly, Dobbs, Padden and Miller to the committee amendment:

On page 61, beginning on line 9 of the amendment, strike all material down to and including line 14 on page 65 and insert the following:

"Sec. 503, Section 504, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION

General Fund Appropriation \$ 73,409,000

(1) For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(a) 'LEAP Document 7' means the computer tabulation of 1984-85 derived base salaries for basic education certified staff and 1984-85 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 11, 1985, at 10:36 hours.

(b) 'Revised LEAP Document 7' means the computer tabulation of certificated and classified derived base salaries as developed by the legislative evaluation and accountability program committee on February 27, 1986, at 9:41 hours.

(c) For the purposes of the appropriation in section 501 of this 1986 act, each district's average basic education certificated salary allocation shall be the district's certificated derived base salary shown on LEAP Document 7, multiplied by the district's prior year staff mix factor calculated using LEAP Document 1.

~~((c))~~ (d) For the purposes of the appropriation in section 501 of this 1986 act, each district's average basic education classified salary allocation for both the 1985-86 and 1986-87 school years shall be the district's classified derived base salary multiplied by the district's prior year classified increment mix factor, as specified in this section. For the 1985-86 school year, the classified derived base salary for each district shall be the average classified salary specified for each district in LEAP Document 7 divided by the 1984-85 classified increment mix factor for each district calculated according to the formula used by the superintendent of public instruction in the 1984-85 school year. By December 1, 1985, the superintendent of public instruction shall provide to the legislative evaluation and accountability program committee the appropriate data with which to modify LEAP Document 7 to reflect the classified derived base salary for use in the 1986-87 school year.

(e) 'Incremental fringe benefits' means 19.44 percent for certificated staff and 15.49 percent for classified staff, which percentages shall be the fringe benefit rates applied to all salary increases provided in this section, and is for employer contributions to employee benefits and retirement benefits.

(2) For the purposes of RCW 28A.58.095 and section 503(1) of this act, the following conditions and limitations apply:

(a) Effective September 1, 1986, each school district is authorized to grant salary increases that increase the district's actual basic education certificated derived base salary for the 1986-87 school year to no more than the sum of: (i) The district's certificated derived base salary as shown on revised LEAP Document 7; and (ii) five percent of the state-wide average certificated derived base salary as shown on revised LEAP Document 7.

(b) Effective September 1, 1986, each school district is authorized to grant salary increases that increase the district's actual basic education classified derived base salary for the 1986-87 school year to no more than the sum of: (i) The district's classified derived base salary as shown on revised LEAP Document 7; and (ii) five percent of the state-wide average classified derived base salary as shown on revised LEAP Document 7.

(c) The maximum average percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized pursuant to this section for the district's basic education program.

~~((b))~~ (d) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1,440 hours of work per year, with no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1985-86 or 1986-87 school year which would raise the rate per full time equivalent unit to over \$167 per month.

~~((c))~~ (e) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

~~((c))~~ (f) Seniority increments granted by a school district pursuant to the district's salary schedule for classified employees shall constitute salary increase in the year in which the increments are given to the extent only that the aggregate of the increments granted by the district exceeds the amount of the district's increments calculated using the formula adopted by the superintendent of public instruction for the classified increment mix factor.

(g) Districts may elect an alternative measure of salary compliance for classified staff as specified in this subsection. For the purposes of determining compliance in 1986-87, the district's actual 1986-87 classified derived base salary is reduced by the difference between:

(i) The district's actual 1985-86 classified derived base salary, after adjustment for new positions and reductions-in-force as approved by the superintendent of public instruction during the 1985-86 school year; and

(ii) The district's actual 1985-86 classified derived base salary, without such adjustments. A district may elect this option only if its board of directors has certified by resolution that any resulting difference between actual and state-funded salary levels in each year henceforward is solely a district obligation, and that the effect shall neither incur nor imply any current or future funding obligation by the state.

(3)(a) A maximum of \$650,000 of the appropriation in this section is provided to fund the conversion from LEAP Document 7 to revised LEAP Document 7, effective September 1, 1986. The superintendent of public instruction shall distribute these moneys to fund increases in salary costs and incremental fringe benefits resulting from using revised LEAP Document 7 to calculate allocations for certificated and classified staff units as in section 501 of this 1986 act.

(b) \$47,637,000 is provided, effective September 1, 1986, to increase funding for each basic education certificated staff unit allocated for the 1986-87 school year in section 501 of this 1986 act by an amount equal to the district's 1985-86 LEAP Document 1 basic education staff mix

factor times five percent of the state-wide average certificated derived base salary as shown on revised LEAP Document 7, and for incremental fringe benefits.

(c) \$9,877,000 is provided, effective September 1, 1986, to increase funding for each basic education classified staff unit allocated for the 1986-87 school year in section 501 of this 1986 act by an amount equal to the district's 1985-86 basic education classified increment mix factor times five percent of the state-wide average classified derived base salary as shown on revised LEAP Document 7, and for incremental fringe benefits.

(d) A maximum of \$3,858,000 is provided for salary increases and incremental fringe benefits in the following programs, to be distributed by increasing 1986-87 school year allocation rates as specified:

(i) Transitional bilingual instruction (section 508), \$19.06 per pupil;

(ii) Remediation assistance (section 509), \$14.66 per pupil;

(iii) Education of highly capable students (section 510), \$11.29 per pupil;

(iv) Vocational-technical institutes (section 512), \$99.90 per FTE pupil;

(v) Pupil transportation (section 514), \$0.80 per weighted pupil-mile.

(e) A maximum of \$6,614,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 506), and for state-supported staff in educational service districts (section 502) and institutional education programs (section 507). The superintendent of public instruction shall distribute a five percent salary increase for these programs using the pertinent program state-wide average derived base salaries.

(f) Each school district with a certificated derived base salary of less than \$16,500, as shown on revised LEAP Document 7, is authorized to grant salary increases for the 1986-87 school year which increase the district's basic education certificated derived base salary, before the salary increase authorized in subsection (2)(a) of this section, to no more than \$16,500. A maximum of \$4,773,000 is provided to fund the cost of this increase in state-supported programs. For the purposes of allocating basic education funds in the 1986-87 school year, the superintendent of public instruction shall modify revised LEAP Document 7 to reflect a certificated derived base salary of \$16,500 for each of these districts.

(4) Increases provided by this section shall be included for purposes of calculating the levy lid pursuant to chapter 84.52 RCW."

Representatives Vander Stoep, Barnes and B. Williams spoke in favor of the amendment to the amendment, and Mr. Grimm opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Vander Stoep to page 61 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment was not adopted by the following vote: Yeas, 45; nays, 52; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fisch, Fuhrman, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 45.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Waik, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 52.

Excused: Representative Hankins - 1.

The Clerk read the following amendment by Representative Hargrove to the committee amendment:

On page 79, beginning on line 28 strike all of section 703.

Renumber the remaining sections and correct internal references accordingly.

With the consent of the House, Mr. Hargrove withdrew the amendment.

Mr. Holland moved adoption of the following amendments by Representatives Holland, G. Nelson, Long, West, Nealey and Betzoff to the committee amendment:

On page 67, line 14 strike "4,876,000" and insert "4,918,000"

On page 67, line 24 strike "2,365,000" and insert "2,418,000"

On page 67, line 26 strike "\$330" and insert "((~~999~~)) 337"

Representatives Holland, G. Nelson, Taylor and Miller spoke in favor of the amendments to the amendment, and Mr. Grimm opposed them.

Representatives G. Nelson and Holland spoke again in favor of the amendments.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Holland and others to page 67 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments were not adopted by the following vote: Yeas, 43; nays, 54; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G. Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C. Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 43.

Voting nay: Representatives Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smith L, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 54.

Excused: Representative Hankins - 1.

Mr. Ebersole moved adoption of the following amendment by Representatives Ebersole, Betrozoff, Vander Stoep, Cole, Valle, Peery, Jacobsen and Rayburn to the committee amendment:

On page 56 of the committee amendment, line 2, after "EDUCATION" insert the following: Sec. 501. Section 501, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION		
General Fund Appropriation—State	\$	((19,173,000))
		<u>19,223,000</u>
General Fund Appropriation—Federal	\$	7,412,000
General Fund—Public Safety		
and Education Account Appropriation	\$	464,000
Total Appropriation	\$	((27,049,000))
		<u>27,099,000</u>

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

(1) The general fund—public safety and education account appropriation may be expended solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$66,000 of the general fund—state appropriation is provided for compensation of members of the state board of education pursuant to RCW 43.03.240.

(3) The superintendent of public instruction is directed to establish an environmental education task force of natural resource agency representatives, educators, legislators, and concerned citizens to:

(a) Establish a definition of environmental literacy;

(b) Identify existing environmental and conservation education resources in the public and private sectors; and

(c) Conduct a needs assessment to determine how to maximize use of existing environmental education resources and to provide for future needs.

\$5,000 of the general fund—state appropriation is provided solely to establish the environmental education task force. The task force shall report its findings to the committees on education and parks and ecology of the senate and the committees on education and environmental affairs of the house of representatives during the 1986 regular legislative session.

(4) \$58,000 of the general fund—state appropriation is provided solely for teacher exchange activities between the province of Sichuan, China, and the state of Washington. Such funds may be used to offset living expenses and travel costs for not more than three Chinese and three American exchange teachers per year.

(5) A maximum of \$350,000 of the general fund—state appropriation may be expended for the implementation of Second Substitute House Bill No. 141, achievement test/10th grade.

(6) \$1,550,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 174, teacher's assistance program.

(7) \$512,000 of the general fund—state appropriation is provided solely for implementation of House Bill No. 849, teacher evaluation.

(8) \$500,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1056, school based management.

(9) \$1,000,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1065, school inservice program.

(10) \$10,000, or so much thereof as is necessary, of the general fund—state appropriation may be expended for implementation of section 2 of House Bill No. 999, authorizing a data base report on educational clinics.

(11) \$50,000 of the general fund—state appropriation is provided solely for the implementation of Substitute House Bill No. 1829, categorical program study. If the bill is not enacted by June 30, 1986, this amount provided by this subsection shall lapse.

Renumber the remaining sections consecutively.

Representatives Ebersole and Betzoff spoke in favor of the amendment, and Mr. Braddock opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Ebersole and others to page 56 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment to the amendment was adopted by the following vote: Yeas, 58; nays, 39; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betzoff, Bond, Brooks, Brough, Chandler, Cole, Crane, Dellwo, Dobbs, Doty, Ebersole, Fisher, Hastings, Holland, Isaacson, Jacobsen, Lewis, Long, Lundquist, May, Nelson D, Nelson G, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers, Sutherland, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Loven, Vander Stoep, Walker, Wang, West, Williams J, Wilson S - 58.

Voting nay: Representatives Basich, Braddock, Brekke, Bristow, Day, Fisch, Fuhrman, Gallagher, Grimm, Hargrove, Haugen, Hine, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Miller, Nealey, Niemi, Nutley, O'Brien, Rust, Sayan, Scott, Smitherman, Tanner, Vekich, Walk, Williams B, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 39.

Excused: Representative Hankins - 1.

The Clerk read the following amendment by Representatives Cole, Barrett, Leonard and Wineberry to the committee amendment:

On page 68, after line 17 insert the following:

*Sec. 509. Section 513, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
FOR EDUCATIONAL CLINICS

General Fund Appropriation S(~~2,332,000~~) 3,082,000

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

(1) Not more than \$1,166,000 of this appropriation shall be expended during fiscal year 1986.

(2) The appropriation in this section is intended to provide an average state support level of \$750 per student for fiscal year 1986 and \$779 per student for fiscal year 1987.

Sec. 510. Section 517, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION
FOR SPECIAL AND PILOT PROGRAMS

General Fund Appropriation S(~~4,126,000~~)4,876,000

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

(1) Not more than \$2,017,000 of this appropriation is provided for operation by the educational service districts of regional computer demonstration centers and computer information centers.

(2) Not more than \$831,000 of this appropriation is provided for teacher training in drug and alcohol abuse education and prevention in grades K through 12.

(3) Not more than (~~\$623,000~~) \$1,373,000 of this appropriation is provided for pilot programs to encourage potential high school drop-outs to remain in school by providing seed money not to exceed \$750,000 to school district to start programs to aid drop-outs and alternative, prevention and intervention programs for alienated youth.

(4) Not more than \$575,000 of this appropriation is provided for a contract with the Pacific Science Center for educational programs serving public schools.

(5) Not more than \$80,000 of this appropriation is provided for a contract with the Cispus learning center for environmental educational programs.*

With the consent of the House, Ms. Cole withdrew the amendment to the amendment.

Ms. Doty moved adoption of the following amendments by Representatives Doty, West and Lewis to the committee amendment:

On page 69, strike all of lines 15 through 18 and insert:

*General Fund		
Appropriation	\$125,353,000	((124,946,888))
		<u>125,118,000</u>
Total Appropriation	\$((256,293,000))	
	<u>250,471,000</u>	

On page 71, after line 5 insert:

“(9) \$56,000 of the fiscal year 1987 appropriation is provided solely for the Yakima Nursing Center.”

Representatives Doty and Lewis spoke in favor of the amendments to the amendment, and Ms. Sommers opposed them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Doty and others to the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments to the amendment were not adopted by the following vote: Yeas, 46; nays, 51; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barrett, Baugher, Betzoff, Brooks, Brough, Chandler, Crane, Dellwo, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 46.

Voting nay: Representatives Appelwick, Armstrong, Barnes, Basich, Belcher, Bond, Braddock, Brekke, Bristow, Cole, Day, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 51.

Excused: Representative Hankins - 1.

Mr. Kremen moved adoption of the following amendment by Representatives Kremen, Leonard, West, Lewis, Jacobsen, Rayburn, Dellwo, Day, C. Smith, K. Wilson, May, Baugher, Chandler, S. Wilson, Sommers, Basich, Lundquist, Taylor, Betzoff, Fisch and D. Nelson to the committee amendment:

On page 74, after line 15 insert:

*NEW SECTION. Sec. 606. There is hereby appropriated from the general fund \$881,000 for fiscal year 1987 summer quarter support on the condition that the universities receiving this appropriation implement and collect summer quarter tuition fees at the same rates established for the regular academic quarter. This appropriation shall be disbursed accordingly to the following schedule:

Central Washington University	\$295,000
Eastern Washington University	\$220,000
Western Washington University	\$366,000*

Remember the remaining sections accordingly.

Mr. Kremen spoke in favor of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Kremen and others to page 74 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment to the amendment was adopted by the following vote: Yeas, 73; nays, 24; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Baugher, Belcher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Hargrove, Hastings, Haugen, Isaacson, Jacobsen, King R, Kremen, Leonard, Lewis, Long, Lundquist, Lux, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 73.

Voting nay: Representatives Barnes, Basich, Brekke, Fisher, Gallagher, Grimm, Hine, Holland, King J, King P, Locke, Madsen, Niemi, Nutley, O'Brien, Sayan, Sommers, Todd, Vekich, Walk, Wang, Williams B, Wineberry, and Mr. Speaker - 24.

Excused: Representative Hankins - 1.

Mr. Sayan moved adoption of the following amendments by Representatives Sayan, Basich and Sommers to the committee amendment:

On page 75, line 14 strike "1,629,000" and insert "1,729,000"

On page 75, line 16 before "appropriation" strike "The" and insert "(1) \$1,629,000 of the"

On page 75, after line 25 insert:

"(2) \$100,000 of this appropriation is provided solely to implement a pilot program for volunteer literacy tutorial coordination. The pilot program shall be jointly coordinated by the superintendent of public instruction and the state board for community college education with special emphasis on raising the potential of adult illiterates for permanent employment.

By January 1988, the superintendent of public instruction and the state board of community college education shall provide the appropriate legislative standing committees with a report on the educational history of students in adult literacy programs and in other publicly funded programs designed to provide adults with basic educational skills; the highest grade level attained by students; the states where the students attended school; and the amount of time the students spent in Washington schools."

Mr. Sayan spoke in favor of the amendments to the committee amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Sayan and others to page 75 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments to the amendment were adopted by the following vote: Yeas, 94; nays, 3; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 94.

Voting nay: Representatives Grimm, Hargrove, and Mr. Speaker - 3.

Excused: Representative Hankins - 1.

Mr. Taylor moved adoption of the following amendment by Representatives Taylor, Baugher, Day, Silver, Dellwo, Rayburn, Lewis, Bristow, Nealey, C. Smith, Padden, Baillard, G. Nelson, Holland, Barrett, Prince, Isaacson, Fuhrman, Chandler, Doty, Bond and Tilly to the committee amendment:

On page 75, line 14 after "S" strike everything through "deferral" on line 25 and insert "2,117,000"

This appropriation is to satisfy judgments and claims incurred from the deferral of the faculty salary increases during the 1981-83 fiscal biennium."

Representatives Taylor, Dellwo, Prince, Day and Silver spoke in favor of the amendment to the amendment, and Representatives Sommers and Sayan opposed it.

Mr. Taylor spoke again in favor of the amendment to the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Taylor and others to page 75 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment to the amendment was not adopted by the following vote: Yeas, 47; nays, 50; excused, 1.

Voting yea: Representatives Allen, Ballard, Barnes, Barrett, Baugher, Betzoff, Bond, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Doty, Fuhrman, Hastings, Holland, Isaacson, Lewis, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 47.

Voting nay: Representatives Addison, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cole, Dobbs, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 50.

Excused: Representative Hankins - 1.

Mr. Crane moved adoption of the following amendment by Representatives Crane, Todd, Doty and Tilly to the committee amendment:

On page 75, line 25 after "deferral" insert:

"NEW SECTION, Sec. 608. FOR THE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation \$122,000
 This appropriation shall be used to develop training programs for wastewater treatment operators at Green River Community College."

Representatives Crane, Todd and Doty spoke in favor of the amendment to the amendment, and Representatives Braddock and Lux opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Crane and others to page 75 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment to the amendment was not adopted by the following vote: Yeas, 20; nays, 77; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Basich, Crane, Doty, Holland, Isaacson, Leonard, Lewis, Locke, Nelson G, Sanders, Schoon, Taylor, Tilly, Todd, Van Luven, West, Winsley - 20.

Voting nay: Representatives Appelwick, Armstrong, Barnes, Barrett, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Day, Dellwo, Dobbs, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Thomas, Unsoeld, Valle, van Dyke, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 77.

Excused: Representative Hankins - 1.

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

On page 81, after line 9 strike all of section 704 and insert:

"NEW SECTION, Sec. 704. FOR THE TEACHERS' RETIREMENT SYSTEM

General Fund—Revenue Accrual Account

Appropriation \$ 9,147,941

General Fund \$11,597,000

Total Fund Appropriation \$20,744,941

The appropriations in this section are to be used to reduce the unfunded liability of the Teachers' Retirement System."

On page 92, line 14 after "trustee," strike everything through "\$11,597,000" on line 16 and insert "The state treasurer shall transfer to the general fund \$11,597,000 from the state employees' insurance fund on July 1, 1986."

Representatives Tilly and B. Williams spoke in favor of the amendments to the committee amendment, and Ms. Sommers opposed them.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative Tilly to page 81 and 92 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendments to the amendment were not adopted by the following vote: Yeas, 40; nays, 57; excused, 1.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Long, Lundquist, May, Miller, Nealey, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, Williams B, Williams J, Wilson S, Winsley - 40.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, West, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 57.

Excused: Representative Hankins - 1.

Ms. Thomas moved adoption of the following amendment by Representatives Thomas, Dobbs, Holland, Long, Barnes, Padden, G. Nelson, Lundquist, Schoon, Silver, B. Williams, Miller, L. Smith, Walker, Tilly, Hastings, Isaacson, Ballard, Chandler, C. Smith, May and Doty to the committee amendment:

On page 81, after line 31 insert:

"NEW SECTION, Sec. 705. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

For the Department of Retirement Systems

Teachers' Retirement System \$ 600,000

Public Employee Retirement System	\$1,300,000
Department of Retirement Systems	
Expense Fund Appropriation	\$ 32,000

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

(1) The Teachers' Retirement System appropriation is provided solely to increase the pension portion of the minimum retirement allowance provided under RCW 41.32.485 to twelve dollars per month per year of service. The minimum allowance provided under that section to persons who are not receiving cash benefits under the old age and survivors' provisions of the federal social security act shall be increased to fifteen dollars per month per year of service.

(2) The Public Employees' Retirement System appropriation is provided solely to increase the pension portion of the minimum retirement allowance provided under RCW 41.40.198 to twelve dollars per month per year of service. The minimum allowance provided under that section to persons who are not receiving cash benefits under the old age and survivors' provisions of the federal social security act shall be increased to fifteen dollars per month per year of service. The increase provided under this section shall not be granted to any person who served as an elected official and whose accumulated employee contributions and credited interest was less than seven hundred and fifty dollars at the time of retirement.

(3) The director of retirement systems shall mail notices to such persons as it believes may be eligible for the minimum benefit provided in this section to inform them of this benefit and how they may establish their eligibility for it. This benefit shall not be paid to any beneficiary who has not provided the department with proof of his or her eligibility but, upon presentation of such proof prior to June 30, 1987, the benefit shall be made retroactive to July 1, 1986, without interest.

(4) The Department of Retirement Systems expense fund appropriation is provided solely to defray the cost of notifying beneficiaries of the cost of living adjustment provided in this section, and to collect further information regarding other sources of income received by state retirees and the number of state retirees living at or near the federal poverty level.

(5) This appropriation shall lapse if other legislation is enacted into law prior to June 30, 1986, which provides any cost of living adjustment to retirees under chapters 41.32 or 41.40 RCW."

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Thomas, Holland and Tilly spoke in favor of the amendment to the amendment, and Ms. Sommers opposed it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Thomas and others to page 81 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment to the amendment was not adopted by the following vote: Yeas, 45; nays, 52; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Leonard, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley - 45.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Bond, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, Zellinsky, and Mr. Speaker - 52.

Excused: Representative Hankins - 1.

Mr. Fuhrman moved adoption of the following amendment by Representatives Fuhrman, Bond and Nealey to the committee amendment:

On page 87, beginning on line 47 strike all of section 808 and renumber the remaining sections consecutively.

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

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Fuhrman and others to page 87 of the committee amendment to Engrossed Substitute Senate Bill No. 4762, and the amendment to the amendment was not adopted by the following vote: Yeas, 29; nays, 68; excused, 1.

Voting yea: Representatives Ballard, Barnes, Barrett, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Holland, Lundquist, May, Nealey, Nelson G, Padden, Sanders,

Schoon, Smith C, Smith L, Taylor, Tilly, van Dyke, Van Luven, Vander Stoep, West, Williams B, Williams J - 29.

Voting nay: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smitherman, Sommers, Sutherland, Tanner, Thomas, Todd, Unsoeld, Valle, Vekich, Waik, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 68.

Excused: Representative Hankins - 1.

The Speaker stated the question before the House to be the committee amendment as amended. The amendment as amended was adopted.

Mr. Grimm moved adoption of the committee amendment to the title of the bill.

On motion of Mr. Grimm, the following amendment to the title amendment was adopted:

On page 94, line 1 of the title amendment after "(uncodified);" insert "amending section 213, chapter 6, Laws of 1985 ex. sess. (uncodified);"

The committee amendment to the title as amended was adopted.

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

Representatives B. Williams, Lewis, Taylor and Tilly spoke against passage of the bill and Mr. Grimm spoke in favor of it.

POINT OF INQUIRY

Mr. Grimm yielded to question by Mr. Lux.

Mr. Lux: "Representative Grimm, on page 92, line 14 there is some language that puts a hold on the reserve of the SEIB fund balance. Those reserves have been accumulating due to the conscientious and prudent management of that fund, and I want to be assured that those funds cannot be appropriated without an act of the legislature."

Mr. Grimm: "I'm very pleased to respond to that. Yes, the funds may not be expended by anyone without an authorization of the legislature."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4762 as amended by the House, and the bill passed the House by the following vote: Yeas, 55; nays, 42; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Waik, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 55.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 42.

Excused: Representative Hankins - 1.

Engrossed Substitute Senate Bill No. 4762 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1058,
SUBSTITUTE HOUSE BILL NO. 1332,
HOUSE BILL NO. 1350,
HOUSE BILL NO. 1353,
SUBSTITUTE HOUSE BILL NO. 1385,

SUBSTITUTE HOUSE BILL NO. 1460.
 SUBSTITUTE HOUSE BILL NO. 1496,
 HOUSE BILL NO. 1517.
 HOUSE BILL NO. 1563,
 HOUSE BILL NO. 1572.
 HOUSE BILL NO. 1602,
 SUBSTITUTE HOUSE BILL NO. 1622.
 HOUSE BILL NO. 1637,
 SUBSTITUTE HOUSE BILL NO. 1654.
 HOUSE BILL NO. 1711,
 HOUSE BILL NO. 1743.
 HOUSE BILL NO. 1776,
 SUBSTITUTE HOUSE BILL NO. 1831.
 SUBSTITUTE HOUSE BILL NO. 1866.

The House reverted to the fifth order of business.

REPORTS OF STANDING COMMITTEES

March 3, 1986

ReESB 3527 Prime Sponsor, Senator Bender: Revising limitations on the ratio of students to teachers in grades K-3. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass without amendment by Committee on Education. (For amendment, see Journal, 47th Day, February 28, 1986.) Signed by Representatives Grimm, Chair; Appelwick, Basich, Hastings, Hine, Holland, Locke, Long, Madsen, G. Nelson, Rust, Sanders, Sayan, L. Smith, Smitherman, Tilly and Vander Stoep.

MINORITY recommendation: Do not pass. Signed by Representative Brekke.

Voting nay: Representatives Braddock, Vice Chair; Brekke, Bristow, Niemi, Silver, L. Smith, Sommers and B. Williams.

Passed to Committee on Rules for second reading.

March 3, 1986

SSB 4221 Prime Sponsor, Committee on Ways & Means: Funding the state toxicological laboratory. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass. Signed by Representatives Grimm, Chair; Appelwick, Basich, Brekke, Bristow, Hastings, Hine, Holland, J. King, Long, Madsen, Rust, Sayan, Silver, Smitherman, Sommers, Taylor, Tilly and B. Williams.

Voting nay: Representatives Braddock, Vice Chair; Locke, Niemi and Sanders.

Passed to Committee on Rules for second reading.

March 3, 1986

ESSB 4724 Prime Sponsor, Committee on Ways & Means: Adopting the Washington award for excellence in education program act. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment by Committee on Ways & Means and without amendment by Committee on Education: Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 28A.03 RCW to read as follows:

Sections 2 through 8 of this act may be known and cited as the Washington award for excellence in education program act.

NEW SECTION, Sec. 2. A new section is added to chapter 28A.03 RCW to read as follows:

(1) The superintendent of public instruction shall establish an annual award program for excellence in education to recognize teachers, principals, school district superintendents, and school boards for their leadership, contributions, and commitment to education. The program shall recognize annually:

(a) Three teachers from each congressional district of the state. One individual must be an elementary level teacher, one must be a junior high or middle-school level teacher, and one must be a secondary level teacher;

(b) Three principals from each congressional district of the state. One individual must be an elementary building principal, one must be a junior high or middle school building principal, and one must be a secondary building principal;

(c) One school district superintendent from the state; and

(d) One school district board of directors from the state.

Not more than three teachers and three principals from each congressional district and one superintendent and one school board from the state may be recognized and receive awards in any school year.

(2) The awards for teachers and principals shall include certificates presented by the governor and the superintendent of public instruction at a public ceremony or ceremonies in appropriate locations.

(3) In addition to certificates under subsection (2) of this section, awards for teachers and principals shall include:

(a) A waiver of tuition and fees under section 6 of this act and a stipend not to exceed one thousand dollars to cover costs incurred in taking courses for which the tuition and fees have been waived under this subsection and section 6 of this act. The stipend shall not be considered compensation for the purposes of RCW 28A.58.095; or

(b) Teachers and principals, at their discretion, may elect to forego the waiver of tuition and fees and the stipend under subsection (3) of this section and apply for a grant not to exceed one thousand dollars, which grant shall be awarded under the provisions of section 7 of this act. Within one year of receiving the award for excellence in education, teachers and principals shall notify the superintendent of public instruction in writing of their decision to apply for a grant or to receive the waiver of tuition and fees and the stipend under subsection (3) of this section.

NEW SECTION. Sec. 3. The award for teachers under the Washington award for excellence in education program shall be named the 'Christa McAuliffe Award, in honor and memory of Sharon Christa Corrigan McAuliffe.' As the first teacher and private citizen selected nationally to voyage into space, Christa McAuliffe exemplified what is exciting and positive about the teaching profession. Her contributions within the scope of the nation's education system helped to show that education can and should be a vital and dynamic experience for all participants. Christa McAuliffe's chosen profession encompasses learning by discovery and her desire to make new discoveries was reflected by her participation in the nation's space program.

The selection of Christa McAuliffe as the first teacher in space was directly linked to Washington state in that superintendent of public instruction Dr. Frank Brouillet both appointed and served as a member of the national panel which selected Christa McAuliffe.

The tragic loss of the life of Christa McAuliffe on the flight of the space shuttle Challenger on January 28, 1986, will be remembered through the legacy she gave to her family, friends, relatives, students, colleagues, the education profession, and the nation: a model example of striving toward excellence.

NEW SECTION. Sec. 4. The awards for the superintendent and school board shall include:

(1) Certificates presented by the governor and the superintendent of public instruction at a public ceremony or ceremonies in appropriate locations;

(2) A grant to the superintendent not to exceed one thousand dollars, which grant shall be awarded under the provisions of section 8 of this act; and

(3) A grant to the school board not to exceed two thousand five hundred dollars, which grant shall be awarded under section 8 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 28A.03 RCW to read as follows:

The superintendent of public instruction shall adopt rules under chapter 34.04 RCW to carry out the purposes of this chapter. These rules shall include establishing the selection criteria for the Washington award for excellence in education program. The superintendent of public instruction is encouraged to consult with teachers, principals, superintendents, and school board members in developing the selection criteria. Notwithstanding the provisions of section 2(1) (a) and (b) of this act, such rules may allow for the selection of individuals whose teaching or administrative duties, or both, may encompass multiple grade level or building assignments, or both.

NEW SECTION. Sec. 6. A new section is added to chapter 28B.15 RCW to read as follows:

Teachers and principals who have received an award for excellence in education under section 2 of this act shall have the tuition and fees waived for one full academic year at any state institution of higher education: PROVIDED, That the waiver shall begin to be used within three years after the award was received.

NEW SECTION. Sec. 7. A new section is added to chapter 28A.03 RCW to read as follows:

Teachers and principals who have received an award for excellence in education under section 2 of this act shall be eligible to apply for an educational grant in lieu of receiving a waiver of tuition and fees and a stipend as provided under section 2(3) of this act. The superintendent of public instruction shall award the grant as long as a written grant application is submitted to the superintendent of public instruction within one year after the award was received. The grant application shall identify the educational purpose toward which the grant shall be used.

NEW SECTION. Sec. 8. A new section is added to chapter 28A.03 RCW to read as follows:

The superintendent and school board who have received an award for excellence in education under section 4 of this act shall be eligible to apply for an educational grant. The superintendent of public instruction shall award the grant as long as a written grant application is submitted to the superintendent of public instruction within one year after the award was received. The grant application shall identify the educational purpose toward which the grant shall be used.

NEW SECTION. Sec. 9. The sum of sixty thousand five hundred dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the superintendent of public instruction for the purposes of this act."

Signed by Representatives Grimm, Chair; Appelwick, Basich, Brekke, Bristow, Hine, J. King, Locke, Long, Madsen, G. Nelson, Niemi, Rust, Sanders, Sayan, L. Smith, Smitherman, Sommers, Taylor and Tilly.

Voting nay: Representatives Braddock, Vice Chair; Hastings, Holland, Silver, Vander Stoep and B. Williams.

Passed to Committee on Rules for second reading.

March 3, 1986

E2SSB 4941 Prime Sponsor, Committee on Ways & Means: Providing for school districts to operate child care programs. Reported by Committee on Ways & Means

MAJORITY recommendation: Do pass with the following amendment by Committee on Ways & Means and without amendment by Committee on Education: Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. In order to help meet the rapidly growing need for child care and in order to utilize all available resources, it is the policy of the state of Washington to permit the use of public school facilities for the provision of child care. Child care programs provided under this chapter at the discretion of school districts are optional programs which do not fall within the state's educational duties established by Article IX of the state Constitution.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definition in this section applies throughout this chapter.

'Child care program' means the nonresidential care and supervision of minors before, during, and after school hours, and during nonschool days and may include planned educational activities with an emphasis upon developmental skills. However, such program shall not include the care and supervision, during school hours, of students enrolled in the common school program.

NEW SECTION. Sec. 3. School districts may establish, maintain, and operate child care programs using school facilities, local resources including child care program revenues, gifts and grants, and taxes levied pursuant to RCW 84.52.053 through 84.52.054.

School districts establishing a child care program after the effective date of this act shall conduct a study designed to assess the need for and the availability of both public and private child care services within the school district's jurisdiction before establishing a child care program. Nothing in this chapter shall be construed as requiring school districts to provide day care services.

NEW SECTION. Sec. 4. For the child care program under section 3 of this act, the board of directors of a school district may:

(1) Fix reasonable charges for the maintenance and operation of child care programs and may fix the charges either at a uniform rate or at a variable rate based on the ability of the parents of the children enrolled in the programs to pay the charges;

(2) Contract with private entities or public agencies under chapter 39.34 RCW or with both and employ necessary personnel for all or part of the management and operation of child care programs. When a school district board of directors chooses to contract with other private or public agencies pursuant to this section, the child care programs so established shall be located at such points as the board of directors deems suitable for the convenience of the public;

(3) Remodel, renovate, otherwise improve, and maintain surplus school facilities for the purposes of child care programs and no state school construction funds may be used for the construction of child care facilities;

(4) Transport minors enrolled in child care programs to and from program sites using district-owned transportation vehicles or may contract for transportation services, or both and charge a fee in an amount sufficient to reimburse the district for the actual per seat cost of providing such transportation;

(5) Supplement fee revenues, gifts and grants with taxes levied pursuant to RCW 84.52.053 through 84.52.054 to the extent approved by the electorate of the school district and necessary to meet the full direct and indirect costs of child care programs;

(6) May receive such gifts, grants, and endowments from public or private sources as may be made from time to time, in trust or otherwise, for the use and benefit of the purposes of the child care programs and expend the same or any income therefrom according to the terms of the gifts, grants, or endowments; and

(7) Otherwise perform and provide for such other functions and activities as are necessary and incidental to the maintenance and operation of safe, healthful, efficient, and prudently managed child care and preschool programs.

NEW SECTION, Sec. 5. Child care programs provided for by school districts under this chapter shall comply with personnel, facility, program, health, and safety requirements established by the department of social and health services under chapter 74.15 RCW and the rules adopted under chapter 74.15 RCW.

NEW SECTION, Sec. 6. Child care programs authorized in sections 1 through 5 of this act shall not be considered part of basic education.

NEW SECTION, Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 28A.34.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.010;

(2) Section 28A.34.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.020;

(3) Section 28A.34.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.34.040; and

(4) Section 28A.34.050, chapter 223, Laws of 1969 ex. sess., section 45, chapter 154, Laws of 1973 1st ex. sess. and RCW 28A.34.050.

NEW SECTION, Sec. 8. Sections 1 through 6 of this act are each added to chapter 28A.34 RCW."

Signed by Representatives Grimm, Chair; Braddock, Vice Chair; Appelwick, Basich, Brekke, Bristow, Hine, Holland, J. King, Locke, Madsen, Niemi, Rust, Sayan, Smitherman and Sommers.

MINORITY recommendation: Representatives G. Nelson, Sanders, Silver, L. Smith and Vander Stoep. Voting nay: Representatives Hastings, Long, G. Nelson, Sanders, Silver, L. Smith, Taylor, Tilly, Vander Stoep and B. Williams.

Passed to Committee on Rules for second reading.

STATEMENT FOR THE JOURNAL

I wish the record to show that if I had been present I would have voted as follows:

ESSB 4762 - Amendments to committee amendment:

Yea on amendment by Representative B. Williams to page 4, line 27; amendment by Representative Silver to page 2, line 16; amendment by Representative Braddock to page 5, line 2; amendment by Representative D. Nelson to page 10, line 8; amendment by Representative Valle to page 8, line 12; amendment by Representative Fisch to page 11, line 20; amendment by Representative L. Smith to page 12; amendment by Representative Lundquist to page 18, line 3; amendments by Representative Sanders to page 18, line 31 and page 19, line 1; amendments by Representative Wineberry to page 18, line 31; page 19, line 1 and page 28, line 31; amendment by Representative Lewis to page 21, line 22; amendment by Representative Barnes to page 25, line 31; amendment by Representative Todd to page 20; amendment by Representative Tilly to page 11, line 6; amendments by Representative Todd to page 19, line 28 and to page 20, line 36; amendments by Representative J. Williams to page 25, line 36 and page 27, line 32; amendment by Representative Tilly to page 7, line 11; amendment by Representative Fuhrman to page 26, line 25; amendment by Representative Addison to page 30, line 7, amendment by Representative Holland to pages 31, line 32; page 32, line 6 and page 34, line 5; amendment to page 51, line 4 by Representative Nealey; amendment to page 53, line 9 and 18 by Representative Patrick; amendments by Representative McMullen to page 56, line 8 and page 60 line 32; amendment to page 56 by Representative Valle; amendment to page 61, line 9 by Representative Vander Stoep; amendments by Representative Holland to page 67, lines 14, 24 and 26; amendment by Representative Ebersole to page 56, line 2; amendments by Representative Doty to page 69, line 13 and page 71, line 5; amendment to page 74, line 15 by Representative Kremen; amendment to page 75, line 14 by Representative Taylor; amendment to page 75, line 25 by Representative Crane; amendments to page 81, line 1 and page 92, line 14 by Representative Tilly; and the amendment by Representative Thomas to page 81, line 31.

No on amendment by Representative Braddock to page 1, line 16; the amendments by Representatives Hargrove to page 61, line 13; page 62, line 16 and page 63, line 36 and the amendment by Representative Fuhrman to page 87, line 47.

I would have voted No on the motion to excuse the absent members from the Call of the House and No on final passage of ESSB 4762 as amended by the House.

SHIRLEY HANKINS, 8th District.

MOTIONS

On motion of Mr. J. King, the House dispensed with further business under the Call of the House.

On motion of Mr. J. King, the House adjourned until 9:00 a.m., Tuesday, March 4, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FIFTY-FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, March 4, 1986

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representative Hankins, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Shawn Sheeran and Eric Beller. Prayer was offered by Reverend Peter Mans, Minister of Evergreen Christian Reformed Church of Olympia.

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

MESSAGES FROM THE SENATE

March 3, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED HOUSE BILL NO. 1345,
 ENGROSSED HOUSE BILL NO. 1362,
 ENGROSSED HOUSE BILL NO. 1398,
 HOUSE BILL NO. 1424,
 ENGROSSED HOUSE BILL NO. 1459,
 HOUSE BILL NO. 1482,
 HOUSE BILL NO. 1490,
 SUBSTITUTE HOUSE BILL NO. 1581,
 HOUSE BILL NO. 1686,
 HOUSE BILL NO. 1721,
 SUBSTITUTE HOUSE BILL NO. 1783,
 SUBSTITUTE HOUSE BILL NO. 1846,
 SUBSTITUTE HOUSE BILL NO. 1873,
 SUBSTITUTE HOUSE BILL NO. 1875,
 ENGROSSED SUBSTITTUTE HOUSE BILL NO. 1892,
 SUBSTITTUTE HOUSE BILL NO. 1976,
 SUBSTITTUTE HOUSE BILL NO. 2011,

SUBSTITTUTE HOUSE CONCURRENT RESOLUTION NO. 21,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary

March 3, 1986

Mr. Speaker:

The Senate has passed:

SENATE CONCURRENT RESOLUTION NO. 134,

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

INTRODUCTION AND FIRST READING

SCR 134 by Senators McDermott, Kreidler, Lee, Warnke, Garrett, Conner, Bauer, Saling, Johnson, Moore, Rasmussen and Vognild

Requiring a study of retirement systems.

Referred to Committee on Ways & Means.

The House advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 4128 AS AMENDED BY THE HOUSE, by Committee on Human Services and Corrections (originally sponsored by Senator McCaslin; by Corrections Standards Board request)

Revising the authority of the corrections standards board.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4128 as amended by the House, and the bill passed the House by the following vote: Yeas, 70; nays, 5; absent, 22; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betzoff, Braddock, Bristol, Brooks, Chandler, Crane, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, Kremen, Leonard, Lewis, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Schmidt, Schoon, Scott, Smith C, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Unsoeld, van Dyke, Van Luven, Vekich, Walk, Walker, West, Williams B, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 70.

Voting nay: Representatives Brekke, Cole, Day, Nelson D, Sayan - 5.

Absent: Representatives Addison, Allen, Basich, Bond, Brough, Fuhrman, Grimm, King P, King R, Locke, Long, Niemi, Sanders, Silver, Smith L, Thomas, Todd, Valle, Vander Stoep, Wang, Williams J, Wineberry - 22.

Excused: Representative Hankins - 1.

Engrossed Substitute Senate Bill No. 4128 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

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

The House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 3636, by Senator Moore

Relating to insurance.

The bill was read the second time.

Mr. Day moved adoption of the following amendments by Representatives Day, Braddock, Baugher, Grimm, Dobbs, Thomas and McMullen:

On page 1, line 15 strike "~~((and sixteen one hundredths))~~" and insert "and ((sixteen)) five one-hundredths"

On page 2, line 4 strike "~~((and sixteen one hundredths))~~" and insert "and ((sixteen)) five one-hundredths"

On page 10, after line 35 insert the following:

NEW SECTION, Sec. 11. This chapter may be known and cited as the Washington partnership for innovation act.

NEW SECTION, Sec. 12. The legislature finds that the diversification of the state's economic base and the reduction of unemployment is one of its highest priorities. The state economy is highly susceptible to fluctuations in the United States economy and is experiencing its highest rates of unemployment since the great depression. One of the key avenues to diversify the economy is to assist in the development of businesses and the generation of new products which can be traded outside of the state's borders. Entrepreneurs represent a valuable state resource which, if provided capital and technical assistance, can contribute to long-term job generation. The private sector has substantial expertise to identify emerging companies and potential marketable products. The state finds it a public purpose to work as a partner with private investors to locate and provide financial assistance to worthy entrepreneurs for early state development of new products and companies.

NEW SECTION, Sec. 13. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Department' means the department of revenue.

(2) 'Enterprise' means a small business that is primarily located and operated in Washington and that is or proposes to be engaged in this state in research and development.

in commercial product development, or in manufacturing, technology, or the production of goods and services with high potential for expansion and trade outside the state's borders.

(3) 'Professional investor' means any person, partnership, corporation, licensee under the federal small business investment act of 1958 (15 U.S.C. Sec. 661 et seq.), or other entity whose resources are primarily dedicated to investing in product development, managing venture capital funds, and the development of new successful companies and whose net worth exceeds five hundred thousand dollars.

(4) 'Qualified security' means any note, stock, treasury stock bond, debenture, evidence of indebtedness, certificate of interest or participation in any profit-sharing agreement, pre-organization certificate or subscription, transferable share, investment contract, certificate of deposit for a security, certificate of interest or participation in a patent or application therefor, or in royalty or other payments under such a patent or application, or, in general, any interest or instrument commonly known as a 'security' or any certificate for, receipt for, guarantee of, or option, warrant or right to subscribe to or purchase any of the foregoing.

(5) 'Seed capital' means financing that is provided for the initial development, refinement, testing, marketing, and commercialization of a product, service, or process to an enterprise with a high potential for long-term commercial sales and that is provided before any substantial commercial sales have been made by the enterprise of the product or service being developed.

(6) 'Small business' means any business that has fewer than fifty full-time employees or its equivalent.

(7) 'Venture capital' means risk money invested in companies with a clear potential for growth in sales.

NEW SECTION. Sec. 14. This chapter shall serve as a resource to worthy entrepreneurs to provide needed seed capital in the early development stages of a product or service. The primary emphasis of this chapter, is to generate new, successful commercial products in cases where capital is currently not adequately available. It is the intent of this chapter to provide companies with a source of seed capital which shall be invested for a minimum of five years. This chapter shall encourage the investment in companies and innovators in all of the geographic regions in the state.

NEW SECTION. Sec. 15. A new section is added to chapter 48.14 RCW to read as follows:

(1) Subject to the limitations provided in this section, a tax credit is allowed against any taxes imposed upon any insurer under RCW 48.14.020(1) and (2) equal to the amount that is invested by the insurer in a professional investor and that is used as seed capital in accordance with chapter 84.-- RCW (sections 11 through 14 and 16 through 21 of this act).

(2) The maximum amount of tax credit for taxes owed under RCW 48.14.020(1) and (2) is the difference between the amount of tax owed by the insurer under RCW 48.14.020(1) and (2), including any amount that may be credited pursuant to this section, and the amount of tax that would be owed by the insurer under RCW 48.14.020(1) and (2), including any amount that may be credited pursuant to this section, if the tax rate under that section were one and nine-tenths of the taxable amount: PROVIDED, That any insurer which is subject to the provisions of RCW 48.14.040 shall be allowed a tax credit under this section in an amount not to exceed the difference between the amount of tax paid without a tax credit pursuant to this section and the amount of tax that would be paid if the tax rate paid by the insurer were reduced by fifteen one-hundredths percent.

(3) To receive a tax credit under this section, the insurer and the professional investor shall jointly submit an application to the department of revenue as provided in section 6 of this act. The department of revenue shall grant the credit when the investment is made if it determines the application meets the requirements of section 6 of this act. The department of revenue shall not base its decision to grant or deny an application on the worth of the investment. The department of revenue shall give notice of action on the tax credit application to the insurer and the insurance commissioner within thirty days from receipt of an application.

(4) Tax credits approved under subsection (3) of this section may be used by the insurer under RCW 48.14.020(1) and (2) after the date of the investment upon which the credit is based. All of the credit shall be used within three years of the date of the investment, provided that the investment made under this section is still invested in the enterprise.

(5) This section shall expire January 1, 1992.

NEW SECTION. Sec. 16. An application for a tax credit pursuant to section 5 of this act shall be filed with the department by the insurer and the professional investor. The application shall include the following information:

(1) A statement that the investment is in the form of a qualified security;

(2) A statement that the enterprise has or will raise funds for seed capital in an amount equal to or greater than the amount of the investment for which credit is granted under section 5 of this act;

(3) A statement that the investment in any one enterprise does not exceed two hundred thousand dollars during any one year;

(4) A statement that the enterprise, through its course of development, has no access to adequate seed capital by virtue of the early stage of the product, service, or process development and is in need of seed capital to improve the commercial value of the product;

(5) A statement that the enterprise has not generated more than one million dollars in gross commercial sales in the current calendar year or previous calendar years from the product or service in which an investment is sought, excluding sales from prototypes or market testing;

(6) A statement that the investment in the enterprise is for a Washington company;

(7) A statement that the investment will not result in the professional investor acquiring a controlling interest in the enterprise, except upon the occurrence of insolvency, bankruptcy, or dissolution of the enterprise.

NEW SECTION. Sec. 17. The department shall report annually to the governor and legislature on tax credits and seed capital investments made under this chapter including but not limited to the amount of investments made, the amount of tax credits granted, types of products invested in, and the locations of the enterprises.

NEW SECTION. Sec. 18. Decisions on investments in qualified securities shall at all times be within the sole discretion of the professional investor.

NEW SECTION. Sec. 19. No credit may be granted for investments made after December 31, 1988.

NEW SECTION. Sec. 20. The department shall adopt rules to implement this chapter.

NEW SECTION. Sec. 21. This chapter shall expire January 1, 1992.

NEW SECTION. Sec. 22. Sections 11 through 14 and 16 through 21 of this act constitute a new chapter in Title 82 RCW."

Renumber the remaining sections consecutively.

POINT OF ORDER

Mr. Lux: "Mr. Speaker, I would like you to rule on this amendment on scope and object."

MOTION

On motion of Mr. J. King, further consideration of Engrossed Senate Bill No. 3636 was deferred and the bill was ordered placed at the bottom of the second reading calendar.

SUBSTITUTE SENATE BILL NO. 4486, by Committee on Governmental Operations (originally sponsored by Senators Thompson and Zimmerman)

Authorizing county legislative authorities to designate certain violations as civil.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For amendments, see Journal, 45th Day, February 26, 1986.)

Ms. Haugen moved adoption of the committee amendment.

On motion of Ms. Haugen, the following amendment by Representatives Haugen and B. Williams to the committee amendment was adopted:

On page 1, after line 5 of the amendment, insert the following:

"Sec. 1. Section 36.01.010, chapter 4, Laws of 1963 and RCW 36.01.010 are each amended to read as follows:

The several counties in this state shall have capacity as bodies corporate, to sue and be sued in the manner prescribed by law; to purchase and hold lands (~~within their own limits~~); to make such contracts, and to purchase and hold such personal property, as may be necessary to their corporate or administrative powers, and to do all other necessary acts in relation to all the property of the county."

Renumber the sections consecutively.

Mr. Day moved adoption of the following amendment by Representatives Day, Taylor, Ebersole, Padden, Bristow and Zellinsky to the committee amendment:

On page 37, following line 19 insert the following:

"Sec. 7. Section 36.32.010, chapter 4, Laws of 1963 and RCW 36.32.010 are each amended to read as follows:

There is established in each (~~organized~~) county in this state a board of county commissioners(~~-to~~). Except as provided in sections 2 and 3 of this act, each county legislative authority shall consist of three qualified electors, (~~and~~) two of (~~said board of commissioners~~) whom shall constitute a quorum to do business.

NEW SECTION. Sec. 8. A new section is added to chapter 36.32 RCW to read as follows:

The legislative authority of any noncharter county with a population greater than three hundred thousand may, by resolution of the county commissioners, be increased to five members, each member to be nominated at a primary election solely by the qualified electors of their legislative authority districts. Three members of the five-member county legislative authority shall constitute a quorum to do business.

After the approval of such a resolution, the county shall, as provided in this section, be divided into five legislative authority districts, so that each district shall comprise as nearly as possible one-fifth of the population of the county. No two members of the existing county legislative authority may, at the time of the designation of such districts, permanently reside in one of the five districts. The division of the county into five districts shall be accomplished as follows:

(1) The county legislative authority shall, within ninety days of the adoption of the resolution creating the five-member legislative authority, adopt a resolution creating the districts;

(2) If the county legislative authority has failed to create the districts within the ninety-day period, the prosecuting attorney of the county shall petition the superior court of the county to appoint a referee to designate the five commissioner districts. The referee shall designate such districts by no later than one hundred fifty days following the adoption of the resolution creating the five-member county legislative authority. The two legislative authority districts within which no existing member of the county legislative authority permanently resides shall be designated as districts four and five.

If the five county legislative authority districts are created no later than June 1st, commissioners for districts four and five shall be elected at that year's general election. If the five county legislative authority districts are created after June 1st, the election of commissioners for districts four and five shall occur at the next succeeding general election.

NEW SECTION. Sec. 9. A new section is added to chapter 36.32 RCW to read as follows:

As an alternative procedure to that specified in section 2 of this act, a proposition to increase the county legislative authority of any noncharter county with a population greater than three hundred thousand to five members, each member to be nominated and elected solely by the qualified electors of their legislative authority districts, shall be submitted at any general election to the voters of the county upon petition of the county voters equal to at least ten percent of the voters voting at the last county general election.

Any petition requesting that such an election be held shall be submitted to the county auditor for verification of the signatures thereon. Within no more than thirty days after the submission of the petition, the auditor shall determine if the petition contains the requisite number of valid signatures. The auditor shall certify whether or not the petition has been signed by the requisite number of county voters and forward such petition to the county legislative authority. If the petition has been signed by the requisite number of county voters, the county legislative authority shall submit such a proposition to the voters for their approval or rejection at the next general election held at least sixty days after the proposition has been certified by the auditor.

If the proposition receives majority voter approval, the size of the county legislative authority shall be increased to five positions, three of which shall constitute a quorum to do business.

The two newly-created positions shall be filled at elections to be held in the next year. The county shall, as provided in this section, be divided into five legislative authority districts, so that each district shall comprise as nearly as possible one-fifth of the population of the county. No two members of the existing county legislative authority may, at the time of the designation of such districts, permanently reside in one of the five districts. The division of the county into five districts shall be accomplished as follows:

(1) The county legislative authority shall, by the second Monday of March of that year, adopt a resolution creating the districts;

(2) If by the second Tuesday of March of that year the county legislative authority has failed to create the districts, the prosecuting attorney of the county shall petition the superior court of the county to appoint a referee to designate the five commissioner districts. The referee shall designate such districts by no later than June 1st of that year. The two legislative authority districts within which no existing member of the county legislative authority permanently resides shall be designated as districts four and five.

NEW SECTION. Sec. 10. A new section is added to chapter 36.32 RCW to read as follows:

The terms of the persons who are initially elected to positions 4 and 5 under section 2 or 3 of this act shall be as follows:

(1) If the year in which the primary and general elections are held is an even-numbered year, the person elected to position 4 shall be elected for a two-year term, and the person elected to position 5 shall be elected for a four-year term; or

(2) If the year in which the primary and general elections are held is an odd-numbered year, the person elected to position 4 shall be elected for a one-year term, and the person elected to position 5 shall be elected for a three-year term. Each person elected pursuant to subsection (1) or (2) of this section shall take office immediately upon the issuance of a certificate of his or her election.

Thereafter, the persons elected to commissioner positions 4 and 5 shall be elected for four-year terms and shall take office at the same time the other members of the county legislative authority take office.

NEW SECTION, Sec. 11. A new section is added to chapter 36.32 RCW to read as follows:

Vacancies on a county legislative authority consisting of five members shall be filled as provided in RCW 36.32.070, except that:

(1) Whenever there are three or more vacancies, the governor shall appoint one or more members until there are a total of three members;

(2) Whenever there are two vacancies, the three members shall fill one of the vacancies; and

(3) Whenever there is one vacancy, the four members shall fill the single vacancy.

Sec. 12. Section 36.16.030, chapter 4, Laws of 1963 and RCW 36.16.030 are each amended to read as follows:

Except as provided elsewhere in this section, in every county there shall be elected from among the qualified voters of the county a county assessor, a county auditor, a county clerk, a county coroner, three county commissioners, a county prosecuting attorney, a county sheriff and a county treasurer(~~(-PROVIDED, That)~~). In counties of the fourth, fifth, sixth, seventh, eighth, and ninth classes no coroner shall be elected and the prosecuting attorney shall be ex officio coroner(~~(-PROVIDED FURTHER, That)~~). In ninth class counties no county auditor or assessor shall be elected (~~(and)~~), the county clerk shall be ex officio county auditor, and the county treasurer shall be ex officio county assessor. Class A or AA counties may have five county commissioners as provided in RCW 36.32.010 and sections 2 through 5 of this act.

POINT OF ORDER

Ms. Haugen: "Mr. Speaker, I ask that you rule on the scope and object of this amendment."

SPEAKER'S RULING (MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding): "Substitute Senate Bill 4486 deals with and grants authority to cities and towns to designate violations of ordinances of civil violations. The proposed amendment sets up and increases the number of county commissioners from three to five in counties with a population of 300,000. It appears the amendment isn't germane to the original subject matter of the bill. The amendment is declared out of order."

The committee amendment as amended was adopted.

Ms. Haugen moved adoption of the committee amendment to the title of the bill.

On motion of Ms. Haugen, the following amendment to the title amendment was adopted:

On page 1, line 1 of the title after "RCW" insert "36.01.010 and"

The committee amendment to the title as amended was adopted.

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

Representatives Haugen and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4486 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Waik, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Hankins - 1.

Substitute Senate Bill No. 4486 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4628, by Senators Gaspard, Rinehart and Benitz

Specifying the number of members constituting a quorum for the college board.

The bill was read the second time.

Mr. Vander Stoep moved adoption of the following amendment by Representatives Vander Stoep, Sommers, J. King, Betrozoff, B. Williams and Hine:

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

*Sec. 2. Section 28B.50.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 75, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 28B.50.060 are each amended to read as follows:

A director of the state system of community colleges shall be appointed by the governor in consultation with the college board and shall serve at the pleasure of the ~~((college board))~~ governor. ~~((He))~~ The director shall be appointed with due regard to ~~((his))~~ his fitness and background in education, by ~~((his))~~ his knowledge of and recent practical experience in the field of educational administration particularly in institutions beyond the high school level, and shall be subject to senate confirmation. The ~~((college board))~~ governor may also take into consideration an applicant's proven management background even though not particularly in the field of education.

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

~~((He))~~ The director shall receive a salary to be fixed by the ~~((college board))~~ governor and shall be reimbursed for travel expenses incurred by ~~((him))~~ the director in the discharge of ~~((his))~~ his official duties in accordance with RCW 43.03.050 and 43.03.060, as now existing or hereafter amended.

~~((He))~~ The director shall be the executive officer of the college board and serve as its secretary and under its supervision shall administer the provisions of this chapter and the rules, regulations and orders established thereunder and all other laws of the state. ~~((He))~~ The director shall attend, but not vote at, all meetings of the college board. ~~((He))~~ The director shall be in charge of offices of the college board and responsible to the college board for the preparation of reports and the collection and dissemination of data and other public information relating to the state system of community colleges. At the direction of the college board, ~~((he))~~ the director shall, together with the chairman of the college board, execute all contracts entered into by the college board.

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

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

NEW SECTION. Sec. 3. Section 2 of this act shall take effect July 1, 1987.

Representatives Vander Stoep, Sommers and B. Williams spoke in favor of the amendment, and Representatives R. King, Taylor and Barnes opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Vander Stoep and others to Senate Bill No. 4628, and the amendment was adopted by the following vote: Yeas, 70; nays, 26; absent, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Chandler, Day, Dellwo, Dobbs, Doty, Ebersole, Fuhrman, Grimm, Haugen, Hine, Jacobsen, King J. King P. Kremen, Leonard, Locke, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D. Nelson G. Niemi, Nutley, O'Brien, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Schoon, Silver, Smith L. Smitherman, Sommers, Sutherland, Tanner, Thomas, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep,

Vekich, Walk, Walker, West, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 70.

Voting nay: Representatives Barnes, Barrett, Bond, Brooks, Cole, Crane, Fisch, Fisher, Gallagher, Hargrove, Hastings, Holland, Isaacson, King R, Lewis, Long, Lundquist, Padden, Prince, Sanders, Scott, Smith C, Taylor, Tilly, Todd, Wilson K - 26.

Absent: Representative Wang - 1.

Excused: Representative Hankins - 1.

On motion of Mr. Vander Stoep, the following amendment to the title of the bill was adopted:

On page 1, line 1 of the title after "board;" strike the remainder of the title and insert "amending RCW 28B.50.070 and 28B.50.060; and providing an effective date."

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4628 as amended by the House, and the bill passed the House by the following vote: Yeas, 80; nays, 17; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betozoff, Braddock, Brekke, Bristow, Brough, Crane, Day, Dellwo, Dobbis, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Isaacson, Jacobsen, King J, King P, Kremen, Leonard, Lewis, Locke, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Silver, Smith L, Smitherman, Sommers, Sutherland, Tanner, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Barnes, Bond, Brooks, Chandler, Cole, Fuhrman, Hastings, Holland, King R, Long, Lundquist, Nealey, Prince, Scott, Smith C, Taylor, Wilson K - 17.

Excused: Representative Hankins - 1.

Senate Bill No. 4628 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative van Dyke was excused.

SENATE BILL NO. 4538, by Senators Warnke, Newhouse, Benitz, Wojahn and Conner; by request of Liquor Control Board

Establishing a wine grower's license for sale of wine.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass with the following amendment:

On page 1, beginning on line 20 strike all material through the end of line 22.

On motion of Ms. Cole, the committee amendment was adopted.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Patrick and R. King:

On page 1, after line 22, insert the following:

"Sec. 2. Section 69, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 160, Laws of 1983 and RCW 66.08.050 are each amended to read as follows:

The board, subject to the provisions of this title and the regulations, shall

(1) determine the localities within which state liquor stores shall be established throughout the state, and the number and situation of the stores within each locality;

(2) appoint in cities and towns and other communities, in which no state liquor store is located, liquor vendors. Such liquor vendors shall be agents of the board and be authorized to sell liquor to such persons, firms or corporations as provided for the sale of liquor from a state liquor store, and such vendors shall be subject to such additional rules and regulations consistent with this title as the board may require;

(3) establish all necessary warehouses for the storing and bottling, diluting and rectifying of stocks of liquors for the purposes of this title;

(4) provide for the leasing for periods not to exceed ten years of all premises required for the conduct of the business; and for remodeling the same, and the procuring of their furnishings, fixtures, and supplies; and for obtaining options of renewal of such leases by the lessee. The terms of such leases in all other respects shall be subject to the direction of the board;

(5) determine the nature, form and capacity of all packages to be used for containing liquor kept for sale under this title;

(6) execute or cause to be executed, all contracts, papers, and documents in the name of the board, under such regulations as the board may fix;

(7) pay all customs, duties, excises, charges and obligations whatsoever relating to the business of the board;

(8) require bonds from all employees in the discretion of the board, and to determine the amount of fidelity bond of each such employee;

(9) perform services for the state lottery commission to such extent, and for such compensation, as may be mutually agreed upon between the board and the commission;

(10) perform all other matters and things, whether similar to the foregoing or not, to carry out the provisions of this title, and shall have full power to do each and every act necessary to the conduct of its business, including all buying, selling, preparation and approval of forms, and every other function of the business whatsoever, subject only to audit by the state auditor; PROVIDED, That the board shall have no authority to regulate the content of spoken language on licensed premises where wine and other liquors are served and where there is not a clear and present danger of disorderly conduct being provoked by such language.

Representatives Wang and Patrick spoke in favor of the amendment and it was adopted.

On motion of Mr. Wang, the following amendment to the title was adopted:
On page 1, line 1 of the title, after "wine," insert "amending RCW 66.08.050:"

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

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4538 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Vaile, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Senate Bill No. 4538 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 3453, by Committee on Judiciary (originally sponsored by Senators Talmadge, Newhouse and Hayner)

Identifying the scope of common law liens.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3453, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Vaile, Van Luven, Vander Stoep,

Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Substitute Senate Bill No. 3453, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3574, by Committee on Ways & Means (originally sponsored by Senators Gaspard, Sellar, Thompson, Warnke, Johnson, Rasmussen and Wojahn)

Modifying provisions on leasehold excise taxation.

The bill was read the second time.

On motion of Mr. Appelwick, the following amendment by Representatives Appelwick and Sommers was adopted:

On page 2, line 18 following "agreement" insert "including any rents paid by a sublessee"

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 3574 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Engrossed Second Substitute Senate Bill No. 3574 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4490, by Senators Talmadge, Halsan and Newhouse

Revising the business corporations act.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Armstrong and Isaacson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4490, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Senate Bill No. 4490, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3416, by Committee on Financial Institutions (originally sponsored by Senators Moore, Rasmussen, Halsan, Warnke and McDonald)

Providing penalties for persons writing drafts or checks and having insufficient funds.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For amendment, see Journal 47th Day, February 28, 1986.)

Mr. Armstrong moved adoption of the committee amendment.

Mr. Lux moved adoption of the following amendment by Representatives Lux, Todd, Long and Cole to the committee amendment:

On page 3, after line 31 insert the following:

"NEW SECTION. Sec. 2. A new section is added to Article 4 of Title 62A, RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a bank shall make funds available when the funds have been deposited in an account in that bank within the following time periods:

(a) For any item drawn on the particular bank, one business day;

(b) For any item drawn on an institution located in this state, three business days; and

(c) For any item drawn on an institution located outside of this state but within the United States, six business days.

(2) Subsection (1) of this section does not apply to:

(a) Items in the aggregate for any one customer in an amount greater than two thousand five hundred dollars other than items drawn on the same institution in which the item is being deposited, but if requested by the customer, the customer shall be entitled to withdraw up to two thousand five hundred dollars within the time periods in subsection (1) of this section;

(b) Instances where the bank has received notice that the item has been dishonored;

(c) Instances where the bank has received notice that funds for an item are not collectible or where the bank has good and sufficient reason to doubt the collectibility of funds for an item; and

(d) Items drawn on institutions outside of the United States.

(3) Each bank shall provide clear and conspicuous notice in writing to its account holders of the time periods for the availability of funds under this section and the exceptions under this section. The notice shall include the time the bank closes business with respect to items received for deposit. The notice shall be provided before a customer opens an account and shall be mailed to all existing customers within three months of the effective date of this act. The notice shall be posted in a conspicuous manner at each place operated by the bank where customers transact business. In addition every deposit slip or form shall contain the following notice printed in a conspicuous manner: 'YOUR DEPOSIT MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL. CONSULT POSTED NOTICES FOR FURTHER INFORMATION.'

(4) In addition to any other remedies, violation of this section shall be an unfair or deceptive practice under chapter 19.68 RCW, the consumer protection act.

Sec. 3. Section 4-213, chapter 157, Laws of 1965 ex. sess. and RCW 62A.4-213 are each amended to read as follows:

(1) An item is finally paid by a payor bank when the bank has done any of the following, whichever happens first:

(a) paid the item in cash; or

(b) settled for the item without reserving a right to revoke the settlement and without having such right under statute, clearing house rule or agreement; or

(c) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith; or

(d) made a provisional settlement for the item and failed to revoke the settlement in the time and manner permitted by statute, clearing house rule or agreement.

Upon a final payment under subparagraphs (b), (c) or (d) the payor bank shall be accountable for the amount of the item.

(2) If provisional settlement for an item between the presenting and payor banks is made through a clearing house or by debits or credits in an account between them, then to the extent that provisional debits or credits for the item are entered in accounts between the presenting and payor banks or between the presenting and successive prior collecting banks seriatim, they become final upon final payment of the item by the payor bank.

(3) If a collecting bank receives a settlement for an item which is or becomes final (subsection (3) of RCW 62A.4-211; subsection (2) of RCW 62A.4-213) the bank is accountable to its customer for the amount of the item and any provisional credit given for the item in an account with its customer becomes final.

(4) Subject to any right of the bank to apply the credit to an obligation of the customer, credit given by a bank for an item in an account with its customer becomes available for withdrawal as of right

~~((a) in any case where the bank has received a provisional settlement for the item, when such settlement becomes final and the bank has had a reasonable time to learn that the settlement is final;~~

~~(b) in any case where the bank is both a depository bank and a payor bank and the item is finally paid, at the opening of the bank's second banking day following receipt of the item)) under section 2 of this 1986 act.~~

(5) A deposit of money in a bank is final when made but, subject to any right of the bank to apply the deposit to an obligation of the customer, the deposit becomes available for withdrawal as of right at the opening of the bank's next banking day following receipt of the deposit."

POINT OF ORDER

Mr. Barrett: "I challenge this amendment on the basis of scope and object."

MOTION

On motion of Mr. J. King, further consideration of Engrossed Substitute Senate Bill No. 3416 was deferred, and the bill was ordered placed at the bottom of the second reading calendar.

SUBSTITUTE SENATE BILL NO. 4491, by Committee on Judiciary (originally sponsored by Senators Newhouse, Halsan and Talmadge)

Changing provisions relative to nonprofit corporations.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4491, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Substitute Senate Bill No. 4491, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4525, by Committee on Governmental Operations (originally sponsored by Senators Bottiger and McDermott)

Enacting provisions relating to legal representation of the legislature.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

On motion of Ms. Belcher, the committee amendment was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4525 as amended by the House, and the bill passed the House by the following vote: Yeas, 89; nays, 7; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Barnes, Bond, Chandler, Fuhrman, Nealey, Patrick, Prince - 7.
Excused: Representatives Hankins, van Dyke - 2.

Substitute Senate Bill No. 4525 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4529, by Senators Talmadge, Newhouse, Halsan and Johnson
Revising registered nurse privileged communications provisions.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4529, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Senate Bill No. 4529, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4556, by Senators Vognild, Zimmerman, Rasmussen, Peterson, Granlund, Sellar, Wojahn and Moore

Requiring spas, hot tubs, swimming pools, and hydromassage bathtubs to be certified by an electrical products testing laboratory before sale or exchange.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4556, and the bill passed the House by the following vote: Yeas, 90; nays, 6; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott,

Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Bond, Dobbs, Fuhrman, Nealey, Sanders, Williams J - 6.

Excused: Representatives Hankins, van Dyke - 2.

Senate Bill No. 4556, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. J. King, the House recessed until 1:30. p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Bond, Hankins, R. King and van Dyke. Representatives Hankins and van Dyke were excused.

SECOND READING

SUBSTITUTE SENATE BILL NO. 4571, by Committee on Governmental Operations (originally sponsored by Senator Hayner)

Authorizing cities to pay rewards under certain circumstances.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

On motion of Ms. Haugen, the committee amendment was adopted.

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

Representatives Haugen and Hastings spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4571 as amended by the House, and the bill passed the House by the following vote: Yeas, 87; absent, 9; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 87.

Absent: Representatives Basich, Bond, King R, Locke, Sanders, Schoon, Thomas, Tilly, Wilson K - 9.

Excused: Representatives Hankins, van Dyke - 2.

Substitute Senate Bill No. 4571 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4584, by Senators Benitz and Thompson

Revising provisions relating to library districts.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

On motion of Ms. Haugen, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4584 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; absent, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Absent: Representatives Bond, King R - 2.

Excused: Representatives Hankins, van Dyke - 2.

Senate Bill No. 4584 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Bond and R. King appeared at the bar of the House.

ENGROSSED SENATE BILL NO. 4582, by Senators Moore, Sellar, Bender and Newhouse

Prohibiting fraud in the acquisition of benefits or payments in health care coverage and insurance.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For amendments, see Journal, 44th Day, February 25, 1986.)

On motion of Mr. Lux, the committee amendments were adopted.

Mr. Patrick moved adoption of the following amendment by Representatives Patrick, Lewis and Day:

On page 2, line 19 after "standards" insert ": PROVIDED, That neither a health care provider nor a patient shall be guilty of a violation of this section if, in good faith and without intent to defraud, either submits a claim for goods or services and the claim is rejected on the basis that the goods or services are not usual and customary"

Representatives Patrick and Lewis spoke in favor of the amendment, and Representatives Lux, P. King, Brooks and Locke opposed it.

The amendment was not adopted.

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

Representatives Lux and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4582 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Engrossed Senate Bill No. 4582 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4611, by Committee on Judiciary (originally sponsored by Senators Halsan, Talmadge, McCaslin, DeJarnatt, Saling, Moore, Williams, Bailey, Kreidler and Johnson)

Regulating vicious dogs.

The bill was read the second time. Committee on Agriculture recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Mr. Vekich moved adoption of the committee amendment.

On motion of Mr. Vekich, the following amendments to the committee amendment were adopted:

On page 4, line 34 of the amendment, strike "maim" and insert "maimed"

On page 5, line 14 of the amendment, after "apply" insert "if the person may recover attorney's fees under chapter 4.84 RCW or"

On page 6, line 21 of the amendment, after "apply" insert "if the person may recover attorney's fees under chapter 4.84 RCW or"

On page 8, after line 14, insert the following:

"Sec. 9. Section 3, chapter 77, Laws of 1941 and RCW 16.08.060 are each amended to read as follows:

Proof of provocation of the attack by the injured person shall be a complete defense to an action for damages. However, for purposes of this section, a child under the age of six years is incapable of provocation, and there is a rebuttable presumption that a child between the age of six years, inclusive through fourteen years, inclusive, is incapable of provocation."

Remember the sections consecutively.

Mr. Vekich spoke in favor of the amendments to the committee amendment.

POINT OF INQUIRY

Mr. Vekich yielded to question by Ms. Long.

Ms. Long: "Representative Vekich, you said that the amendment is not aimed at any particular breed of dog. Would you tell me what subsection (b), line 19, page 2 means? It says, 'Any dog with a propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings....' What does that mean and how would that be determined?"

Mr. Vekich: "For one thing, it would be a question of fact being recorded to determine propensity to be vicious. In the past history of the dog, if there is any intent and knowledge on the owner's part that the dog is a problem, and it would have to be a previous problem, that would qualify as a propensity. Perhaps there had been a bite in the past or inability to get along with other animals. Perhaps dog fights, any number of things can lead to propensity."

Ms. Long: "If I understand you correctly, you are saying that when this bill started out it was directed at pit bulls, that the intent is to say that if there is a pit bull dog that has not done the things you have just mentioned, then it would not be a dog that was considered vicious?"

Mr. Vekich: "That's correct. We could not find that pit bulls were more vicious or less vicious, based on the evidence presented to us, than any other particular breed or type. They are a type of dog, not a breed of dog."

POINT OF INQUIRY

Mr. Vekich yielded to question by Mr. Zellinsky.

Mr. Zellinsky: "Representative Vekich, I've been pretty upset all day since I went to caucus today and you made your presentation of this most serious legislation. If you read through this, it says 'vicious' and 'harbor a vicious dog,' and 'kill' and all these other things. I've got a little part-poodle at home and if a child came into my yard and my little dog, which I dearly love, nipped at this little child under six, would that mean that somebody could come and take my dog and have it put to sleep?"

Mr. Vekich: "Representative Zellinsky, it is my understanding of the bill, and again I was not the author of this bill, I'm merely offering it to the floor, but I would

like to say that it is my understanding of the bill that it must be a bite of a very severe nature, one that I doubt that your particular type of dog could inflict."

Representatives Zellinsky, Nealey and Barrett opposed the amendments to the amendment, and Mr. Lundquist spoke in favor of them.

MOTION

Mr. Padden moved that further consideration of the bill be deferred, and that it be placed at the bottom of the second reading calendar.

Mr. J. King spoke against the motion and Mr. Padden spoke in favor of it.

A division was called.

ROLL CALL

The Clerk called the roll on the motion to defer further consideration of Engrossed Substitute Senate Bill No. 4611 on second reading, and the motion was lost by the following vote: Yeas, 42; nays, 54; excused, 2.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Lewis, Long, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lundquist, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 54.

Excused: Representatives Hankins, van Dyke - 2.

MOTION

Mr. J. King moved that further consideration of the bill be deferred, and the bill be placed on the second reading calendar following Substitute Senate Bill No. 4572.

The motion failed.

The amendments to the committee amendment were adopted.

The Speaker stated the question before the House to be the committee amendment as amended.

Mr. Hastings asked Mr. Vekich to yield to question and he refused to yield.

Mr. Hastings spoke against adoption of the committee amendment as amended.

On motion of Mr. J. King, further consideration of the bill was deferred, and it was ordered placed on the second reading calendar following Senate Bill No. 4675.

ENGROSSED SENATE BILL NO. 4645, by Senators Warnke, Newhouse and Vognild; by request of Employment Security Department

Modifying provisions on unemployment coverage of corporate officers.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Cole and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4645, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey,

Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Engrossed Senate Bill No. 4645, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4659, by Committee on Judiciary (originally sponsored by Senators Talmadge, McDonald, Wojahn and Moore; by request of Department of Social and Health Services)

Providing for the nonrecognition of separate property agreements in medical care eligibility determinations.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

On motion of Mr. Braddock, the committee amendments were adopted.

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

Representatives Braddock and Lewis spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4659 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Engrossed Substitute Senate Bill No. 4659 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4675, by Senators Vognild, Guess, Garrett, Bender, Hansen, Sellar, Barr, Patterson, Metcalf, DeJarnatt, Johnson and Zimmerman

Repealing the mandatory vehicle license plate replacement program.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For amendments, see Journal, 46th Day, February 27, 1986.)

Mr. Wineberry moved adoption of the committee amendment.

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

On page 2, following line 21 insert:

"NEW SECTION, Sec. 4. A fleet shall qualify for centennial plates to be issued in consecutive order if available. A fleet shall be defined for purposes of the RCW as a group of five vehicles or more registered in the same name and whose owner has been assigned a fleet identifier code by the department of licensing."

Renumber the remaining sections consecutively.

Mr. Lundquist spoke in favor of the amendment to the amendment.

POINT OF INQUIRY

Mr. Lundquist yielded to question by Ms. Schmidt.

Ms. Schmidt: "Representative Lundquist, in your definition of a fleet you discussed trucks. Would this also include a fleet of cars?"

Mr. Lundquist: "My understanding of this is that it will include any vehicle that is engaged in that kind of an operation. For instance, a logging company may have two or three logging trucks, may have several gravel trucks, may have two or three pickups and a couple of trucks. They would all qualify under the fleet."

Ms. Schmidt: "But would a company that only operates a fleet of cars also qualify?"

Mr. Lundquist: My understanding is that they would."

Ms. Schmidt: "Have you discussed this amendment with the Department of Licensing in light of the fact that we are almost out of numbers as far as the sequence available to us in the current numbering system?"

Mr. Lundquist: "In terms of the sequential numbers, I have not discussed that with the Department of Licensing. I have discussed the reduction of the number from twenty-five to five with the Department of Licensing. They are indicating that they would prefer that we drop from twenty-five to fifteen. Dropping from twenty-five to fifteen does not provide relief to the kind of people who have been complaining to me about the size of fleets."

The amendment to the amendment was adopted.

The committee amendment as amended was adopted.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4675 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Senate Bill No. 4675 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4611, by Committee on Judiciary (originally sponsored by Senators Halsan, Talmadge, McCaslin, DeJarnatt, Saling, Moore, Williams, Bailey, Kreidler and Johnson)

Regulating vicious dogs.

The House resumed consideration of the bill on second reading.

The Speaker stated the question before the House to be the committee amendment as amended.

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

On page 2, after line 25 insert a new paragraph to read as follows:

"A dog shall not be considered a vicious dog under paragraphs (a) or (b) of this subsection if the dog is or was used on a farm for the purpose of herding or protecting animals and if the only reason for otherwise considering the dog a vicious dog is based on the fact that the dog has nipped a person on a limb while the person was on the farm. This exception only applies so long as the keeper of the dog posts a conspicuous sign which is located in the area where visitors to the farm would normally park their vehicles and which warns them of the presence of a dog that will bite."

Representatives Nealey and Vekich spoke in favor of the amendment to the amendment.

POINT OF INQUIRY

Mr. Vekich yielded to question by Mr. Madsen.

Mr. Madsen: "Representative Vekich, the focus of this bill is to make the owner a little bit more liable for his dog's actions. Under this particular amendment, by putting up a sign--the act of putting up a sign--does that, in fact, set me up legally to say that I do have a vicious dog and my liability becomes a little bit more heavy?"

Mr. Vekich: "The intent of the sponsor of the bill, or the sponsor of the amendment anyway, is that your liability would be decreased because you are exercising due care and caution and being a responsible dog owner."

Mr. Madsen opposed the amendment to the amendment and Mr. Nealey spoke again in favor of it.

The amendment to the committee amendment was adopted.

Representatives Vekich, Doty and Lundquist spoke in favor of the committee amendment as amended, and Mr. Bond spoke against it.

The committee amendment as amended was adopted.

Mr. Vekich moved adoption of the committee amendment to the title of the bill.

On motion of Mr. Vekich, the following amendment to the title amendment was adopted:

On page 8, line 28 of the title amendment after "16.52.117" insert "and 16.08.060"

The committee amendment to the title as amended was adopted.

Engrossed Substitute Senate Bill No. 4611 as amended by the House was passed to Committee on Rules for third reading.

ENGROSSED SENATE BILL NO. 4678, by Senators Vognild, Newhouse and Warnke

Revising provisions relating to job site safety inspections.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4678, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 94.

Voting nay: Representatives Hastings, Zelinsky - 2.

Excused: Representatives Hankins, van Dyke - 2.

Engrossed Senate Bill No. 4678, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4691, by Senators Kiskaddon, Newhouse and Vognild

Revising definition of child for industrial insurance purposes.

The bill was read the second time.

Mr. Day moved adoption of the following amendment by Representatives Day, S. Wilson, Barrett and Wang:

On page 1, after line 13 insert the following:

"NEW SECTION. Sec. 2. The director of the department of labor and industries shall appoint a temporary chiropractic advisory committee from health care professionals licensed under chapter 18.25 RCW. The committee shall consist of six members, three from eastern Washington and three from western Washington, who shall serve without compensation, with the director or the director's designee as chair. The committee shall assist in the development for the director's consideration of standards for the determination of temporary and permanent disability, standards for chiropractic treatment, care and practice, and a proposal for a chiropractic peer review program. The temporary chiropractic advisory committee established by this section shall cease to exist on June 30, 1987."

Representatives Day and Barrett spoke in favor of the amendment, and it was adopted.

On motion of Mr. Day, the following amendments to the title of the bill were adopted:

On page 1, line 2 of the title, after "purposes;" strike "and"

On page 1, line 2 of the title, after "51.08.030" insert "; and creating a new section"

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

Representatives Wang and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4691 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Wilson K - 1.

Excused: Representatives Hankins, van Dyke - 2.

Senate Bill No. 4691 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4766, by Committee on Energy & Utilities (originally sponsored by Senators Williams, McDermott, Bailey, Kreidler, Bauer, Halsan, McManus and Rasmussen)

Prohibiting the termination of residential space heating from November 15 through March 15 due to delinquent and unpaid charges under certain circumstances.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Mr. Appelwick moved adoption of the committee amendment.

On motion of Ms. Long, the following amendment by Representatives Long and D. Nelson to the committee amendment was adopted:

On page 14, line 28 after "policies of" insert "gas and" and on line 30 after "termination of" insert "gas or"

The committee amendment as amended was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4766 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94

Voting nay: Representatives Bond, Fuhrman - 2.

Excused: Representatives Hankins, van Dyke - 2.

Substitute Senate Bill No. 4766 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4779, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Barr, Bottiger and Rasmussen)

Providing increased consumer protection by regulating auctioneers and auction companies.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For amendments, see Journal, 45th Day, February 26, 1986.)

Mr. Wang moved adoption of the committee amendment.

On motion of Mr. Wang, the following amendment by Representatives Wang, Patrick and O'Brien to the committee amendment was adopted:

On page 17 of the amendment, on line 24 after "Any" strike "person who" and insert "auctioneer or auction company that"

Mr. O'Brien moved adoption of the following amendment by Representatives O'Brien and Wang to the committee amendment:

On page 18 of the amendment, beginning on line 28, strike everything through "sale." on page 19, line 34, and insert the following:

*NEW SECTION, Sec. 22. The following requirements shall apply to bidding at auctions:

(1) An auctioneer conducting an auction and an auction company where an auction is being held shall not bid on or offer to buy any goods or real property at the auction unless the auctioneer or the auction company discloses the name of the person on whose behalf the bid or offer is being made.

(2) An auctioneer and an auction company shall not use any method of bidding at an auction that will allow goods or real property to be purchased in an undisclosed manner on behalf of the auctioneer or auction company.

(3) At a public auction conducted or supervised by an auctioneer or auction company, the auctioneer or auction company shall not fictitiously raise any bid, knowingly permit any person to make a fictitious bid, or employ or use another person to act as a bidder or buyer.

(4) All goods or real property offered for sale at an auction shall be subject to a reserve or a confirmation from the owner or consignor unless otherwise indicated by the auctioneer or auction company. Except as provided in this subsection, an auctioneer or auction company shall not use any method of bidding at an auction that allows the auctioneer or auction company to avoid selling any property offered for sale at auction.

(5) A licensee who violates any provision of this section shall be subject to an administrative fine in a sum not exceeding five hundred dollars for each violation."

Representatives O'Brien and Patrick spoke in favor of the amendment to the amendment, and it was adopted.

Mr. Wang moved adoption of the following amendment by Representatives Wang, R. King, Patrick and Locke to the committee amendment:

On page 20 of the amendment, after line 22, insert the following:

"NEW SECTION, Sec. 26. If an exhibitor notifies a distributor that it wishes an auction to be held for award of a motion picture license, the distributor shall hold such an auction. Prior to holding the auction, the distributor shall publish at least two notices on consecutive days in daily newspapers of general circulation of the motion picture license being awarded. For the purposes of this section, 'auction' means the process of soliciting bids described in RCW 19.58.040. An auction under this section shall comply with RCW 19.58.040 and a failure to comply shall be subject to the remedies set forth in RCW 19.58.050. If no bids are received in response to the bid notices, the motion picture license may be thereafter awarded by a method other than bidding. This section does not apply to the following cases:

(1) Any distributor with gross revenues of less than twenty-five million dollars in film rental for the preceding calendar year; or

(2) Licensing or provision of motion pictures when awarded to an exhibitor for the sole purpose of a sneak preview, film festival, or other occasional, isolated, nonconsecutive exhibition.

A violation of this section is subject to the same remedies provided under section 25 of this act for violations of chapter 18.11 RCW.

Remedies and sanctions provided in this section supplement other available remedies and sanctions."

Renumber the sections consecutively and correct internal references accordingly.

POINT OF ORDER

Mr. Barrett: "I would challenge this amendment on the basis of scope and object."

SPEAKER'S RULING

The Speaker: "The Speaker has looked at the title of the bill and the committee amendment. It is a skillful job, but the committee amendment deals with the licensing and process by which we are going to regulate or license auctioneers. The amendment by Representative Wang deals not with licensing or regulating auctioneers, but rather with the product of motion pictures, under the motion picture competition act and deals with the auctioning of a product or a service. In the view of the Speaker, this floor amendment broadens the scope and object of the committee amendment and the title. Your point is well taken, Representative Barrett."

The Speaker stated the question before the House to be the committee amendment as amended.

Mr. Wang spoke in favor of the amendment as amended, and it was adopted.

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

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

Representatives O'Brien, Patrick, G. Nelson and Lux spoke in favor of passage of the bill, and Mr. Lewis opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4779 as amended by the House, and the bill passed the House by the following vote: Yeas, 82; nays, 14; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Ballard, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Krømen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C,

Smith L. Smitherman, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Vander Stoep, Vekich, Walk, Wang, West, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Armstrong, Barnes, Bond, Doty, Fuhrman, Lewis, Sanders, Sommers, Thomas, Valle, Van Luven, Walker, Williams B, Williams J - 14.

Excused: Representatives Hankins, van Dyke - 2.

Substitute Senate Bill No. 4779 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Mr. J. King demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Hankins and van Dyke.

On motion of Mr. J. King, the absent members were excused and the House proceeded with business under the Call of the House.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4790, by Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Bluechel and Talmadge)

Regulating the use and disposal of sludge.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

Ms. Rust moved adoption of the committee amendment.

Mr. May moved adoption of the following amendment by Representatives May, Kremen, Lundquist, Braddock, Allen, Tanner, Haugen, Zellinsky, Miller, Schoon, Schmidt, Sanders, Brough and Winsley to the committee amendment:

On page 2, after line 27 insert the following paragraph:

"Secondary treatment creates sludge, and, accordingly, the director of the department of ecology may recommend that the requirements for secondary sewage treatment of wastewater be waived by the United States environmental protection agency if (1) the wastewater is from a public facility that discharges into marine waters, (2) the quality of the receiving water will not be adversely affected, (3) the applicant has established a system for monitoring the impact of the discharge on the quality of the receiving water, and (4) the applicant agrees to bear the cost of analyzing the quality of the receiving water, and the cost of demonstrating the effectiveness of its monitoring system."

POINT OF ORDER

Ms. Rust: "Mr. Speaker, I would ask you to make a ruling on scope and object of this amendment."

SPEAKER'S RULING

The Speaker: "Representative Rust, the Speaker has examined the amendment by Representative May to the committee amendment and Engrossed Substitute Senate Bill 4790. The bill is entitled, 'An Act Relating to sewage sludge....' The bill deals with disposal of municipal sewage sludge and septic tank sludge. The amendment deals with waiver of secondary sewage treatment requirements. The Speaker has examined both and finds that the amendment broadens the scope and object of the committee amendment and the bill. Therefore, your point of order is well taken; the amendment is out of order."

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

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

Representatives Rust and Allen spoke in favor of passage of the bill, and Mr. May opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4790 as amended by the House, and the bill passed the House by the following vote: Yeas, 73; nays, 23; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Chandler, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, McMullen, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Scott, Silver, Smith C, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, Vekich, Walk, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 73.

Voting nay: Representatives Ballard, Betzozoff, Bond, Brooks, Brough, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Lundquist, May, Miller, Nealey, Sanders, Schoon, Smith L, Thomas, Van Luven, Vander Stoep, Walker, Williams J - 23.

Excused: Representatives Hankins, van Dyke - 2.

Engrossed Substitute Senate Bill No. 4790 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REENGROSSED SENATE BILL NO. 4875, by Senators Granlund, Garrett, Conner, Wojahn, Peterson, DeJarnatt, Talmadge, Gaspard, Goltz, Williams, Vognild and McManus; by request of Governor

Providing for the appointment by the governor of the secretary of transportation, the director of game, and the director of parks and recreation.

The bill was read the second time.

Ms. K. Wilson moved adoption of the following amendments by Representatives K. Wilson, Sanders, Long, Fuhrman, Brooks, Thomas, Walker and Taylor:

On page 1, line 20 after "officers" strike "~~(; except the secretary of transportation and the director of game;))~~" and insert ", except ~~((the secretary of transportation and))~~ the director of game."

On page 1, line 27 after "~~47-01-041: "~~ strike "~~and the director of game shall be appointed by the game commission;))~~" and insert "~~and~~) The director of game shall be appointed by the game commission."

On page 2, after line 19 strike everything down to and including "43.03.060." on page 3, line 14.

Renumber the remaining sections consecutively and correct internal references accordingly.

On page 6, line 31 after "transportation" strike ", the game commission and the director of game."

Representatives K. Wilson, Sanders and Taylor spoke in favor of the amendments, and Ms. Belcher opposed them.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representative K. Wilson and others to Reengrossed Senate Bill No. 4875, and the amendments were not adopted by the following vote: Yeas, 42; nays, 54; excused, 2.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Baugher, Betzozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fisch, Fuhrman, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nelson G, Padden, Patrick, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams J, Wilson K - 42.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nealey, Nelson D, Niemi, Nutley, O'Brien, Peery, Prince, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 54.

Excused: Representatives Hankins, van Dyke - 2.

The Clerk read the following amendments by Representatives Sanders, K. Wilson, Brooks, Thomas and Long:

On page 1, line 20 after "officers" strike "~~((except the secretary of transportation and the director of game:))~~" and insert ", except ~~((the secretary of transportation and))~~ the director of game."

On page 1, line 27 after "~~47.01.041;~~" strike "~~and the director of game shall be appointed by the game commission:))~~" and insert "~~and~~) The director of game shall be appointed by the game commission."

On page 2, after line 19 strike everything down to and including "43.03.060." on page 3, line 14.

Renumber the remaining sections consecutively and correct internal references accordingly.

With the consent of the House, Mr. Sanders withdrew the amendments.

On motion of Ms. Belcher, the following amendment was adopted:

On page 6, line 24 after "Sec. 8." strike everything down to and including "resources;" on page 7, line 2 and insert:

"The governor shall appoint a temporary committee of nine members which shall consist of persons with knowledge of the structure and operation of Washington state government and expertise in public sector management. The committee shall:

(1) Review (a) appropriate organizational models for managing state agencies and resources, (b) the powers and duties of the transportation commission and the secretary of transportation, the game commission and the director of game, and the parks and recreation commission and the director of parks and recreation, and (c) the appointing and reporting relationships between the governor and the above named commissions and chief executive officers;

(2) Determine whether the commission form of government is the most efficient and effective means of managing state agencies and resources. The committee shall then develop recommendations designed to achieve clear lines of authority, accountability, and efficient and effective management of the agencies identified under subsection (1) of this section and the applicable resources;"

Ms. Belcher moved adoption of the following amendment:

On page 7, after line 9 strike everything down to and including "thereof." on line 14.

Representatives Belcher, J. King, Isaacson, Sutherland and Braddock spoke in favor of the amendment, and Representatives Barrett, Sanders, Taylor, Baugher, Addison, Hastings, Lundquist and West opposed it.

Mr. Taylor spoke again in opposition to the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Belcher to page 7 of Reengrossed Senate Bill No. 4875, and the amendment was adopted by the following vote: Yeas, 49; nays, 47; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King R, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 49.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Baugher, Betrozoff, Bond, Bristow, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, King P, Kremen, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 47.

Excused: Representatives Hankins, van Dyke - 2.

Mr. Zellinsky moved adoption of the following amendment by Representatives Zellinsky, West, Baugher, Bristow, Haugen, Smitherman and Vekich:

On page 7, after line 9, insert the following:

"Sec. 9. Section .02.01, chapter 79, Laws of 1947 and RCW 48.02.010 are each amended to read as follows:

(1) There shall be an insurance commissioner of this state who shall be ~~((elected at the time and in the manner that other state officers are elected:))~~ appointed by the governor, with the consent of the senate, and shall serve at the pleasure of the governor.

(2) ~~((The commissioner in office at the effective date of this code shall continue in office for the remainder of the term for which he was elected and until his successor is duly elected and qualified.~~

(3)) 'Commissioner,' where used in this code, means the insurance commissioner of this state.

NEW SECTION. Sec. 10. Section .02.02, chapter 79, Laws of 1947 and RCW 48.02.020 are each repealed."

Renumber remaining sections consecutively.

Representatives Zellinsky and Vekich spoke in favor of the amendment, and Representatives Addison and Lux opposed it.

Mr. Zellinsky spoke again in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Zellinsky and others to page 7 of Reengrossed Senate Bill No. 4875, and the amendment was not adopted by the following vote: Yeas, 28; nays, 68; excused, 2.

Voting yea: Representatives Appelwick, Baugher, Belcher, Bond, Bristow, Day, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King R, Leonard, Madsen, Nelson D, Scott, Smitherman, Tanner, Todd, Vekich, Walk, West, Williams B, Wilson S, Zellinsky, and Mr. Speaker - 28.

Voting nay: Representatives Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Basich, Betzoff, Braddock, Brekke, Brooks, Brough, Chandler, Cole, Crane, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Hastings, Isaacson, King P, Kremen, Lewis, Locke, Long, Lundquist, Lux, May, McMullen, Miller, Nealey, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers, Sutherland, Taylor, Thomas, Tilly, Unsoeld, Valle, Van Luven, Vander Stoep, Walker, Wang, Williams J, Wilson K, Wineberry, Winsley - 68.

Excused: Representatives Hankins, van Dyke - 2.

Mr. Fuhrman moved adoption of the following amendment by Representatives Fuhrman, Betzoff, Patrick, Lewis, B. Williams, Vander Stoep, Hastings, Lundquist, Thomas, van Dyke, G. Nelson, Walker, Brooks, Taylor, Chandler, Sanders, Barnes, C. Smith and Tilly:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 12, Laws of 1970 ex. sess. as last amended by section 3, chapter 365, Laws of 1985 and by section 1, chapter 461, Laws of 1985 and RCW 41.06.020 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) 'Agency' means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

(2) 'Board' means the ~~((state personnel board established under the provisions of RCW 41.06.110 except that this definition does not apply to the words 'board' or 'boards' when used in RCW 41.06.070))~~ department of personnel created under RCW 41.06.030.

(3) 'Classified service' means all positions in the state service subject to the provisions of this chapter.

(4) 'Competitive service' means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

(5) 'Comparable worth' means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

(6) 'Noncompetitive service' means all positions in the classified service for which a competitive examination is not required.

(7) 'Department' means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board, or council, by law empowered to operate the agency responsible either to (a) no other public officer or (b) the governor.

(8) 'Career development' means the progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies.

(9) 'Training' means activities designed to develop job-related knowledge and skills of employees.

(10) 'Director' means the director of personnel appointed under the provisions of RCW 41.06.130.

(11) 'Affirmative action' means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

Sec. 2. Section 3, chapter 1, Laws of 1961 and RCW 41.06.030 are each amended to read as follows:

~~((A))~~ The department of personnel, ~~((governed by a state personnel board and))~~ administered by ~~((a))~~ the director of personnel, is hereby established as a separate agency within the state government.

Sec. 3. Section 8, chapter 10, Laws of 1982 as amended by section 69, chapter 287, Laws of 1984 and RCW 41.06.110 are each amended to read as follows:

~~((+))~~ There is hereby created a state personnel ~~((board))~~ advisory committee composed of three members appointed by the ~~((governor, subject to confirmation by the senate. The first such board shall be appointed within thirty days after December 8, 1960, for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed))~~ director of personnel. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed~~((;))~~.

~~((2))~~ Each member of the board shall be compensated in accordance with RCW 43.03.250. The members of the board may receive any number of daily payments for official meetings of the board actually attended~~((;))~~ Members of the ~~((board))~~ advisory committee shall ~~((also))~~ be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

~~((3))~~ At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. The director of personnel shall serve as secretary.

~~((4))~~ The board may appoint and compensate hearing officers to hear and conduct appeals until December 31, 1982. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts~~((;))~~

The state personnel advisory committee shall advise the director in carrying out his or her duties under law. The committee shall meet when convened by the director but at least four times per year.

Sec. 4. Section 13, chapter 1, Laws of 1961 as amended by section 3, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.130 are each amended to read as follows:

~~((The office of director of personnel is hereby established:~~

~~((1))~~ Within ninety days after December 8, 1960, a director of personnel shall be appointed. The merit system director then serving under RCW 50.12.030, whose position is terminated by this chapter, may serve as director of personnel hereunder until a permanent director of personnel is appointed as herein provided, and may be appointed as director of personnel by the governor alone, or the governor may fill the position in the manner hereinafter provided for subsequent vacancies therein on the basis of competitive examination, in conformance with board rules for competitive examinations, for which examinations the merit system director is eligible.

~~((2))~~ The director of personnel shall be appointed by the governor ~~((from a list of three names submitted to him by the board with its recommendations. The names on such list shall be those of the three standing highest upon competitive examination conducted by a committee of three persons appointed by the board solely for that purpose whenever the position is vacant. Only persons with substantial experience in the field of personnel management are eligible to take such examination.~~

~~((3))~~ The director of personnel is removable for cause by the governor with the approval of a majority of the board or by a majority of the board~~((;))~~ and shall hold office at the pleasure of the governor. The director shall receive a salary as fixed by the governor in accordance with RCW 43.03.040. The director may employ staff as necessary to carry out the purposes of this chapter.

~~((4))~~ The director of personnel shall direct and supervise all the department of personnel's ~~((administrative and technical))~~ activities in accordance with the provisions of this chapter and the rules and regulations approved and promulgated thereunder. ~~((He shall prepare for consideration by the board proposed rules and regulations required by this chapter. His salary shall be fixed by the board.~~

~~((5))~~ The director of personnel may delegate to any agency the authority to perform administrative and technical personnel activities if the agency requests such authority and the director of personnel is satisfied that the agency has the personnel management capabilities to

effectively perform the delegated activities. The director of personnel shall prescribe standards and guidelines for the performance of delegated activities. If the director of personnel determines that an agency is not performing delegated activities within the prescribed standards and guidelines, the director shall withdraw the authority from the agency to perform such activities.

NEW SECTION, Sec. 5. A new section is added to chapter 41.06 RCW to read as follows:

Wherever the term 'state personnel board' appears in the Revised Code of Washington or the Washington Administrative Code, it shall mean the department of personnel.

Sec. 6. Section 2, chapter 36, Laws of 1969 ex. sess. as last amended by section 2, chapter 365, Laws of 1985 and by section 8, chapter 461, Laws of 1985 and RCW 28B.16.020 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) 'Institutions of higher education' are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges;

(2) 'Board' means the department of higher education personnel ((board)) established under ~~((the provisions of RCW 28B.16.060))~~ section 7 of this 1986 act;

(3) 'Related boards' means the state board for community college education and the department of higher education personnel ((board)); and such other boards, councils and commissions related to higher education as may be established;

(4) 'Classified service' means all positions at the institutions of higher education subject to the provisions of this chapter;

(5) 'Comparable worth' means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions;

(6) 'Competitive service' means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(7) 'Noncompetitive service' means all positions in the classified service for which a competitive examination is not required;

(8) 'Affirmative action' means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

NEW SECTION, Sec. 7. A new section is added to chapter 28B.16 RCW to read as follows:

There is hereby created the department of higher education personnel which shall be under the direction and supervision of the director of higher education personnel. The director of higher education personnel shall be appointed by the governor and shall hold office at the pleasure of the governor. The director shall receive a salary fixed by the governor in accordance with RCW 43.03.040.

The director may employ staff as necessary to carry out the purposes of this chapter.

Sec. 8. Section 6, chapter 36, Laws of 1969 ex. sess. as last amended by section 63, chapter 287, Laws of 1984 and RCW 28B.16.060 are each amended to read as follows:

(1) There is hereby created a state higher education personnel ~~((board))~~ advisory committee composed of three members appointed by the ~~((governor, subject to confirmation by the senate. The first such board shall be appointed within thirty days after the effective date of this chapter for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.~~

~~((2) Each member of the board shall be compensated in accordance with RCW 43.63.250))~~ director of higher education personnel. The advisory committee shall advise the director in carrying out his or her duties under law. The committee shall meet when convened by the director but at least four times per year.

Members of the ~~((board))~~ advisory committee shall ~~((also))~~ be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

~~((3) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.~~

~~((4) The board shall appoint a personnel director who shall be the chief staff officer for the board, in preparing matters for consideration by the board and in coordinating the implementation of the board's rules and regulations, the personnel director shall work in conjunction with the campus personnel officers and their staffs at each institution of higher education, and in the case of community colleges, with the state board for community college education. When necessary, the personnel director may request the creation of task forces drawn from the~~

four-year institutions of higher education, and representatives of the various state community colleges through the state board for community college education, for the accomplishment of any projects undertaken by the board. The director may employ necessary personnel for the board, and the board may appoint and compensate hearing officers to hear and conduct appeals. The board shall establish an office for the conduct of its business.))

NEW SECTION. Sec. 9. A new section is added to chapter 28B.16 RCW to read as follows:

Wherever the term 'higher education personnel board' appears in the Revised Code of Washington or the Washington Administrative Code, it shall mean the department of higher education personnel.

NEW SECTION. Sec. 10. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the higher education personnel board shall be delivered to the custody of the department of higher education personnel. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the higher education personnel board shall be made available to the department of higher education personnel. All funds, credits, or other assets held by the higher education personnel board shall be assigned to the department of higher education personnel.

Any appropriations made to the higher education personnel board shall, on the effective date of this act, be transferred and credited to the department of higher education personnel.

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

NEW SECTION. Sec. 11. All employees of the higher education personnel board are transferred to the jurisdiction of the department of higher education personnel. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of higher education personnel to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 12. All rules and all pending business before the higher education personnel board shall be continued and acted upon by the department of higher education personnel. All existing contracts and obligations shall remain in full force and shall be performed by the department of higher education personnel.

NEW SECTION. Sec. 13. The transfer of the powers, duties, functions, and personnel of the higher education personnel board shall not affect the validity of any act performed prior to the effective date of this act.

NEW SECTION. Sec. 14. If apportionments of budgeted funds are required because of the transfers directed by sections 10 through 13 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 15. Nothing contained in sections 10 through 14 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 16. Section 2, chapter 115, Laws of 1967 ex. sess. as amended by section 3, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.020 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) 'Authority' means the Washington state data processing authority created ((by RCW 43.105.032)) under section 17 of this 1986 act;

(2) 'Automatic data processing' means that method of processing information using punch card (EAM) and/or electronic (EDP) equipment and includes data communication devices used in connection with automatic data processing equipment for the transmission of data;

(3) 'Local government agencies' includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) 'Director' means the executive director of the authority;

(5) 'State agency' means all offices, departments, agencies, institutions, and commissions of state government;

(6) 'System' means an organized collection of men, machines, and methods to accomplish a specific objective;

(7) 'Applications system' means a computerized system which accomplishes a specific objective (i.e., a payroll system or an inventory system).

NEW SECTION. Sec. 17. A new section is added to chapter 43.105 RCW to read as follows:

The Washington state data processing authority is hereby created as an agency of state government. The authority shall be under the direction and supervision of the executive director of the Washington state data processing authority. The executive director shall be

appointed by the governor and shall serve at the pleasure of the governor. The executive director shall receive a salary fixed by the governor in accordance with RCW 43.03.040.

The executive director may employ such staff as is necessary to carry out the purposes of this chapter.

Sec. 18. Section 5, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 86, chapter 287, Laws of 1984 and RCW 43.105.032 are each amended to read as follows:

There is hereby created the Washington state data processing ~~((authority))~~ advisory committee consisting of eleven members appointed by the ~~((governor, and serving at his pleasure. The governor shall make such appointments within thirty days after April 25, 1973))~~ executive director of the authority.

Members of the ~~((authority shall be compensated for service on the authority in accordance with RCW 43.03.240 and))~~ advisory committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

~~((The authority shall elect a chairman from among its members and shall appoint an executive director within sixty days after April 25, 1973, subject to confirmation by a majority vote of the senate.))~~

The advisory committee shall advise the executive director in carrying out his or her duties under law. The advisory committee shall meet when convened by the director, but at least four times per year.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 12, chapter 1, Laws of 1961, section 2, chapter 43, Laws of 1975-'76 2nd ex. sess., section 17, chapter 311, Laws of 1981 and RCW 41.06.120;

(2) Section 7, chapter 36, Laws of 1969 ex. sess., section 1, chapter 23, Laws of 1983 and RCW 28B.16.070; and

(3) Section 8, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.045."

Representatives Fuhrman and B. Williams spoke in favor of the amendment, and Representatives Walk and Belcher opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Fuhrman to Reengrossed Senate Bill No. 4875, and the amendment was not adopted by the following vote: Yeas, 43; nays, 53; excused, 2.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fisch, Fuhrman, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, Lux, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 43.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 53.

Excused: Representatives Hankins, van Dyke - 2.

MOTION FOR RECONSIDERATION

Ms. Allen, having voted on the prevailing side, moved that the House immediately reconsider the vote by which the amendment by Representative Belcher to page 7 was adopted.

Representatives Allen and Taylor spoke in favor of the motion, and Mr. J. King spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House reconsider the vote by which the amendment by Representative Belcher to page 7 was adopted, and the motion was lost by the following vote: Yeas, 44; nays, 52; excused, 2.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 44.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove,

Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 52.

Excused: Representatives Hankins, van Dyke - 2.

Mr. Betrozoff moved adoption of the following amendment by Representatives Betrozoff, Lundquist, Silver, Walker, Allen, Prince and S. Wilson:

On page 1 strike everything after the enacting clause and insert:

NEW SECTION, Sec. 1. A new chapter is added to Title 43 RCW to read as follows:

The Legislature recognizes the need for efficient and effective government and delivery of services to the people of this state. It is imperative that government be organized in a manner that will insure such efficiency and effectiveness and will gain the confidence and approval of the people. Therefore, a joint committee shall be established which shall include persons with knowledge of the structure and operation of Washington state government and persons with expertise in public and private sector management.

NEW SECTION, Sec. 2. A joint committee on government organization shall be established consisting of eighteen members. (1) The joint committee shall include the President of the Senate who shall be its chairman, the Senate Majority Leader, the Senate Minority Leader, the Speaker of the House, the House Majority Leader and the House Minority Leader. (2) The President of the Senate, the Senate Minority Leader, the Speaker of the House and the House Minority Leader shall each select (a) one person who has a knowledge of the structure and operation of Washington state government; (b) one person who has expertise in public or private sector business management and is skilled in planning, personnel and budget; and (c) one person who has expertise in public or private labor relations management and is skilled in planning, personnel and budget.

NEW SECTION, Sec. 3. The joint committee shall: (1) Objectively examine the structure and operation of present government organization and all existing agencies, including but not limited to boards, commissions, departments, councils, committees, offices, authorities, libraries, law enforcement and schools; (2) Objectively examine the powers and duties of agency chief executive officers; (3) Develop standards and criteria for implementing a plan for government reorganization; and (4) Develop an overall plan whereby state agencies would be reorganized in order to achieve efficient operation of the agencies and effective management of the state's resources.

NEW SECTION, Sec. 4. The plan should be developed in order to attain the following objectives:

(1) A reduction in the number of state agencies; (2) A reduction in the number of statewide elected officials; (3) The establishment of identifiable basic state services; (4) The establishment of identifiable job descriptions to clarify exempt status jobs; (5) Greater job satisfaction, higher pay and greater productivity for state employees; (6) Better budget controls and timely budget information; and (7) A reduction in the overall cost of government and delivery of services.

The joint committee shall also (1) Provide, during its deliberations, opportunities for public comment; (2) Report its findings, standards and criteria and plan to the legislature by December 31, 1986 and shall cease to exist on January 1, 1987, and shall individually be reimbursed for travel expenses for meetings in accordance with RCW 43.03.050 and 43.03.060."

Representatives Betrozoff, Silver, Vander Stoep, Lundquist, Taylor and Isaacson spoke in favor of the amendment, and Representatives Belcher and Braddock opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Betrozoff and others to Reengrossed Senate Bill No. 4875, and the amendment was not adopted by the following vote: Yeas, 43; nays, 53; excused, 2.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 43.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 53.

Excused: Representatives Hankins, van Dyke - 2.

On motion of Ms. Belcher, the following amendment to the title of the bill was adopted:

On page 1, line 3 of the title after "43.51 RCW;" insert "and" and on line 4 after "section" strike everything down to and including "people" on line 5.

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

Ms. Belcher spoke in favor of passage of the bill, and Mr. S. Wilson opposed it.

POINT OF INQUIRY

Ms. Belcher yielded to question by Mr. Tilly.

Mr. Tilly: "Representative Belcher, on page 2 of the bill it talks about the governor appointing the head of Transportation, the head of Game and the head of Parks. On line 28 it says, 'The commission may delegate to the director additional duties and powers necessary and appropriate to carry out this title.' This is the section that relates to the Department of Game. My question is that it seems to me that the commissioner has got some extra power, this particular commission, to give their director more duties and responsibilities, so is the director working for the commission or is he or she working for the governor? It's confusing to me."

Ms. Belcher: "I think, clearly, the intent of this bill is that the director would be appointed by the governor. The commission would retain its policy-making authority and that would include their ability to delegate any authority they wanted to the director."

Mr. Tilly: "Does that also apply to the Parks and Recreation Commission and to the Department of Transportation?"

Ms. Belcher: "I don't have the bill in front of me, Representative Tilly, so I can't tell you that's the express language that's in the bill, but my assumption would be that each of those commissions, retaining all of their policy-making authority, would have the authority to delegate if they so chose."

Representatives Tilly, Schmidt and B. Williams spoke against passage of the bill, and Mr. J. King spoke in favor of it.

Mr. Padden demanded an oral roll call vote and the demand was sustained.

Representatives Prince, C. Smith, Silver and Long spoke against passage of the bill.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Senate Bill No. 4875 as amended by the House, and the bill passed the House by the following vote: Yeas, 51; nays, 45; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 51.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Baugher, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson K, Wilson S - 45.

Excused: Representatives Hankins, van Dyke - 2.

Reengrossed Senate Bill No. 4875 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Mr. J. King, Reengrossed Senate Bill No. 4875 as amended by the House was ordered transmitted immediately to the Senate.

On motion of Mr. J. King, the House dispensed with further business under the Call of the House.

The House reverted to the fifth order of business.

REPORT OF STANDING COMMITTEE

March 4, 1986

SSB 4905 Prime Sponsor, Committee on Transportation: Adopting the supplemental transportation budget. Reported by Committee on Transportation

MAJORITY recommendation: Do pass with the following amendments: Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 6, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:
FOR THE STATE PATROL—FIELD OPERATIONS BUREAU

Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$	((66,582,000))
		89,399,000

The appropriation in this section does not provide for any increase in state patrol troopers' salaries.

Sec. 2. Section 7, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:
FOR THE STATE PATROL—SUPPORT SERVICES BUREAU

Motor Vehicle Fund—State Patrol Highway Account Appropriation	\$	((31,696,000))
		32,106,000

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

(1) The state patrol shall conduct a study to determine the level of fees that would be necessary to recover the actual costs incurred in providing training services to other law enforcement agencies at the state patrol academy.

(2) Up to \$250,000 is provided to implement the recommendations of the legislative transportation committee study of the budget, accounting, and other related systems of the state patrol. No moneys may be expended under this subsection without the prior approval of the legislative transportation committee.

(3) The appropriation in this section does not provide for any increase in state patrol troopers' salaries.

Sec. 3. Section 9, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING—VEHICLE SERVICES

Motor Vehicle Fund Appropriation	\$	((32,891,000))
		33,704,000
Game Fund Appropriation	\$	((323,000))
		354,000
Total Appropriation	\$	((33,214,000))
		34,058,000

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

Computer terminal equipment purchased for the county auditor automation project shall be provided only to the auditors or licensing divisions of the 39 counties, the presently authorized 157 subagents, and the department of licensing's vehicle licensing counter. The department shall by ~~((January 13))~~ December 15, 1986, present to the legislative transportation committee a detailed report on implementation of the county auditor automation project, including equipment purchased and installed, and revised six-year cost estimate.

Sec. 4. Section 10, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education Account Appropriation	\$	2,056,000
Highway Safety Fund Appropriation	\$	((30,005,000))
		30,215,000
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$	((193,000))
		226,000
Total Appropriation	\$	((32,254,000))
		32,497,000

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

(1) The appropriations in this section provide no moneys for the administrative suspension of drivers' licenses pursuant to chapter 165, Laws of 1983 (SHB 289).

(2) The appropriations in this section provide no moneys for the 'pre-driver education program' operated by the department and no funds may be expended by the department for this purpose.

Sec. 5. Section 12, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF LICENSING—INFORMATION SYSTEMS

Game Fund Appropriation	\$	4,000
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Highway Safety Fund Appropriation	\$	((3,538,000)) 3,913,000
Motor Vehicle Fund Appropriation	\$	((11,687,000)) 12,062,000
Total Appropriation	\$	((15,227,000)) 15,979,000

The appropriations in this section are subject to the following conditions and limitations: Not more than \$375,000 of the motor vehicle fund appropriation and \$375,000 of the highway safety fund appropriation are provided for a study to analyze the long-range motor vehicle and driver information system requirements of the department and the information system alternatives that will provide efficient and effective means of meeting these requirements. The department shall provide a preliminary report of the progress of this study to the legislative transportation committee by January 1, 1987. The department shall not proceed beyond the management assessment phase of this project without the approval of the legislative transportation committee.

Sec. 6. Section 15, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM

A

Motor Vehicle Fund Appropriation—State	\$	((109,000,000)) 109,900,000
Motor Vehicle Fund Appropriation—Federal and Local	\$	((24,000,000)) 134,900,000
Total Appropriation	\$	((233,000,000)) 244,800,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category 'A' under RCW 47.05.030. Any amounts expended during the 1983-85 biennium from the motor vehicle fund—state appropriation in excess of the amount appropriated under section 21, chapter 53, Laws of 1983 1st sess. as amended by chapter 2, Laws of 1984 shall be transferred to reserve status from amounts appropriated from the motor vehicle fund—state by this section.

If federal funds become available for the Mt. St. Helens road, the transportation commission, in consultation with the legislative transportation committee, shall seek unanticipated receipts for design and construction of the Mt. St. Helens road.

Sec. 7. Section 16, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM

B

Motor Vehicle Fund Appropriation—State	\$	((52,000,000)) 57,000,000
Motor Vehicle Fund Appropriation—Federal and Local	\$	((478,000,000)) 523,000,000
Total Appropriation	\$	((530,000,000)) 580,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects on the interstate system designated as category 'B' under RCW 47.05.030.

The appropriation of \$~~((52,000,000))~~ 57,000,000 in state funds includes \$32,600,000 in proceeds from the sale of bonds authorized by RCW 47.10.790, for state matching funds for the construction of SR 90 from SR 5 to SR 405, and \$~~((19,400,000))~~ 24,400,000 in proceeds from the sale of bonds authorized by RCW 47.10.801: PROVIDED, That the transportation commission may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

In the event federal discretionary funds are made available to the state, the motor vehicle fund—state appropriation is increased proportionally to provide matching state funds from the sale of bonds authorized by RCW 47.10.801 not to exceed \$10,000,000 and it is understood that the department shall seek unanticipated receipts for the federal portion.

In the event federal action or inaction precludes conversion of authorized advance construction-interstate projects to federal funding, up to \$20,000,000 of advance construction-interstate bonds authorized by RCW 47.10.790 may be sold to partially fund the federal appropriation. In that case, the department may transfer such amount from the federal appropriation to the state appropriation in this section, without a modification in the total appropriation.

Sec. 8. Section 17, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:
FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY CONSTRUCTION—PROGRAM

C

Motor Vehicle Fund Appropriation—State	\$	((137,000,000)) 143,000,000
Motor Vehicle Fund Appropriation—Local	\$	1,000,000
Total Appropriation	\$	((138,000,000)) 144,000,000

The appropriations in this section are provided for the location, design, right of way, and construction of state highway projects designated as category 'C' under RCW 47.05.030.

The motor vehicle fund—state appropriation will be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801 in the amount of ~~\$(65,000,000)~~ 73,000,000: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

~~\$(4,000,000)~~ 10,000,000 of the motor vehicle fund—state appropriation or so much thereof as is necessary is provided for preconstruction activities on new projects to be selected by the transportation commission. Funding of these activities shall be derived in the following manner: \$4,000,000 shall be funded from underexpenditures in motor vehicle fund—state appropriations in the 1983-1985 biennium ~~((to the extent they become available))~~ and \$6,000,000 shall be funded with the proceeds from the sale of bonds authorized in RCW 47.10.801(1)(a): PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the department of transportation in lieu of bond proceeds for any part of the state appropriation.

Selection of category 'C' projects for construction must be within projected available future funding and shall be in order of priority established by chapter 47.05 RCW unless reported in advance to the legislative transportation committee.

Sec. 9. Section 18, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—CONSTRUCTION MANAGEMENT AND SUPPORT—PROGRAM D
Motor Vehicle Fund Appropriation \$ ~~((28,503,000))~~
28,883,000

The appropriation in this section is provided for the improvement and construction of buildings and other highway plant construction, for management and support of the highway construction programs, and for administrative support necessary to support cities and counties in obtaining federal aid.

\$2,000,000 of the motor vehicle fund—state appropriation, or so much thereof as may be required, is provided to fund the study required by Senate Concurrent Resolution No. 130 adopted by the 1983 legislature and provided for under RCW 46.68.110 and 46.68.120 of city, county, and state highway needs in relation to current statutory distributions of motor vehicle fuel taxes, other state and local highway revenue sources, and alternatives for financing long-term highway needs, and for other related studies.

Sec. 10. Section 19, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—AERONAUTICS—PROGRAM F
General Fund—Aeronautics Account Appropriation—State \$ ~~((1,270,000))~~
1,670,000
General Fund—Aeronautics Account Appropriation—Federal \$ ~~((91,000))~~
391,000
Total Appropriation \$ ~~((1,361,000))~~
2,061,000

The appropriations in this section are provided for management and support of the aeronautics division, state fund grants to local airports, development and maintenance of a state-wide airport system plan, maintenance of state-owned emergency airports, federal inspections, and the search and rescue program. The aeronautics account—state appropriation contains ~~\$(100,000)~~ 150,000 for transfer to the motor vehicle fund as the first of four installments in repayment of the \$407,430 advanced to pay the tort settlement in the case of Osibov vs. the state of Washington, Spokane county superior court, cause No. 239168.

\$100,000 of the general fund—aeronautics account—state appropriation is contingent on the enactment of Senate Bill No. 4615, amending chapter 82.36 RCW.

Sec. 11. Section 20, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—SEARCH AND RESCUE—PROGRAM F
General Fund—Search and Rescue Account Appropriation \$ 110,000

The appropriation in this section is provided for directing and conducting searches for missing, downed, overdue, or presumed downed general aviation aircraft; for safety and education activities necessary to insure safety of persons operating or using aircraft; and for the Washington wing civil air patrol in accordance with RCW 47.68.370.

Sec. 12. Section 21, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—HIGHWAY MAINTENANCE AND OPERATIONS—PROGRAM M
Motor Vehicle Fund Appropriation \$ ~~((174,195,000))~~
177,495,000

The appropriation in this section is for the maintenance and operations of state highways, maintenance and operations of highway plants, and associated management and support. The appropriation includes \$300,000 to be used solely for increased maintenance and other operational activities designed to accommodate additional highway traffic and visitors to the state enroute to the 1986 World Exposition.

Sec. 13. Section 25, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—PLANNING, RESEARCH, AND PUBLIC TRANSPORTATION—PROGRAM T

(1) For public transportation and rail programs:

General Fund Appropriation—State	\$	536,000
General Fund Appropriation—Federal	\$	4,664,000
General Fund Appropriation—Local	\$	190,000

(2) For planning and research:

Motor Vehicle Fund Appropriation—State	\$	3,438,000
Motor Vehicle Fund Appropriation—Federal	\$	12,619,000
Total Public Transportation and Planning Appropriation	\$	21,447,000

The appropriations in this section are provided for the management and support of the public transportation and planning division, urban mass transportation administration programs, for rail programs, for studies which support local public transportation programs, for highway planning and research by the department of transportation, and for research and studies approved by the department of transportation.

The department of transportation may transfer up to \$3,600,000 from the motor vehicle fund—federal appropriation to the motor vehicle fund—state appropriation if federal funds are not available to fully fund the motor vehicle fund—federal appropriation in this section.

Sec. 14. Section 27, chapter 460, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION—MARINE—PROGRAM W

Motor Vehicle Fund—Puget Sound Reserve Account Appropriation	\$	3,958,000
Motor Vehicle Fund—Puget Sound Ferry Operations Account Appropriation	\$	(46,400,000) 49,290,000
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—State	\$	(56,300,000) 51,700,000
Motor Vehicle Fund Appropriation—State	\$	1,140,000
Motor Vehicle Fund—Puget Sound Capital Construction Account Appropriation—Federal	\$	(7,300,000) 2,000,000
Total Appropriation	\$	(+13,958,000) 108,088,000

The appropriations in this section are provided for the management and support of the marine transportation division of the department of transportation and for the operation, maintenance, and capital improvements of the Washington state ferry system. The appropriations are subject to the following conditions and limitations:

(1) The Puget Sound reserve account appropriation is provided to carry out RCW 47.60.420.

(2) The Puget Sound ferry operations account appropriation is provided for the operation and maintenance of the Washington state ferries, supplementing revenues available from the Washington state ferry system. The Puget Sound ferry operations account appropriation includes up to ~~\$(+14,500,000)~~ 16,385,000 transferred from the Puget Sound capital construction account in accordance with RCW 47.60.505. To the extent that revenue collections exceed that amount assumed in this act the transfer authority authorized in this subsection shall be reduced by a like amount. If the elimination of the sales tax on fuel consumed by the marine division is not enacted by July 1, 1986, then the transfer authority authorized in this subsection shall be increased by \$1,005,000.

(3) The Puget Sound capital construction account appropriation is provided for improving the Washington state ferry system, including, but not limited to, vessel acquisition, vessel construction, major and minor vessel improvements, and terminal construction and improvements. The appropriation of state funds from the Puget Sound capital construction account contains \$20,000,000 of the proceeds from the sale of bonds authorized by RCW 47.60.560: PROVIDED, That the transportation commission in consultation with the legislative transportation committee may authorize the use of current revenues available to the Puget Sound capital construction account in lieu of bond proceeds for any part of the state appropriation.

(4) It is the intent of the legislature that the Puget Sound capital construction account appropriation is provided to carry out the projects presented to the transportation committees of the senate and house of representatives. The department of transportation shall consult with the legislative transportation committee prior to revising the programming of these projects or adding new projects. The department of transportation shall implement the terminal projects as delineated in 1986 Supplemental Budget Request for Marine Division Capital Construction Program (dated January 16, 1986) as presented to the joint house and senate transportation committees in accordance with state procurement regulations. Should the commission determine it is not feasible to refurbish the ferry 'Rhododendron', and with the approval of the legislative transportation committee, the capital appropriation of \$2,500,000 provided for that purpose

may be used to purchase a passenger-only vessel, provided that the marine division shall make application for reimbursement from the federal urban mass transportation administration (UMTA) for the cost of the initial vessel and any subsequent vessel purchase.

(5) Savings realized in marine operations as of the end of the fiscal period shall be placed into reserve status and no expenditure shall be made from that reserve without consulting with the legislative transportation committee and obtaining the approval of the office of financial management pursuant to RCW 43.88.110.

~~(6) (The results of the passenger-only ferry study using leased vessels shall be reported to the legislative transportation committee during the 1986 regular session of the legislature.) Prior to the implementation of any passenger-only project, the department of transportation shall request approval from the legislative transportation committee. If the project is not implemented, then \$560,000 of the moneys appropriated in this section for that purpose shall not be expended for any other purpose.~~

(7) The traditional and customary ferry transportation service supported by these appropriations shall receive priority in the implementation of all directives contained in this section. It is the intent of the legislature that the motor vehicle fund appropriation—state of \$1,140,000 contained in this section shall be expended exclusively for the support of costs associated with EXPO '86 services. Any additional costs associated with the EXPO '86 services shall be funded by fare revenue generated from EXPO '86 traffic. The marine division shall provide the legislative transportation committee with a monthly financial report concerning the status of the EXPO '86 services.

(8) Pursuant to the limitations authorized in RCW 47.64.180(1), for the fiscal year ending June 30, 1986, none of the Puget Sound ferry operations account appropriation, the Puget Sound capital construction account appropriations, or moneys in the ferry system, 1963, revolving fund may be expended to effect an increase in the base salaries for ferry employees, as ferry employee is defined in RCW 47.64.011(5), or to effect an increase in insurance benefits for any ferry employee, except as may be required by state or federal law.

(9) Pursuant to the limitations authorized in RCW 47.64.180(1), for the fiscal year ending June 30, 1987, no more than \$1,135,000 of the Puget Sound ferry operations account appropriation, the Puget Sound capital construction account appropriations, or moneys in the ferry system, 1963, revolving fund may be expended to effect an increase in the base salaries for ferry employees or to effect an increase in insurance benefits for ferry employees. The amount determined for base salary increases shall be reduced by the amount by which the ferry system's contribution for employees' and dependents' insurance and health care plans exceeds that provided for other state agencies, as specified in RCW 47.64.270.

(10) After all possible internal management economies have been achieved, if an operating budget deficit still exists, the transportation commission is authorized to request authority from the legislative transportation committee to effect an interfund loan from the motor vehicle fund to the Puget Sound ferry operations account for some or all of the deficit as authorized by the legislative transportation committee: PROVIDED, That any amount loaned to the Puget Sound ferry operations account shall be repaid to the motor vehicle fund from ferry system operating revenues collected in the 1987-89 biennium.

NEW SECTION. Sec. 15. The transportation commission shall provide a detailed analysis of feasible alternatives that will achieve a long-range balance between funding requirements of the marine division's operating and capital programs and funding sources. The commission also shall identify the alternative that it believes should be implemented and the rationale for its choice. The analysis and the commission's recommended alternative shall be submitted to the legislative transportation committee and the office of financial management no later than September 1, 1986.

If the commission's recommendation includes changes in the funding sources for the marine division, it shall provide an assessment of the impact such changes will have on other state-funded transportation programs.

Sec. 16. Section 3, chapter 169, Laws of 1982 and RCW 35.21.850 are each amended to read as follows:

No demand for a fee or tax or penalty shall be made by a city or town against a motor carrier of freight for hire on gross income derived from providing transportation services more than four years after the close of the year in which the same accrued except (1) against a taxpayer who has been guilty of fraud or misrepresentation of a material fact; or (2) where a taxpayer has executed a written waiver of such limitations; ~~(or (3) against a taxpayer who has not registered as required by the ordinance of the city or town imposing such tax or fee, provided this subsection shall not apply to a taxpayer who has registered in any city or town where the taxpayer maintains an office or terminal; or in the case of a taxpayer who has paid a license fee or tax based on such gross receipts to any city or town levying same which may reasonably be construed to be the principal market of the taxpayer but in which he maintains no office or terminal).~~

Sec. 17. Section 43.10.100, chapter 8, Laws of 1965 amended by section 42, chapter 75, Laws of 1977 and RCW 43.10.100 are each amended to read as follows:

The attorney general, by February 1st of each year, shall annually prepare and report to the governor and the legislature a concise statement, in layman's terms, of all matters pertaining to his official duties, making such suggestions for lessening the public expenses and promoting frugality in the public offices as he deems expedient and proper. The attorney general shall include in his report a comprehensive summary of all cases involving tort claims against the department of transportation involving highways which were concluded and closed in the previous calendar year. The report shall include for each case closed:

- (1) A summary of the factual background of the case;
- (2) Identification of the attorneys representing the state and the opposing parties;
- (3) A synopsis of the legal theories asserted and the defenses presented;
- (4) Whether the case was tried, settled, or dismissed, and in whose favor;
- (5) The amount of any settlement or verdict reached, and the terms for payment;
- (6) A summary of all settlement offers made by the parties where a verdict was returned against the state;
- (7) The approximate number of attorney hours expended by the state on the case, together with the corresponding dollar amount billed therefor; and
- (8) Such other matters relating to the case as the attorney general deems relevant or appropriate, especially including any comments or recommendations for changes in statute law or agency practice that might effectively reduce the exposure of the state to such tort claims.

NEW SECTION. Sec. 18. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "transportation," strike the remainder of the title and insert "amending RCW 35.21.850 and 43.10.100; amending section 6, chapter 460, Laws of 1985 (uncodified); amending section 7, chapter 460, Laws of 1985 (uncodified); amending section 9, chapter 460, Laws of 1985 (uncodified); amending section 10, chapter 460, Laws of 1985 (uncodified); amending section 12, chapter 460, Laws of 1985 (uncodified); amending section 15, chapter 460, Laws of 1985 (uncodified); amending section 16, chapter 460, Laws of 1985 (uncodified); amending section 17, chapter 460, Laws of 1985 (uncodified); amending section 18, chapter 460, Laws of 1985 (uncodified); amending section 19, chapter 460, Laws of 1985 (uncodified); amending section 20, chapter 460, Laws of 1985 (uncodified); amending section 21, chapter 460, Laws of 1985 (uncodified); amending section 25, chapter 460, Laws of 1985 (uncodified); amending section 27, chapter 460, Laws of 1985 (uncodified); creating a new section; making appropriations; and declaring an emergency."

Signed by Representatives Walk, Chair; Wineberry, Vice Chair; Baugher, Brough, Fisch, Fisher, Gallagher, Haugen, Kremen, Lundquist, McMullen, Patrick, Prince, Schmidt, C. Smith, Sutherland, Tanner, Thomas, Valle, Van Luven, J. Williams and Zellinsky.

Voting nay: Representative K. Wilson.

Absent: Representatives Betrozoff, Bond, Hankins and Lundquist.

Passed to Committee on Rules for second reading.

The Speaker declared the House to be at ease until 7:30 p.m.

EVENING SESSION

The House was called to order at 7:30 p.m. by the Speaker (Mr. O'Brien presiding).

MESSAGES FROM THE SENATE

March 4, 1986

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1058,
 SUBSTITUTE HOUSE BILL NO. 1332,
 HOUSE BILL NO. 1350,
 HOUSE BILL NO. 1353,
 SUBSTITUTE HOUSE BILL NO. 1385,
 SUBSTITUTE HOUSE BILL NO. 1460,
 SUBSTITUTE HOUSE BILL NO. 1496,
 HOUSE BILL NO. 1517,
 HOUSE BILL NO. 1563.

HOUSE BILL NO. 1572,
 HOUSE BILL NO. 1602,
 SUBSTITUTE HOUSE BILL NO. 1622,
 HOUSE BILL NO. 1637,
 SUBSTITUTE HOUSE BILL NO. 1654,
 HOUSE BILL NO. 1711,
 HOUSE BILL NO. 1743,
 HOUSE BILL NO. 1776,
 SUBSTITUTE HOUSE BILL NO. 1831,
 SUBSTITUTE HOUSE BILL NO. 1866.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 4, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 3018, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 4, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to REENGROSSED SUBSTITUTE SENATE BILL NO. 3160, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 4, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 3336, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 4, 1986

Mr. Speaker:

The Senate has concurred in the House amendment to SENATE BILL NO. 4446, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 4, 1986

Mr. Speaker:

The Senate has concurred in the House amendment to SENATE BILL NO. 4450, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 4, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 4455, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 4, 1986

Mr. Speaker:

The Senate has concurred in the House amendment to SENATE BILL NO. 4470, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 4, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 4479, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 4, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 4569, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 4, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 4627, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 4, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 4647, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 4, 1986

Mr. Speaker:

The Senate has concurred in the House amendment to SUBSTITUTE SENATE BILL NO. 4797, and has passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 4, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 127, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

The House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

ESCR 127 by Senators Kreidler, Bluechel, McDonald and Thompson

Establishing a joint select legislative committee on natural heritage resources.

Referred to Committee on Environmental Affairs.

The House advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 4894, by Senators Conner, Granlund, Hayner, Bottiger and Bauer

Increasing benefits for volunteer firemen.

The bill was read the second time. On motion of Mr. Braddock, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Smitherman and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4894, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brække, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Senate Bill No. 4894, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4906, by Senators Peterson and Patterson

Modifying provisions on the issuance and sale of certain highway bonds.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

On motion of Mr. Appelwick, the committee amendments were adopted.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4906 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Senate Bill No. 4906 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4923, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Zimmerman and Thompson)

Authorizing an interim alternative allocation mechanism for tax exempt bonds.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4923, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Substitute Senate Bill No. 4923, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4949, by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Johnson, Deccio, Kreidler, Bender and Zimmerman)

Requiring an approved list for inspections by health care assistants.

The bill was read the second time. Committee on Social & Health Services recommendation: Majority, do pass with the following amendment:

On page 3, line 8 strike "the" and insert "a"

On motion of Ms. Brekke, the committee amendment was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4949 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Hankins, van Dyke - 2.

Engrossed Substitute Senate Bill No. 4949 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 4968, by Senators Warnke and Rasmussen; by request of Employment Security

Authorizing transfer of funds for unemployment insurance program.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

On motion of Mr. Wang, the committee amendment was adopted.

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

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4968 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Bond, Padden, Smith C - 3.

Excused: Representatives Hankins, van Dyke - 2.

Engrossed Senate Bill No. 4968 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 5033, by Senators Gaspard and Saling; by request of Superintendent of Public Instruction

Providing for voluntary accreditation of preschools.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

On motion of Mr. Ebersole, the committee amendment was adopted.

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

Representative Ebersole spoke in favor of passage of the bill, and Representatives Walker, Schoon and Betrozoff opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 5033 as amended by the House, and the bill passed the House by the following vote: Yeas, 54; nays, 42; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristolow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McMullen, Nelson D, Niemi, Nulley, O'Brien, Peery, Rayburn, Rust, Sanders, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 54.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hargrove, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Loven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 42.

Excused: Representatives Hankins, van Dyke - 2.

Engrossed Senate Bill No. 5033 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 3636, by Senator Moore

Relating to insurance.

The House resumed consideration of the bill on second reading.

The Speaker stated the question before the House to be the Point of Order raised by Representative Lux on the amendment by Representative Day.

With the consent of the House, Mr. Day withdrew the amendment.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove, P. King and Sanders:

On page 11, beginning on line 5, after "act" strike everything through "thereafter" on line 6 and insert "shall take effect on the day a court decision becomes final invalidating the rate preference for domestic insurance companies under RCW 48.14.020."

Mr. Hargrove spoke in favor of the amendment, and Mr. Smitherman opposed it.

MOTION

On motion of Mr. J. King, further consideration of Engrossed Senate Bill No. 3636 was deferred, and it was ordered placed at the bottom of the second reading calendar.

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

The Speaker called the House to order.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4539, by Committee on Financial Institutions (originally sponsored by Senators Moore, Bender, Deccio, von Reichbauer, Zimmerman, Johnson, Bauer, Williams, Vognild, Fleming, Conner, Rasmussen and Talmadge; by request of Joint Study Committee on Insurance Availability and Affordability)

Providing insurance coverage for applicants currently unable to obtain it.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Mr. Lux moved adoption of the committee amendment. Mr. Lux spoke in opposition to the amendment, and it was not adopted.

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

Representatives Barrett, Winsley, Zellinsky, West and Long spoke against passage of the bill, and Representatives Lux and J. King spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4539, and the bill failed to pass the House by the following vote: Yeas, 43; nays, 53; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cole, Crane, Day, Dellwo, Fisch, Fisher, Gallagher, Grimm, Hine, Jacobsen, King J. King P. King R. Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D. Niemi, Nutley, O'Brien, Rayburn, Rust, Sayan, Sommers, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K. Wineberry, and Mr. Speaker - 43.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Baugher, Betzoff, Bond, Bristow, Brooks, Brough, Chandler, Dobbs, Doty, Ebersole, Fuhrman, Hargrove, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G. Padden, Patrick, Peery, Prince, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Tanner, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 53.

Excused: Representatives Hankins, van Dyke - 2.

Engrossed Substitute Senate Bill No. 4539, having failed to receive the constitutional majority, was declared lost.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1345,
 HOUSE BILL NO. 1362,
 HOUSE BILL NO. 1398,
 HOUSE BILL NO. 1424,
 HOUSE BILL NO. 1459,
 HOUSE BILL NO. 1482,
 HOUSE BILL NO. 1490,
 SUBSTITUTE HOUSE BILL NO. 1581,
 HOUSE BILL NO. 1686,
 HOUSE BILL NO. 1721,
 SUBSTITUTE HOUSE BILL NO. 1783,
 SUBSTITUTE HOUSE BILL NO. 1846,
 SUBSTITUTE HOUSE BILL NO. 1873,
 SUBSTITUTE HOUSE BILL NO. 1875,
 SUBSTITUTE HOUSE BILL NO. 1892,
 SUBSTITUTE HOUSE BILL NO. 1976,
 SUBSTITUTE HOUSE BILL NO. 2011,
 SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 21.

MOTION FOR RECONSIDERATION

Ms. Hine, having voted on the prevailing side, moved that the House now reconsider the vote by which Substitute Senate Bill No. 3453 passed the House.

Representatives Tilly and Barrett spoke in favor of the motion and it was carried.

MOTION

On motion of Mr. J. King, further consideration of Substitute Senate Bill No. 3453 was deferred and the bill was ordered placed at the top of the third reading calendar.

STATEMENT FOR THE JOURNAL

If I had been in attendance on March 4, I would have voted YEA on final passage of: ESSB 4128, SSB 4486, SB 4628, SB 4538, SSB 3453, E2SSB 3574, SB 4490, SSB 4491, SSB 4525, SB 4529, SB 4556, SSB 4571, SB 4584, ESB 4582, ESB 4645, ESSB 4659, SB 4675, ESB 4678, SB 4691, SSB 4766, SSB 4779, SB 4894, SB 4906, SSB 4923, ESSB 4949 and ESB 4968. I would have voted NAY on final passage of ESSB 4790, RESB 4875, ESB 5033 and ESSB 4539.

I would have voted YEA on the motion to defer consideration of ESSB 4611 and on the amendment to RESB 4875 by Representative K. Wilson and others; the amendment by Representative Fuhrman to RESB 4875, the motion to reconsider the Belcher amendment to RESB 4875 and the Betrozoff amendment to RESB 4875. I would have voted NAY on Vander Stoep amendment to SB 4628, Belcher amendment to RESB 4875 and Zellinsky amendment to RESB 4875.

SHIRLEY HANKINS, 8th District.

MOTION

On motion of Mr. J. King, the House adjourned until 9:00 a.m., Wednesday, March 5, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FIFTY-SECOND DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, March 5, 1986

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative Dobbs, Lundquist, Patrick, Smitherman and van Dyke. Representatives Dobbs and van Dyke were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Felecia Duncan and Michael Janson. Prayer was offered by Reverend Harry McDonald from John Knox Presbyterian Church of Normandy Park.

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

MESSAGE FROM THE SENATE

March 4, 1986

Mr. Speaker:

The Senate has passed:

SENATE CONCURRENT RESOLUTION NO. 129.

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 133.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

INTRODUCTIONS AND FIRST READING

SCR 129 by Senator Conner

Establishing department of ecology advisory committee to study oil spills.

Referred to Committee on Environmental Affairs.

SSCR 133 by Committee on Energy & Utilities (Originally sponsored by Senator Williams)

Requesting the Governor to initiate discussions about the transportation of radioactive waste.

Referred to Committee on Energy & Utilities.

SECOND READING

SUBSTITUTE SENATE BILL NO. 4572, by Committee on Parks & Ecology (originally sponsored by Senators Kreidler, Goltz, Thompson, Zimmerman and Bluechel)

Modifying shoreline management provisions.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For amendment, see Journal, 45th Day, February 26, 1986.)

Ms. Rust moved adoption of the committee amendment.

Mr. Kremen moved adoption of the following amendment by Representatives Kremen, Zellinsky, R. King, Hargrove, Isaacson, West, Van Luven, Baugher, J. Williams, Day, Rayburn, May, Schmidt, Lundquist, Tanner, Bond, Leonard, Dellwo, Basich, Grimm, Ebersole, Haugen, Wineberry, S. Wilson, Fisch, Crane, Barrett, McMullen, C. Smith, Vekich, G. Nelson, Smitherman, Barnes, Chandler, B. Williams, Braddock, Ballard, Dobbs, Thomas and Hastings to the committee amendment:

On page 8, line 22 of the committee amendment after "exceed" strike "two thousand five hundred dollars" and insert "~~((two thousand five hundred dollars))~~ six thousand five hundred dollars, to be adjusted annually by the Implicit Price Deflator as computed by the United States

department of commerce: PROVIDED, That the size design and location of the dock shall meet the requirements of local master programs.*

Representatives Kremen and May spoke in favor of the amendment to the amendment, and it was adopted.

The committee amendment as amended was adopted.

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

Representatives Rust and Allen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4572 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; absent, 3; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Absent: Representatives Lundquist, Patrick, Smitherman - 3.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 4572 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Lundquist and Patrick appeared at the bar of the House.

SENATE BILL NO. 3021, by Senator Barr

Modifying the fee paid by a married couple or family when filing a water rights statement.

The bill was read the second time. Committee on Agriculture recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

On motion of Mr. Vekich, the committee amendments were adopted.

Mr. Vekich moved adoption of the following amendment by Representatives Vekich and Nealey:

On page 2, after line 8, insert the following:

NEW SECTION. Sec. 3. The legislature finds that growth of the state's population and economy places increasingly greater demands on available water resources, including this state's ground water supplies. The legislature also finds that chapter 90.44 RCW, popularly known as the Ground Water Code of 1945, protects the public welfare by providing an orderly system of rights to the beneficial use of water based upon the 'first in time is first in right' principle of the prior appropriation doctrine. The purpose of sections 4 and 5 of this act is to provide remedies to protect the right of a holder of a senior right to ground water to a safe sustaining yield of water.

NEW SECTION. Sec. 4. A new section is added to chapter 90.44 RCW to read as follows:

(1) The remedies to protect the right of the holder of a senior water right to a safe sustaining yield of water include protection of the availability of water in the well or wells used to exercise that senior water right, without the wells or withdrawal works being significantly modified. That availability is protected against interruption or other interference caused by either: (a) The water works of, or the water withdrawal activities of, a person or persons exercising junior rights to ground water; or (b) any other activities of a person or persons that do not directly involve the exercise of a more senior right to water. Junior rights to ground water are those established subsequently to a senior right under the prior appropriation doctrine upon which this chapter is based.

(2) The holder of a senior water right is entitled to adequate compensation whenever the water works or water withdrawal activities of a person or persons exercising junior rights to ground water cause such an interruption or interference in that availability of water. Adequate

compensation for the loss of that availability will be made if the holder of the senior right is provided with:

(a) An amount equivalent to the increased costs reasonably incurred by or reasonably to be incurred by the holder of the senior water right in securing and using water, to the full extent of the senior right, as a result of losing the availability protected by subsection (1) of this section. The full extent of the senior right includes any conditions that applied to the right such as the quantity and quality of the water, the location of use, and time of use;

(b) The delivery of water to the holder of the senior right. To qualify as compensation, the water delivered must be of a quantity equal to and a quality equivalent to that of the senior right. The delivery must also be under such conditions, including but not limited to timing and location, as applied to the senior right without increased costs being incurred by the senior rightholder; or

(c) The payment of just compensation pursuant to the exercise of eminent domain if the holder of the junior rights has been granted the power of eminent domain.

(3) In lieu of the forms of compensation provided by this section, the holder of the senior right to ground water may freely enter contractual agreements establishing other compensation.

(4) In any civil action brought under this section, if the court believes the legal remedies are inadequate or excessively harsh, it may provide such equitable relief as it believes appropriate. The court shall also provide such emergency relief as is appropriate for the protection of ground water rights.

(5) The department of ecology shall not enforce the remedies provided under this section. It is intended that such remedies will be privately enforced by the holders of senior water rights. In considering an application filed after the effective date of this section for a permit under this chapter, the department shall decide the application as if this section were never enacted. However, the department shall place on each permit granted after the effective date of this section a notation conditioning the permit on the holder's compliance with the remedy provisions of this section. Whenever the court finds that a permit holder is unable or unwilling to cure the holder's noncompliance with such provisions, the court shall issue an order revoking the permit and serve a copy of its order on the department. The order shall become effective on the day it is served on the department.

(6) The statutory remedies provided under this section apply only against interruption or interference caused by the exercise of junior water rights for which permits have been issued after the effective date of this section or which have been otherwise perfected after the effective date of this section. These statutory remedies may not be applied against interruption or interference caused by the exercise of water rights existing prior to the effective date of this section. Nothing in this section expands, prohibits, or restricts in any manner whatsoever any powers of the judiciary to devise, provide for, and enforce remedies designed to protect senior water rights existing prior to the effective date of this section from interruption or interference caused by the exercise of junior water rights also existing prior to the effective date of this section.

Sec. 5. Section 7, chapter 263, Laws of 1945 and RCW 90.44.070 are each amended to read as follows:

No permit shall be granted for the development or withdrawal of public ground waters beyond the capacity of the underground bed or formation in the given basin, district, or locality to yield such water within a reasonable or feasible pumping lift in case of pumping developments, or within a reasonable or feasible reduction of pressure in the case of artesian developments. ~~((The supervisor of water resources))~~ Except as provided otherwise in section 4 of this 1986 act, the director of ecology shall have the power to determine whether the granting of any ((such)) permit will injure or damage any vested or existing right or rights under prior permits and may in addition to the records of his office, require further evidence, proof, and testimony before granting or denying any such permits.

The granting of a permit by the director does not relieve the recipient of the permit of any liability for injuring or damaging vested or existing rights to water.

In multi-aquifer systems, the director may require, as permit conditions, the casing and sealing of wells or other construction techniques to: (1) Protect the use of the uppermost aquifer or aquifers of the system by persons with senior rights to ground water, or (2) protect the use of waters from the uppermost aquifer or aquifers for future domestic or similar uses, traditionally involving shallower wells, that the director finds to be vital for the support of future development of the overlying land.

NEW SECTION. Sec. 6. A new section is added to chapter 90.44 RCW to read as follows:

(1) This section contains remedies designed to protect the holder of a ground water right against activities that cause damage or injury by adversely affecting the quality of the water for the use or uses to which the ground water right pertains. Any holder of a ground water right who sustains any damage or injury, whether to property or person, which is caused by activities that decrease the quality of the water for the use or uses to which the ground water right pertains, shall be entitled to recover full compensation for such damage or injury from the person or persons responsible for or conducting the activities. This subsection shall not affect or

impair any other rights or remedies, whether prescribed by statute or case law, to recover compensation or obtain other relief for damage or injury caused by the impairment of water quality.

(2) In the case of saltwater intrusion caused by the overuse of a freshwater aquifer, the department shall preserve the rights of senior appropriators to fresh water by reducing the withdrawals authorized for the holders of junior water rights in a manner consistent with the prior appropriation system of rights.

NEW SECTION. Sec. 7. A new section is added to chapter 90.44 RCW to read as follows:

In any civil action brought under section 4 or 6 of this act, the court may award attorney's fees to the prevailing party. The amount of fees awarded shall be reasonable and shall be fixed by the court.

NEW SECTION. Sec. 8. A new section is added to chapter 90.44 RCW to read as follows:

Any person who provides compensation under section 4 or 6 of this act shall provide notice thereof to the department of ecology. The notice shall be on a form prescribed by the department and shall be sufficient to show the amount and nature of the compensation and any change in the water rights involved.

Sec. 9. Section 14, chapter 233, Laws of 1967 and RCW 90.14.140 are each amended to read as follows:

(1) For the purposes of this chapter 'sufficient cause' shall be defined as the nonuse of all or a portion of the water by the owner of a water right for a period of five or more consecutive years where such nonuse occurs as a result of:

((1)) (a) Drought, or other unavailability of water;

((2)) (b) Active service in the armed forces of the United States during military crisis;

((3)) (c) Nonvoluntary service in the armed forces of the United States;

((4)) (d) The operation of legal proceedings;

((5)) (e) Federal laws imposing land or water use restrictions, or acreage limitations, or production quotas;

(f) The use of water delivered as compensation under section 4(2) of this 1986 act so long as the nonused water right is not transferred separately from the land to which it is attached.

(2) Notwithstanding any other provisions of this chapter, there shall be no relinquishment of any water right:

((1)) (a) If such right is claimed for power development purposes under chapter 90.16 RCW and annual license fees are paid in accordance with chapter 90.16 RCW, or

((2)) (b) If such right is used for a standby or reserve water supply to be used in time of drought or other low flow period so long as withdrawal or diversion facilities are maintained in good operating condition for the use of such reserve or standby water supply, or

((3)) (c) If such right is claimed for a determined future development to take place either within fifteen years of the effective date of this act, or the most recent beneficial use of the water right, whichever date is later, or

((4)) (d) If such right is claimed for municipal water supply purposes under chapter 90.03 RCW, or

((5)) (e) If such waters are not subject to appropriation under the applicable provisions of RCW 90.40.030 as now or hereafter amended.

Sec. 10. Section 6, chapter 263, Laws of 1945 and RCW 90.44.060 are each amended to read as follows:

Applications for permits for appropriation of underground water shall be made in the same form and manner provided in RCW 90.03.250 through 90.03.340, as amended, the provisions of which sections, except as provided to the contrary in section 4 of this 1986 act, are hereby extended to govern and to apply to ground water, or ground water right certificates and to all permits that shall be issued pursuant to such applications, and the rights to the withdrawal of ground water acquired thereby shall be governed by RCW 90.03.250 through 90.03.340, inclusive; PROVIDED, That each application to withdraw public ground water by means of a well or wells shall set forth the following additional information: (1) the name and post office address of the applicant; (2) the name and post office address of the owner of the land on which such well or wells or works will be located; (3) the location of the proposed well or wells or other works for the proposed withdrawal; (4) the ground water area, sub-area, or zone from which withdrawal is proposed, provided the supervisor of water resources has designated such area, sub-area, or zone in accord with RCW 90.44.130; (5) the amount of water proposed to be withdrawn, in gallons a minute and in acre feet a year, or millions of gallons a year; (6) the depth and type of construction proposed for the well or wells or other works; AND PROVIDED FURTHER, That any permit issued pursuant to an application for constructing a well or wells to withdraw public ground water may specify an approved type and manner of construction for the purposes of preventing waste of said public waters and of conserving their head.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representatives Vekich and Nealey spoke in favor of the amendment, and it was adopted.

On motion of Mr. Vekich, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "rights;" strike "and"

On page 1, line 1 of the title, after "90.03.140" strike the remainder of the title and insert "90.03.180, 90.44.070, 90.14.140, and 90.44.060; creating a new section; and adding new sections to chapter 90.44 RCW."

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3021 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luvan, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Smitherman - 1.

Excused: Representatives Dobbs, van Dyke - 2.

Senate Bill No. 3021 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 3110, by Committee on Ways & Means (originally sponsored by Senators Wojahn, Zimmerman, Gaspard, Vognild, Sellar, Thompson, Deccio, Johnson and Conner)

Modifying the business and occupation taxation of the income from amusement devices.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 3110, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luvan, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Smitherman - 1.

Excused: Representatives Dobbs, van Dyke - 2.

Second Substitute Senate Bill No. 3110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3182, by Committee on Ways & Means (originally sponsored by Senators Bauer, Wojahn, Gaspard, Halsan and Kreidler)

Allowing reentering public employees to restore withdrawn contributions to retirement system.

The bill was read the second time.

On motion of Mr. Braddock, the following amendment was adopted:

On page 6, after line 25, insert the following:

"Sec. 7. Section 13, chapter 274, Laws of 1947 as last amended by section 13, chapter 184, Laws of 1984 and RCW 41.40.120 are each amended to read as follows:

Membership in the retirement system shall consist of all regularly compensated employees and appointive and elective officials of employers, as defined in this chapter, with the following exceptions:

- (1) Persons in ineligible positions;
- (2) Employees of the legislature except the officers thereof elected by the members of the senate and the house and legislative committees, unless membership of such employees be authorized by the said committee;
- (3) Persons holding elective offices or persons appointed directly by the governor: PROVIDED, That such persons shall have the option of applying for membership during such periods of employment: AND PROVIDED FURTHER, That any persons holding or who have held elective offices or persons appointed by the governor who are members in the retirement system and who have, prior to becoming such members, previously held an elective office, and did not at the start of such initial or successive terms of office exercise their option to become members, may apply for membership to be effective during such term or terms of office, and shall be allowed to establish the service credit applicable to such term or terms of office upon payment of the employee contributions therefor by the employee with interest as determined by the director and employer contributions therefor by the employer or employee with interest as determined by the director: AND PROVIDED FURTHER, That all contributions with interest submitted by the employee under this subsection shall be placed in the employee's individual account in the employee's savings fund and be treated as any other contribution made by the employee, with the exception that any contributions submitted by the employee in payment of the employer's obligation, together with the interest the director may apply to the employer's contribution, shall not be considered part of the member's annuity for any purpose except withdrawal of contributions;
- (4) Employees holding membership in, or receiving pension benefits under, any retirement plan operated wholly or in part by an agency of the state or political subdivision thereof, or who are by reason of their current employment contributing to or otherwise establishing the right to receive benefits from any such retirement plan: PROVIDED, HOWEVER, In any case where the retirement system has in existence an agreement with another retirement system in connection with exchange of service credit or an agreement whereby members can retain service credit in more than one system, such an employee shall be allowed membership rights should the agreement so provide: AND PROVIDED FURTHER, That an employee shall be allowed membership if otherwise eligible while receiving survivor's benefits: AND PROVIDED FURTHER, That an employee shall not either before or after June 7, 1984, be excluded from membership or denied service credit pursuant to this subsection solely on account of enrollment under the relief and compensation provisions or the pension provisions of the volunteer firemen's relief and pension fund under chapter 41.24 RCW;
- (5) Patient and inmate help in state charitable, penal, and correctional institutions;
- (6) 'Members' of a state veterans' home or state soldiers' home;
- (7) Persons employed by an institution of higher learning or community college, primarily as an incident to and in furtherance of their education or training, or the education or training of a spouse;
- (8) Employees of an institution of higher learning or community college during the period of service necessary to establish eligibility for membership in the retirement plans operated by such institutions;
- (9) Persons rendering professional services to an employer on a fee, retainer, or contract basis or when the income from these services is less than fifty percent of the gross income received from the person's practice of a profession;
- (10) Persons appointed after April 1, 1963, by the liquor control board as agency vendors;
- (11) Employees of a labor guild, association, or organization: PROVIDED, That elective officials and employees of a labor guild, association, or organization which qualifies as an employer within this chapter shall have the option of applying for membership;
- (12) Persons hired in eligible positions on a temporary basis for a period not to exceed six months: PROVIDED, That if such employees are employed for more than six months in an eligible position they shall become members of the system;

(13) Persons employed by or appointed or elected as an official of a first class city that has its own retirement system: PROVIDED, That any member elected or appointed to an elective office on or after April 1, 1971, shall have the option of continuing as a member of this system in lieu of becoming a member of the city system. A member who elects to continue as a member of this system shall pay the appropriate member contributions and the city shall pay the employer contributions at the rates prescribed by this chapter. The city shall also transfer to this system all of such member's accumulated contributions together with such further amounts as necessary to equal all employee and employer contributions which would have been paid into this system on account of such service with the city and thereupon the member shall be granted credit for all such service. Any city that becomes an employer as defined in RCW 41.40.010(4) as the result of an individual's election under the first proviso of this subsection shall not be required to have all employees covered for retirement under the provisions of this chapter. Nothing in this subsection shall prohibit a city of the first class with its own retirement system from transferring all of its current employees to the retirement system established under this chapter. Notwithstanding any other provision of this chapter, persons transferring from employment with a first class city of over four hundred thousand population that has its own retirement system to employment with the state department of agriculture may elect to remain within the retirement system of such city and the state shall pay the employer contributions for such persons at like rates as prescribed for employers of other members of such system;

(14) Employees who (a) are not citizens of the United States, (b) do not reside in the United States, and (c) perform duties outside of the United States;

(15) Employees who (a) are not citizens of the United States, (b) are not covered by chapter 41.48 RCW, (c) are not excluded from membership under this chapter or chapter 41.04 RCW, (d) are residents of this state, and (e) make an irrevocable election to be excluded from membership, in writing, which is submitted to the director within thirty days after employment in an eligible position;

(16) Employees who are citizens of the United States and who reside and perform duties for an employer outside of the United States: PROVIDED, That unless otherwise excluded under this chapter or chapter 41.04 RCW, the employee may apply for membership (a) within thirty days after employment in an eligible position and membership service credit shall be granted from the first day of membership service, and (b) after this thirty-day period, but membership service credit shall be granted only from the date of application;

(17) The city manager or chief administrative officer of a city or town who serves at the pleasure of an appointing authority: PROVIDED, That such persons shall have the option of applying for membership within thirty days from date of their appointment to such positions. Persons serving in such positions as of the effective date of this 1986 act shall continue to be members in the retirement system unless they notify the director in writing prior to December 31, 1985, of their desire to withdraw from membership in the retirement system. A member who withdraws from membership in the system under this section shall receive a refund of the member's accumulated contributions.

Renumber the sections consecutively.

Mr. Tilly moved adoption of the following amendment by Representatives Tilly, B. Williams and Sommers:

On page 6, after line 25, insert the following:

Sec. 7. Section 22, chapter 105, Laws of 1975-'76 2nd ex. sess. and RCW 44.44.040 are each amended to read as follows:

The state actuary shall have the following powers and duties:

(1) Perform all actuarial services for the department of retirement systems, including all studies required by law. Reimbursement for such services shall be made to the state actuary pursuant to the provisions of RCW 39.34.130 as now or hereafter amended.

(2) Advise the legislature and the governor regarding the benefit provisions, funding policies, and investment policies of the department of retirement systems.

(3) Consult with the legislature and the governor concerning determination of actuarial assumptions used by the department of retirement systems.

(4) Prepare a report, to be known as the actuarial fiscal note, on each pension bill introduced in the legislature which ((shall)) briefly explains the financial impact of the bill. The actuarial fiscal note shall include: (a) The statutorily required contribution for the biennium and the following twenty-five years; (b) the biennial cost of the increased benefits if these exceed the required contribution; and (c) any change in the present value of the unfunded accrued benefits. An actuarial fiscal note shall also be prepared for all amendments which are offered in committee or on the floor of the house of representatives or the senate to any pension bill. However, a majority of the members present may suspend the requirement for an actuarial fiscal note for amendments offered on the floor of the house of representatives or the senate.

(5) Provide such actuarial services to the legislature as may be requested from time to time."

Renumber the remaining sections consecutively.

Representatives Tilly and Sommers spoke in favor of the amendment and it was adopted.

Ms. Hine moved adoption of the following amendment by Representatives Hine and Barnes:

On page 6, after line 25, insert the following:

*NEW SECTION, Sec. 7. Until June 1, 1987, the director of retirement systems is authorized to retroactively suspend any administrative action initiated on or after January 1, 1986, to recover pension overpayments from retirees who have returned to covered employment.

This section shall not be codified and shall be effective only until May 31, 1987."

Renumber the sections consecutively and correct internal references accordingly.

Representatives Hine and Barnes spoke in favor of the amendment, and it was adopted.

Mr. May moved adoption of the following amendment:

On page 7, after line 1, insert the following:

*Sec. 8. Section 12, chapter 205, Laws of 1979 ex. sess. and RCW 41.04.330 are each amended to read as follows:

The provisions of this 1979 amendatory act shall apply only to court decrees of dissolution or legal separation and court-approved property settlement agreements regardless of whether entered before or after (~~May 25, 1979~~) the effective date of this 1986 act, and only to those persons who have actually retired."

Renumber the remaining sections consecutively.

Mr. May spoke in favor of the amendment.

POINT OF INQUIRY

Mr. May yielded to question by Mr. Braddock.

Mr. Braddock: "I haven't had a chance to go over this amendment. I didn't hear you indicate whether or not this could or could not have a fiscal impact on the system. Do you have any idea whether it would or not?"

Mr. May: "Yes, I have a good idea. All it does is take a part of a pension from somebody who doesn't pay and provide it to the other person, so there would be no fiscal impact."

Mr. Braddock: "So there would be no fiscal impact to the pension system?"

Mr. May: "No."

MOTION

On motion of Mr. J. King, further consideration of Reengrossed Substitute Senate Bill No. 3182 was deferred and the bill was ordered placed on the second reading calendar following Engrossed Senate Bill No. 3495.

Representative Smitherman appeared at the bar of the House.

SENATE BILL NO. 3193, by Senators Talmadge, Wojahn, Kreidler, Halsan and Gaspard

Providing for public employees retirement in case of total disability resulting from occupational disease.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

On motion of Mr. Braddock, the committee amendment was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3193 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Senate Bill No. 3193 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 3334, by Senators McManus, Benitz, Bender, Newhouse, Vognild and Deccio

Authorizing joint purchase agreements for private school bus maintenance.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ebersole, Betzoff and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3334, and the bill passed the House by the following vote: Yeas, 89; nays, 7; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Cole, Leonard, Nelson D, Peery, Rust, Unsoeld, Wang - 7.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Senate Bill No. 3334, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 3419, by Committee on Governmental Operations (originally sponsored by Senators Thompson, Zimmerman and McManus)

Modifying requirements for approval of plats.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Ms. Haugen moved adoption of the committee amendment to page 1, beginning on line 5.

Representatives Haugen and May spoke in favor of the amendment and it was adopted.

Ms. Haugen moved adoption of the committee amendment to page 3.

POINT OF ORDER

Ms. Unsoeld: "Mr. Speaker, I believe this is the boundary review board amendment and I would ask you to rule on the scope and object."

SPEAKER'S RULING (MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding): "It appears that the committee amendment pertains to the powers of the boundary review board and its functions. The

original purpose of the act is relative to plats and their procedures. It appears to the Speaker that the committee amendment is out of order and not germane to the subject matter."

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

Representatives Haugen and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3419 as amended by the House, and the bill passed the House by the following vote: Yeas, 88; nays, 8; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 88.

Voting nay: Representatives Belcher, Ebersole, Fisher, Nelson D, Niemi, Sommers, Unsoeld, Wineberry - 8.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 3419 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 3495, by Senators Kreidler and Gaspard

Providing for the licensing and regulation of amusement rides.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3495, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Senate Bill No. 3495, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REENGROSSED SUBSTITUTE SENATE BILL NO. 3182:

The House resumed consideration of the bill on second reading. The Speaker (Mr. O'Brien presiding) stated the question before the House to be the amendment by Representative May to page 7, line 1.

Mr. May spoke in favor of the amendment and it was adopted.

On motion of Mr. Tilly, the following amendment by Representatives Tilly and Sommers was adopted:

On page 5, beginning on line 22 strike all material down to and including line 25 on page 6.

Renumber the remaining sections consecutively and correct internal references accordingly.

On motion of Mr. Patrick, the following amendment by Representatives Patrick and Tilly was adopted:

On page 6, after line 25 insert the following:

NEW SECTION, Sec. 7. There is created a sixteen-member joint committee on public retirement during the 1986 interim as follows:

- (1) The president of the senate shall appoint eight members, with four members to be appointed from each caucus;
- (2) The speaker of the house of representatives shall appoint eight members, with four members to be appointed from each caucus."

Renumber the remaining sections consecutively and correct internal references accordingly.

Mr. Braddock moved adoption of the following amendment by Representatives Braddock and Tilly:

On page 6, after line 25, insert the following:

"Sec. 7. Section 4, chapter 267, Laws of 1971 ex. sess. as amended by section 1, chapter 37, Laws of 1984 and RCW 2.10.040 are each amended to read as follows:

The Washington judicial retirement system is hereby created for judges appointed or elected under the provisions of chapters 2.04, 2.06, and 2.08 RCW. All judges first appointed or elected to the courts covered by these chapters on or after August 9, 1971, and prior to the effective date of this 1986 act, shall be members of this system: PROVIDED, That following February 23, 1984, and until the effective date of this 1986 act, any newly elected or appointed judge holding credit toward retirement benefits under chapter 41.40 RCW shall be allowed thirty days from the effective date of election or appointment to such judgeship to make an irrevocable choice filed in writing with the department of retirement systems to continue coverage under that chapter and to be permanently excluded from coverage under this chapter for the current or any future term as a judge. All judges first appointed or elected to the courts covered by these chapters on or after the effective date of this 1986 act may become members of the public employees' retirement system under chapter 41.40 RCW on the same basis as other elected officials as provided in RCW 41.40.120(3).

Any member of the retirement system who is serving as a judge as of the effective date of this 1986 act has the option of becoming a member of the retirement system created in chapter 41.40 RCW, subject to the conditions imposed by section 8 of this 1986 act, by making an irrevocable choice filed in writing with the department of retirement systems to be permanently excluded for the current and any future term as a judge.

NEW SECTION, Sec. 8. A new section is added to chapter 41.40 RCW to read as follows:

(1) Any member of the Washington judicial retirement system who wishes to transfer such membership to the retirement system provided for in this chapter shall file a written request with the director as required by RCW 2.10.040 on or before December 31, 1987. Upon receipt of such request, the director shall transfer from the judicial retirement system to this retirement system: (a) An amount equal to the employee contributions paid into the judicial retirement system by the member which shall be credited to the member's account established under this chapter; (b) an amount equal to the matching employer contributions as provided by RCW 2.10.090(2); and (c) a record of service credited to the member.

(2) The member shall be given year-for-year credit for years of service, as determined under RCW 2.10.030(8), earned under the judicial retirement system. Service credit granted under the judicial retirement system pursuant to RCW 2.10.220 shall not be transferred under this section. The director instead shall reverse the transfer of contributions and service credit previously made under RCW 2.10.220 and shall credit the member for such periods of service and contributions under this chapter as though no transfer had ever occurred.

(3) All employee contributions transferred pursuant to this section shall be treated the same as other employee contributions made under this chapter."

Renumber the sections consecutively.

POINT OF ORDER.

Mr. McMullen: "Mr. Speaker, I would ask the Speaker to rule on the scope and object of this amendment."

SPEAKER'S RULING (MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding): "It appears to the Speaker that the contents of this proposed amendment pertain to the setting up of a new judicial retirement system. It is not germane or relevant to the contents of the retirement bill. It is new subject matter, a new approach. The Speaker will rule it is out of order; it is not germane to the subject matter of the bill we are considering."

On motion of Ms. Hine, the following amendment to the title was adopted:
On page 1, line 2 of the title after "41.40 RCW;" insert "creating a new section."

On motion of Mr. Tilly, the following amendment to the title was adopted:
On page 1, line 2 of the title strike "new sections" and insert "a new section"

On motion of Mr. Braddock, the following amendment to the title was adopted:
On page 1, line 2 of the title strike "and 41.40.150" and insert ", 41.40.150, and 41.40.120"

On motion of Mr. Tilly, the following amendment to the title was adopted:
On page 1, line 2 of the title strike "and 41.40.150" and insert ", 41.40.150, and 44.44.040"

On motion of Mr. May, the following amendment to the title was adopted:
On page 1, line 2 of the title strike "and 41.40.150" and insert ", 41.40.150, and 41.04.330"

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

Representatives Tilly and Sanders spoke against passage of the bill, and Representatives Sayan, G. Nelson and Van Luven spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute Senate Bill No. 3182 as amended by the House, and the bill passed the House by the following vote: Yeas, 77; nays, 19; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Ballard, Barnes, Basich, Baugher, Belcher, Betzoff, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 77.

Voting nay: Representatives Armstrong, Barrett, Bond, Braddock, Brekke, Bristow, Chandler, Fuhrman, Hargrove, Hastings, Nealey, Padden, Patrick, Rust, Sanders, Silver, Sommers, Tilly, Williams B - 19.

Excused: Representatives Dobbs, van Dyke - 2.

Reengrossed Substitute Senate Bill No. 3182 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

I would like the Journal to note that I voted incorrectly on RESSB 3182. It was my intent to vote "No."

GARY F. LOCKE, 37th District.

SUBSTITUTE SENATE BILL NO. 3847, by Committee on Ways & Means (originally sponsored by Senators McDermott and Patterson)

Limiting the suspension of pension benefits to retired teachers teaching in public schools in this state.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

On motion of Ms. Sommers, the committee amendments were adopted.

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

Representatives Smitherman, Tilly and Jacobsen spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3847 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough,

Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 3847 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 3948, by Committee on Transportation (originally sponsored by Senator Peterson)

Extending log truck liens for labor and services on timber and lumber.

The bill was read the second time.

On motion of Mr. McMullen, the following amendments were adopted:

On page 1, line 4 strike "60.24" and insert "60.04"

On page 1, line 2 of the title strike "60.24" and insert "60.04"

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

Representatives McMullen and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3948 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 3948 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4458, by Committee on Ways & Means (originally sponsored by Senators Thompson, McDonald and Zimmerman)

Modifying provisions on forest land taxations.

The bill was read the second time. On motion of Mr. Dellwo, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4458, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep,

Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 4458, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 4463, by Senator Bailey

Encouraging the promotion of Washington products.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Mr. McMullen moved adoption of the committee amendment to page 2, line 6.

POINT OF ORDER

Mr. Barrett: "Mr. Speaker, I would challenge this amendment on the basis of scope and object and ask for your ruling."

The Speaker (Mr. O'Brien presiding): "I will take this under advisement."

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

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-146, by Representatives Doty, Lewis, Wang, Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Ebersole, Ehlers, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, J. King, P. King, R. King, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, D. Nelson, G. Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, van Dyke, Van Luven, Vekich, Walk, Walker, West, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, William O. Douglas displayed his excellence as an Associate Justice of the United States Supreme Court; and

WHEREAS, William O. Douglas was born on October 16, 1898 and moved to Washington State in 1904; and

WHEREAS, William O. Douglas took up residence that same year in Yakima, Washington and Yakima remained his favored home town throughout the remainder of his long and industrious life; and

WHEREAS, It was his upbringing in the Yakima Valley area that taught him a love for the adventurous outdoors and a respect for honest hard work -- virtues which were to last him a lifetime; and

WHEREAS, William O. Douglas graduated as valedictorian from Yakima High School in 1916, graduated from Whitman College in Walla Walla in 1920 and graduated from Columbia University Law School in New York City in 1925; and

WHEREAS, William O. Douglas spent the next decade practicing law and teaching corporate law at Columbia and Yale University Law Schools; and

WHEREAS, William O. Douglas was appointed to the Securities and Exchange Commission in 1936, became chairman in 1937 and, during his tenure, was instrumental in achieving and maintaining a lasting effect on the integrity of corporate stock transactions in this nation's financial communities; and

WHEREAS, William O. Douglas was appointed as an Associate Justice of the United States Supreme Court in 1939 and spent a record thirty-six years on that bench during which time he authored over 1200 decisions, another court record; and

WHEREAS, His sincere belief in the guarantees of the First Amendment and his championship of basic human rights had, and will continue to have, a great impact on the way issues of fundamental fairness and freedom are treated; and

WHEREAS, His unquenchable spirit led him into many other pursuits including extensive writing, speaking, traveling and photography; and

WHEREAS, His experiences inspired an enduring love and concern for nature and the environment for which he fought hard to conserve and protect; and

WHEREAS, Through all his pursuits, his love for Yakima and the nearby mountains pulled him back over the years as he maintained local friendships and pursued his interest in the outdoors; and

WHEREAS, William O. Douglas passed away on January 19, 1980 and was buried with honors in Arlington National Cemetery; and

WHEREAS, William O. Douglas had made arrangements for his entire office, furniture, books, articles, papers, correspondence, photographs, slides, speeches and other collections to be donated to the Yakima Valley Museum and Historical Association and this marvelous display can be seen in the comprehensive Douglas Exhibit Complex at the Yakima Valley Museum;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That William O. Douglas be honored for his enduring contributions to the affirmation of personal liberty and sound constitutional government, of a clean environment accessible to all people and of striving to achieve excellence in all the undertakings of life; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives send a copy of this Resolution to Mrs. William O. Douglas; the Mayor of Yakima, Henry Beauchamp; the Director of the Yakima Valley Museum, Versa K'ang; the Chief Justice of the United States Supreme Court, Justice Burger; Washington State Governor Booth Gardner and to the President of the United States, Ronald Reagan.

Ms. Doty moved adoption of the resolution. Representatives Doty, Lewis, Lux and Sayan spoke in favor of the resolution, and it was adopted.

The Speaker (Mr. O'Brien presiding) declared the House to be at ease until 1:30 p.m.

AFTERNOON SESSION

The House was called to order at 1:30 p.m. by the Speaker (Mr. O'Brien presiding).

The House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 4463:

The House resumed consideration of the bill on second reading.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the Point of Order by Representative Barrett on the committee amendment.

SPEAKER'S RULING

The Speaker (Mr. O'Brien presiding): "ESSB 4463 is an act relating to the promotion of Washington products and it sets up a program for the Department of Trade and Economic Development for their purpose. The committee amendment repeals three sections of chapter 39.24 RCW. These sections deal with the purchase preference by state and local governments of fuels mined or produced in Washington State. It appears that this amendment is inconsistent and incompatible with the act. Under Reed's Rule 161, a question of this nature is up to the body to decide. So I will let the body determine whether or not they wish to adopt or not adopt this amendment."

Mr. McMullen spoke in favor of the committee amendment, and Mr. Schoon opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the Trade & Economic Development Committee amendment to Engrossed Senate Bill No. 4463, and the amendment was adopted by the following vote: Yeas, 51; nays, 45; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 51.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Crane, Doty, Fuhrman, Hankins, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Todd, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 45.

Excused: Representatives Dobbs, van Dyke - 2.

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

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

Representatives McMullen and Schoon spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4463 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Senate Bill No. 4463 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4497, by Committee on Commerce & Labor (originally sponsored by Senators Bottiger, Peterson, Vognil, Rasmussen, Granlund, Talmadge, Wojahn and Moore)

Regulating vehicle dealers.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For amendments, see Journal, 46th Day, February 27, 1986.)

Committee on Transportation recommendation: Majority, do pass with amendments to the Commerce & Labor Committee amendment. (For amendments to amendment, see Journal, 47th Day, February 28, 1986.)

Mr. Wang moved adoption of the Committee on Commerce & Labor amendment.

Mr. Wang moved adoption of the Committee on Transportation amendment to the committee amendment.

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

On page 51, line 21 after "1987." insert "The appropriation contained in this section shall be used exclusively for the implementation of this act."

POINT OF ORDER

Mr. Wang: "Mr. Speaker, could you rule on whether or not this is a valid amendment?"

SPEAKER'S RULING (MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding): "Apparently this is a third level amendment. We have an amendment to an amendment and then this is an amendment to the amendment to the amendment. On that basis, the amendment is ruled out of order."

The Transportation Committee amendment to the amendment by Committee on Commerce & Labor was adopted. The committee amendment as amended was adopted.

On motion of Mr. Wang, the title amendment as amended was adopted.

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

Representatives Wang and Addison spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4497 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Chandler, Nealey, Walker - 3.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Substitute Senate Bill No. 4497 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4531, by Committee on Financial Institutions (originally sponsored by Senators Talmadge, Newhouse, Bender, Lee, Rinehart, McManus, Bauer and Conner)

Modifying provisions relating to mental health insurance coverage.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

Mr. Lux moved adoption of the committee amendment.

Ms. Niemi moved adoption of the following amendments by Representatives Niemi and Barrett to the committee amendment:

On page 3 of the amendment, after line 13, strike all material down through line 19 and insert the following:

"(4) This section shall not apply to a group disability insurance contract that has been entered into in accordance with a collective bargaining agreement between management and labor representatives prior to the effective date of this 1986 act."

On page 5 of the amendment, after line 6, strike all material down through line 12 and insert the following:

"(4) This section shall not apply to a group health care service contract that has been entered into in accordance with a collective bargaining agreement between management and labor representatives prior to the effective date of this 1986 act."

On page 7 of the amendment, after line 5, strike all material down through line 11 and insert the following:

"(4) This section shall not apply to a group health maintenance agreement that has been entered into in accordance with a collective bargaining agreement between management and labor representatives prior to the effective date of this 1986 act."

Representatives Niemi and Barrett spoke in favor of the amendments to the committee amendment.

POINT OF INQUIRY

Ms. Niemi yielded to question by Ms. Winsley.

Ms. Winsley: "Representative Niemi, I understand from the committee amendment that this would apply to future labor negotiations and that employees and the employer could sit down and negotiate on whether or not they want to offer insurance for psychiatrists or psychologists or mental health centers. Doesn't your amendment, in effect, sort of gut the committee amendment?"

Ms. Niemi: "I don't think so. As a matter of fact, I don't think it applies at all to the future. All my amendment does is make sure that the bill does not apply to any past agreement. It has no effect on past agreements. It says nothing about future agreements, whether they can or cannot be bargained."

The amendments to the committee amendment were adopted.

The committee amendment as amended was adopted.

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

POINT OF INQUIRY

Mr. Lux yielded to question by Ms. Niemi.

Ms. Niemi: "Representative Lux, is it the intent of this legislation that all disability insurance contracts, health service contracts and health maintenance agreements that provide mental health care benefits, provide reimbursement for treatment by licensed psychiatrists, psychologists and community mental health centers?"

Mr. Lux: "Yes, that is the understanding."

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4531 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 4531 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4535, by Senators Halsan, Newhouse and Talmadge

Changing provisions relating to professional service corporations.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass with the following amendment:

On page 1, line 25 strike "licensed health care"

On motion of Ms. Scott, the committee amendment was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4535 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Locke, Nelson D - 2.

Excused: Representatives Dobbs, van Dyke - 2.

Senate Bill No. 4535 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4540, by Senators Bender, Deccio, Moore, von Reichbauer, Bauer, Zimmerman, Johnson, Newhouse, Hansen, McManus, Conner and Rasmussen; by request of Joint Study Committee on Insurance Availability and Affordability

Establishing procedures for canceling written agreements between insurance companies and agents.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

On motion of Mr. Lux, the committee amendments were adopted.

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

Representatives Lux and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4540 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Senate Bill No. 4540 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 4, 1986

Mr. Speaker:

The Senate has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308,
 SUBSTITUTE HOUSE BILL NO. 1368,
 SUBSTITUTE HOUSE BILL NO. 1413,
 ENGROSSED HOUSE BILL NO. 1483,
 SUBSTITUTE HOUSE BILL NO. 1493,
 HOUSE BILL NO. 1504,
 HOUSE BILL NO. 1511,
 SUBSTITUTE HOUSE BILL NO. 1564.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SENATE BILL NO. 4551, by Senators Vognild, Sellar, Peterson, Granlund, Zimmerman, Hansen, Moore, Talmadge, Garrett, Gaspard, Bauer, Rasmussen, Bender, Bottiger and Conner

Prescribing penalties for assaults on fire protection personnel.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4551, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Senate Bill No. 4551, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4626, by Committee on Ways & Means (originally sponsored by Senators Warnke, Fleming, Moore and Williams)

Establishing the housing trust fund to assist low-income persons to obtain housing.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Locke explained the purpose of the bill.

MOTION

On motion of Mr. J. King, further consideration of Engrossed Second Substitute Senate Bill No. 4626 was deferred, and the bill was ordered placed at the bottom of the third reading calendar.

SUBSTITUTE SENATE BILL NO. 4596, by Committee on Human Services & Corrections (originally sponsored by Senators Granlund, Kiskaddon, Wojahn, Garrett and Johnson)

Revising provisions relating to community mental health services for children.

The bill was read the second time. Committee on Social & Health Services recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Committee on Ways & Means recommendation: Majority, do pass as amended by Committee on Social & Health Services.

Ms. Brekke moved adoption of the committee amendment.

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

On page 18, after line 21, insert the following:

*NEW SECTION. Sec. 10. A new section is added to chapter 71.24 RCW to read as follows:

The department shall waive postgraduate educational requirements applicable to mental health professionals under this chapter for those persons who have a bachelor's degree and on the effective date of this act:

(1) Are employed by an agency subject to licensure under this chapter, the community mental health services act, in a capacity involving the treatment of mental illness; and

(2) Have at least ten years of full-time experience in the treatment of mental illness."

Renumber the remaining section consecutively.

Ms. Brekke spoke in favor of the amendment to the amendment.

POINT OF INQUIRY

Ms. Brekke yielded to question by Mr. Brooks.

Mr. Brooks: "Representative Brekke, is this just a grandfather clause for those individuals? It doesn't affect the rest of the act at all?"

Ms. Brekke: "That is correct. It is a grandfather clause."

The amendment to the amendment was adopted.

The committee amendment as amended was adopted.

On motion of Ms. Brekke, the committee amendment to the title of the bill was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4596 as amended by the House, and the bill passed the House by the following vote: Yeas, 85; nays, 11; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Vaile, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Bond, Bristow, Fuhrman, Hargrove, Hastings, Isaacson, Lewis, Locke, Padden, Sanders, Williams B - 11.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 4596 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 3453, by Committee on Judiciary (originally sponsored by Senators Talmadge, Newhouse and Hayner)

Identifying the scope of common law liens.

The bill was read the third time and placed on final passage.

On motion of Mr. J. King, the rules were suspended and the bill was returned to second reading for amendment.

On motion of Ms. Niemi, the following amendments by Representatives Niemi and Ballard were adopted:

On page 2, after line 13, insert the following:

*Sec. 6. Section 14, chapter 260, Laws of 1981 as last amended by section 1, chapter 146, Laws of 1984 and RCW 60.28.010 are each amended to read as follows:

(1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum not to exceed five percent, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor. Every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said moneys so reserved: PROVIDED, That such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 as now existing and in accordance with any amendments that may hereafter be made thereto: PROVIDED FURTHER, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body: (a) at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments which would otherwise be subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the moneys earned by the contractor: PROVIDED, That the contractor may request that retainage be reduced to one hundred percent of the value of the work remaining on the project; and (b) thirty days after completion and acceptance of all contract work other than landscaping, may release and pay in full the amounts retained during the performance of the contract (other than continuing retention of five percent of the moneys earned for landscaping) subject to the provisions of RCW 60.28.020.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until thirty days following the final acceptance of said improvement or work as completed;

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until after the final acceptance of said improvement or work as completed, or until agreed to by both parties: PROVIDED, That interest on such account shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body until thirty days following the final acceptance of said improvement or work as completed. When the moneys reserved are to be placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. Such check shall be converted into bonds and securities chosen by the contractor and approved by the public body and such bonds and securities shall be held in escrow. Interest on such bonds and securities shall be paid to the contractor as the said interest accrues.

(3) The contractor or subcontractor may withhold payment of not more than five percent from the moneys earned by any subcontractor or sub-subcontractor or supplier contracted with by the contractor to provide labor, materials, or equipment to the public project. Whenever the contractor or subcontractor reserves funds earned by a subcontractor or sub-subcontractor or supplier, the contractor or subcontractor shall pay interest to the subcontractor or sub-subcontractor or supplier at a rate equal to that received by the contractor or subcontractor from reserved funds.

(4) With the consent of the public body the contractor may submit a bond for all or any portion of the amount of funds retained by the public body in a form acceptable to the public body. Such bond and any proceeds therefrom shall be made subject to all claims and liens and in the same manner and priority as set forth for retained percentages in this chapter. The public body shall release the bonded portion of the retained funds to the contractor within thirty days of accepting the bond from the contractor. Whenever a public body accepts a

bond in lieu of retained funds from a contractor, the contractor shall accept like bonds from any subcontractors or suppliers from which the contractor has retained funds. The contractor shall then release the funds retained from the subcontractor or supplier to the subcontractor or supplier within thirty days of accepting the bond from the subcontractor or supplier.

(5) If the public body administering a contract, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 RCW shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith.

(6) Whenever the department of transportation has contracted for the construction of two or more ferry vessels, thirty days after completion and final acceptance of each ferry vessel, the department may release and pay in full the amounts retained in connection with the construction of such vessel subject to the provisions of RCW 60.28.020: PROVIDED, That the department of transportation may at its discretion condition the release of funds retained in connection with the completed ferry upon the contractor delivering a good and sufficient bond with two or more sureties, or with a surety company, in the amount of the retained funds to be released to the contractor, conditioned that no taxes shall be certified or claims filed for work on such ferry after a period of thirty days following final acceptance of such ferry; and if such taxes are certified or claims filed, recovery may be had on such bond by the department of revenue and the materialmen and laborers filing claims.

(7) ~~((On projects commenced after June 7, 1964, the trust fund established pursuant to subsection (1) of this section may be reserved for the protection of the owner or owners of such public improvements when specifically required by regulations of the farmers home administration for the provision of grant or loan funds administered by that agency))~~ Contracts on projects funded in whole or in part by Farmers Home Administration and subject to Farmers Home Administration regulations shall not be subject to subsections (1) through (6) of this section.

Remember the remaining section consecutively.

On page 1, line 1 of the title, after "liens;" insert "amending RCW 60.28.010:"

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

Representatives Armstrong, Padden, May and Barnes spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 3453 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yeas: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Tilly - 1.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 3453 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4626, by Committee on Ways & Means (originally sponsored by Senators Warnø, Fleming, Moore and Williams)

Establishing the housing trust fund to assist low-income persons to obtain housing.

The House resumed consideration of the bill on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 4626, and the bill passed the House by the following vote: Yeas, 66; nays, 30; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 66.

Voting nay: Representatives Ballard, Betrozoff, Bond, Brooks, Chandler, Doty, Fuhrman, Hastings, Isaacson, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Smith C, Smith L, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Winsley - 30.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Second Substitute Senate Bill No. 4626, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 4661, by Committee on Governmental Operations (originally sponsored by Senators Fleming, Granlund, Bender, Wojahn, Zimmerman, Deccio, Bottiger, McDermott, Talmadge, McManus, Bauer and Kreidler)

Extending the authority of the Washington state housing finance commission.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass with the following amendment:

On page 2, line 12 after "exceed" strike "~~(one)~~ two" and insert "one and one-half"

On motion of Mr. Smitherman, the committee amendment was adopted.

Mr. D. Nelson moved adoption of the following amendment:

On page 2, line 8 after "annually" strike the period and insert "to determine, among other things, if the use of bond proceeds complies with the general plan of housing finance objectives including compliance with the objective for the use of financing assistance for implementation of cost-effective energy efficiency measures in dwellings."

Representatives D. Nelson and Ebersole spoke in favor of the amendment, and it was adopted.

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

Representatives Smitherman and Hankins spoke in favor of passage of the bill, and Mr. Sanders opposed it.

Ms. Belcher spoke in favor of the bill, and Mr. Sanders again opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4661 as amended by the House, and the bill passed the House by the following vote: Yeas, 69; nays, 27; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty,

Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Silver, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 69.

Voting nay: Representatives Ballard, Barnes, Betzoff, Bond, Chandler, Fuhrman, Hastings, Isaacson, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Smith C, Tilly, Van Luven, Vander Stoep, Walker, West, Williams J, Winsley - 27.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 4661 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4676, by Committee on Parks & Ecology (originally sponsored by Senators Bender, Bluechel, Kreidler, Hansen, McManus and Owen)

Modifying worker right to know employer fee provisions.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

Ms. Rust moved adoption of the committee amendment.

POINT OF INQUIRY

Ms. Rust yielded to question by Mr. Tilly.

Mr. Tilly: "Representative Rust, it seems to me that this right-to-know act is the one that caused the Department of Labor and Industries to send people bills this last fall for little tiny amounts--seventy-five cents. I got a lot of nasty letters over that bill we passed last time. Is this going to eliminate that problem?"

Ms. Rust: "Yes, it will."

Mr. Tilly: "Is there a minimum of employees or are they still going to bill you?"

Ms. Rust: "I think you are really talking about third reading. We are on the amendment now, but the only employers to have the standard industrial classification will pay the fee and if they have under five employees, they will pay no fee."

The committee amendment was adopted.

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

Representatives Rust, Lewis and Allen spoke in favor of passage of the bill, and Representatives Schoon and Chandler opposed it.

POINT OF INQUIRY

Mr. Chandler yielded to question by Mr. Nealey.

Mr. Nealey: "Representative Chandler, on this last mail-out that was made for seventy-five cents that infuriated the farmers and people, especially who only had one or two employees, and, as the former speaker said, it cost \$2.50 to mail out that billing. That didn't make much sense and I think the people in the country really were disappointed in what state government does. I am asking you if there is any provision in this bill that they would mail this fee out with the regular letter instead of making a special mail-out that costs more money than they take in?"

Mr. Chandler: "I don't believe there is any provision in there to state that. Representative Nealey, but if there was I would question whether or not it would be done that way. I think maybe tis additional fee is to make up for the mistake that they did and it cost them last year on it."

Mr. G. Nelson spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4676 as amended by the House, and the bill passed the House by the following vote: Yeas, 67; nays, 29; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 67.

Voting nay: Representatives Betrozoff, Bond, Brooks, Chandler, Fuhrman, Hargrove, Hastings, Isaacson, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams J, Zellinsky - 29.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 4676 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 4705, by Senators Talmadge, Bluechel, Garrett, Gaspard, Rasmussen, Bender, Wojahn, Vognild, Peterson and Granlund

Revising provisions relating to sexual offenses.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Ms. Scott moved adoption of the committee amendment.

On motion of Mr. West, the following amendment to the committee amendment was adopted:

On page 1, following line 5 insert:

*Sec. 1. Section 4, chapter 262, Laws of 1984 and RCW 9.68A.050 are each amended to read as follows:

A person who:

(1) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct: ((or))

(2) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct;

(3) Knowingly exposes a minor to visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct is guilty of a class C felony punishable under chapter 9A.20 RCW; or

((3)) (4) As used in this section, 'minor' means a person under ((~~sixteen~~)) eighteen years of age."

Renumber the following sections consecutively.

On motion of Ms. Scott the committee amendment to the title of the bill was adopted.

On motion of Mr. West, the following amendment to the title was adopted:

On page 1, line 2 following "RCW" insert "9.68A.050."

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

Representatives Scott and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4705 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Hargrove, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R,

Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Wang - 1.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Senate Bill No. 4705 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4712, by Senators Thompson, Sellar, Zimmerman, Kreidler and Williams; by request of Secretary of State

Creating state archivist oral history program.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass with the following amendment:

On page 3, line 24 after "to the" strike "state archivist" and insert "secretary of state"

On motion of Mr. Smitherman, the committee amendment was adopted.

On motion of Ms. Belcher, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Belcher, Hankins and Fisch spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4712 as amended by the House, and the bill passed the House by the following vote: Yeas, 91; nays, 5; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Berozoff, Bond, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Armstrong, Brough, Chandler, Patrick, Prince - 5.

Excused: Representatives Dobbs, van Dyke - 2.

Senate Bill No. 4712 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4717, by Committee on Parks & Ecology (originally sponsored by Senators Talmadge, Vognild and Bluechel)

Adopting the water quality joint development act.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For amendment, see Journal, 45th, February 26, 1986.)

On motion of Ms. Haugen, the committee amendment was adopted.

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

Representatives Hine, Brough, May, Bond, Isaacson, G. Nelson, Miller, Chandler and Taylor spoke in favor of passage of the bill, and Representatives Unsoeld, Lux, Sutherland and D. Nelson opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4717 as amended by the House, and the bill passed the House by the following vote: Yeas, 75; nays, 21; excused, 2.

Voting yea: Representatives Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Baugher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Madsen, May, Miller, Nealey, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Todd, Van Luven, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 75.

Voting nay: Representatives Appelwick, Basich, Belcher, Brekke, Cole, Fisher, Jacobsen, Lux, McMullen, Nelson D, Niemi, Rust, Sayan, Scott, Sutherland, Unsoeld, Valle, Vekich, Wang, Wilson K, Wineberry - 21.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Substitute Senate Bill No. 4717 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4723, by Senators Rinehart, Sellar and Kreidler; by request of State Library

Modifying the authority of the state library commission with regard to the acceptance and allocation of certain grants.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4723, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Senate Bill No. 4723, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 5, 1986

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 1345,
HOUSE BILL NO. 1362,
HOUSE BILL NO. 1398,
HOUSE BILL NO. 1424,
HOUSE BILL NO. 1459,
HOUSE BILL NO. 1482,
HOUSE BILL NO. 1490,
SUBSTITUTE HOUSE BILL NO. 1581,
HOUSE BILL NO. 1686,
HOUSE BILL NO. 1721,
SUBSTITUTE HOUSE BILL NO. 1783,
SUBSTITUTE HOUSE BILL NO. 1846,
SUBSTITUTE HOUSE BILL NO. 1873,

SUBSTITUTE HOUSE BILL NO. 1875.

SUBSTITUTE HOUSE BILL NO. 1892.

SUBSTITUTE HOUSE BILL NO. 1976.

SUBSTITUTE HOUSE BILL NO. 2011.

SUBSTITUTE HOUSE CONCURRENT RESOLUTION NO. 21.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SENATE BILL NO. 4749, by Senators Bender and DeJarnatt

Revising reporting requirements for property and casualty insurers.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass with the following amendment:

On page 1, line 14 after "for" strike "both commercial and personal" and insert "(~~both commercial and personal~~)"

On motion of Mr. Lux, the committee amendment was adopted.

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

Representatives Lux and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4749 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Senate Bill No. 4749 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3416, by Committee on Financial Institutions (originally sponsored by Senators Moore, Rasmussen, Halsan, Warnke and McDonald)

Providing penalties for persons writing drafts or checks and having insufficient funds.

The House resumed consideration of the bill on second reading. (For previous action, see yesterday's Journal)

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the Point of Order raised by Representative Barrett on the Lux amendment.

With the consent of the House, Mr. Lux withdrew the amendment.

Mr. Lux moved adoption of the following amendment by Representatives Lux, Todd, Brekke, Cole and Crane to the committee amendment:

On page 3 of the amendment, after line 31, insert the following:

"NEW SECTION. Sec. 3. A new section is added to Article 4 of Title 62A RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a bank shall make funds available when the funds have been deposited in an account in that bank within the following time periods:

(a) For any check deposited to an account of the payor bank, one business day;

(b) For any check drawn on a bank located in this state, three business days; and

(c) For any check drawn on a bank located outside of this state but within the United States, six business days.

(2) Subsection (1) of this section does not apply to:

(a) Checks in the aggregate for any one customer in an amount greater than two thousand five hundred dollars other than checks deposited to an account of the payor bank, but if requested by the customer, the customer shall be entitled to withdraw up to two thousand five hundred dollars within the time periods in subsection (1) of this section;

(b) Instances where the bank has received notice that the check has been dishonored;

(c) Instances where the bank has received notice that funds for a check are not collectible or where the bank has good and sufficient reason to doubt the collectibility of funds for a check; and

(d) Checks drawn on a bank located outside of the United States.

(3) Each bank shall provide clear and conspicuous notice in writing to its customers of the time periods for the availability of funds under this section and the exceptions under this section. The notice shall include the time the bank closes business with respect to checks received for deposit. The notice shall be provided to prospective customers and shall be mailed to all existing customers within three months of the effective date of this act. The notice shall be posted in a conspicuous manner at each place operated by the bank where customers transact business. In addition every deposit slip or form shall contain the following notice printed in a conspicuous manner: 'YOUR DEPOSIT MAY NOT BE AVAILABLE FOR IMMEDIATE WITHDRAWAL. CONSULT POSTED NOTICES FOR FURTHER INFORMATION.'

(4) In addition to any other remedies, violation of this section shall be an unfair or deceptive practice under chapter 19.68 RCW, the consumer protection act.

Sec. 4. Section 4-213, chapter 157, Laws of 1965 ex. sess. and RCW 62A.4-213 are each amended to read as follows:

(1) An item is finally paid by a payor bank when the bank has done any of the following, whichever happens first:

(a) paid the item in cash; or

(b) settled for the item without reserving a right to revoke the settlement and without having such right under statute, clearing house rule or agreement; or

(c) completed the process of posting the item to the indicated account of the drawer, maker or other person to be charged therewith; or

(d) made a provisional settlement for the item and failed to revoke the settlement in the time and manner permitted by statute, clearing house rule or agreement.

Upon a final payment under subparagraphs (b), (c) or (d) the payor bank shall be accountable for the amount of the item.

(2) If provisional settlement for an item between the presenting and payor banks is made through a clearing house or by debits or credits in an account between them, then to the extent that provisional debits or credits for the item are entered in accounts between the presenting and payor banks or between the presenting and successive prior collecting banks seriatim, they become final upon final payment of the item by the payor bank.

(3) If a collecting bank receives a settlement for an item which is or becomes final (subsection (3) of RCW 62A.4-211, subsection (2) of RCW 62A.4-213) the bank is accountable to its customer for the amount of the item and any provisional credit given for the item in an account with its customer becomes final.

(4) Subject to any right of the bank to apply the credit to an obligation of the customer, credit given by a bank for an item in an account with its customer becomes available for withdrawal as of right

(a) in any case where the bank has received a provisional settlement for the item,——when such settlement becomes final and the bank has had a reasonable time to learn that the settlement is final;

(b) in any case where the bank is both a depository bank and a payor bank and the item is finally paid,——at the opening of the bank's second banking day following receipt of the item;

(c) in accordance with section 3 of this 1986 act.

(5) A deposit of money in a bank is final when made but, subject to any right of the bank to apply the deposit to an obligation of the customer, the deposit becomes available for withdrawal as of right at the opening of the customer's next banking day following receipt of the deposit.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

POINT OF ORDER

Mr. Barrett: "Mr. Speaker, I challenge the scope and object of this amendment and ask for your ruling."

SPEAKER'S RULING (MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding): "It appears that the amendment proposed by Representative Lux to the committee amendment pertains to different subject

matter on handling deposits and recognizing the fact that people can withdraw those deposits. The bill provides penalties for persons writing checks and drafts and having insufficient funds. I am going to rule the amendment out of order."

The committee amendment was adopted.

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

Mr. Lux spoke against passage of the bill, and Mr. Armstrong spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 3416 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 4; excused, 2.

Voting yea: Representatives Addison, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Allen, Brekke, Locke, Lux - 4.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Substitute Senate Bill No. 3416 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3458, by Committee on Financial Institutions (originally sponsored by Senator Conner)

Mandating lower insurance rates for persons over 55 who have taken an accident prevention course.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

Mr. Lux moved adoption of the committee amendment.

On motion of Mr. Lux, the following amendment by Representatives Walk and Lux to the committee amendment was adopted:

On page 1, line 25 after "by" strike "the department of licensing or by"

The committee amendment as amended was adopted.

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

The Speaker resumed the Chair.

Representatives Lux, Prince, Winsley, Zellinsky and Long spoke in favor of passage of the bill, and Representatives Barnes, Bond and Fuhrman spoke against it.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 3458 as amended by the House, and the bill passed the House by the following vote: Yeas, 91; nays, 5; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly,

Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Barnes, Bond, Brough, Fuhrman, Sanders - 5.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Substitute Senate Bill No. 3458 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4418, by Committee on Agriculture (originally sponsored by Senator Hansen)

Directing the department of agriculture to study agricultural water supply availability.

The bill was read the second time. Committee on Agriculture recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Mr. Vekich moved adoption of the committee amendments and spoke against them.

The committee amendments were not adopted.

Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendment, see Journal, 50th Day, March 3, 1986.)

On motion of Ms. Sommers, the Committee on Ways & Means amendment was not adopted.

Ms. Rayburn moved adoption of the following amendment by Representatives Rayburn, Baugher, Vekich, Sommers, Chandler, Day, Kremen, Nealey, Tilly and Dellwo:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) The legislature finds that:

(a) The wise management and utilization of the state's water resources is in the best interests of the citizens of the state of Washington;

(b) Long-term planning of water uses and water supply projects is necessary to assure our state's water resources will be managed and utilized with the vision to maximize long-term benefits to assure that long-term opportunities are not permanently lost based on short-term conditions;

(c) Future allocations of water shall be considered in conjunction with an analysis of competing demands for water resources;

(d) It is the policy of the state to join with federal agencies and others in developing economically feasible, environmentally sound, and water conservation oriented facilities; and

(e) The state is participating in studies now being conducted by the federal government through the bureau of reclamation in the Yakima river and Columbia river basins for the purpose of determining plans for the proper development and utilization of the state's water resources under sound financing arrangements.

(2) It is the intent of the legislature that additional information be developed on future agricultural needs for water.

NEW SECTION, Sec. 2. (1) The director of the department of agriculture shall organize a committee including but not limited to irrigation and dry land farmers, irrigation district representatives, agricultural economists, electric utility representatives, fisheries group representatives, and electric ratepayer representatives to conduct a study on water supply availability in the Columbia Basin area. The study shall include the following:

(a) An examination of the potential for expansion of irrigated land in the state;

(b) An evaluation of the alternatives that are available to renew water rights reserved to maintain future options to expand the production of food;

(c) A review of areas in the state in which available water and irrigable land both exist that have a reasonable potential for food production to meet growing demand for food in coming decades;

(d) An analysis of the impact of additional irrigation on the competitive position and profitability of existing agriculture;

(e) A review of the impact of additional irrigation on electricity costs in the Pacific northwest and alternatives for mitigating electrical cost impact;

(f) An analysis of options that facilitate water supply availability for irrigation through conservation and other methods;

(g) A supply and demand analysis of major crops produced in the state including an investigation of alternative crops for those that are in surplus;

(h) A review of available analyses of jobs and economic activity derived from future expansion of other major energy consuming industries and major water uses and their related dependent industries as compared to the jobs and economic activity of future expansion of irrigated agriculture and its related dependent industries. Consistent economic assumptions and methodology shall be used in developing this comparative analysis; and

(1) A review of the bureau of reclamation draft environmental impact statement and other relevant federal reports. The committee organized by the director of agriculture under this section shall not create new data which duplicates the data being developed by the environmental impact statement process.

(2) The director of the department of agriculture shall submit a preliminary report by January 1, 1987, and a final report by January 1, 1988, to the governor and the legislature.

(3) Persons appointed to the committee shall be entitled to reimbursement by the department of agriculture under RCW 43.03.050 and 43.03.060 for travel expenses incurred in the performance of their duties.

NEW SECTION. Sec. 3. The director of the department of ecology shall:

(1) Continue to participate with the federal government in its studies of the Yakima enhancement project and of options for future development of the second half of the Columbia Basin project;

(2) Vigorously represent the state's interest in said studies, particularly as they relate to protection of existing water rights and resolution of conflicts in the adjudication of the Yakima river within the framework of state water rights law and propose means of resolving the conflict that minimize adverse effects on the various existing uses;

(3) As a cooperative federal and nonfederal effort, work with members of the congressional delegation to identify and advance for federal authorization elements of the Yakima enhancement project which: Have general public support and acceptable cost-sharing arrangements, meet study objectives, and otherwise have potential for early implementation; and

(4) In developing acceptable cost-sharing arrangements, request federal recognition of state credit for expenditures of moneys from Washington state utility ratepayers.

NEW SECTION. Sec. 4. (1) The department of ecology is authorized to transfer funds currently available from Referendum 38, up to one hundred fifty thousand dollars, to the department of agriculture, together with necessary full-time equivalent staff years, for direct, indirect, and contractual purposes to conduct studies required under section 2 of this act.

(2) The department of ecology is authorized to expend up to two hundred fifty thousand dollars of currently available Referendum 38 funds, together with necessary full-time equivalent staff years, for direct, indirect, and contractual purposes to accomplish the activities required under section 3 of this act.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

Representatives Rayburn, Baugher, Vekich, C. Smith and Chandler spoke in favor of the amendment and Representative Doty opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Rayburn and others to Engrossed Substitute Senate Bill No. 4418, and the amendment was adopted by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMillen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Williams B - 1.

Excused: Representatives Dobbs, van Dyke - 2.

On motion of Ms. Rayburn, the following amendment to the title of the bill was adopted:

On page 1, line 6 of the title after "irrigation;" strike "and" and after "sections" insert "; and declaring an emergency"

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

Representatives Rayburn, Chandler, Nealey, Vekich, C. Smith and Jacobsen spoke in favor of passage of the bill, and Representative Doty opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4418 as amended by the House, and the bill passed the House by the following vote: Yeas, 91; nays, 5; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vekich, Walk, Walker, Wang, West, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Brekke, King P, Schoon, Vander Stoep, Williams B - 5.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Substitute Senate Bill No. 4418 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REENGROSSED SUBSTITUTE SENATE BILL NO. 4305, by Committee on Judiciary (originally sponsored by Senators Halsan and Talmadge)

Revising provisions governing bail bonds.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

Mr. Armstrong moved adoption of the committee amendment.

On motion of Mr. Dellwo, the following amendment by Representatives Dellwo and Lewis to the committee amendment was adopted:

On page 2, line 5 after "judgments," insert "If the surety is not notified by the court in writing of the unexplained failure of the defendant to appear within thirty days of the date for appearance, then the forfeiture shall be null and void and the recognizance exonerated."

The committee amendment as amended was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4305 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Locke - 1.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Substitute Senate Bill No. 4305 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REINGROSSED SUBSTITUTE SENATE BILL NO. 4541, by Committee on Financial Institutions (originally sponsored by Senators Granlund, Deccio, Moore, von Reichbauer, Zimmerman, Johnson, Hansen, Vognild, Bauer, Fleming, Williams, Newhouse, McManus and Conner; by request of Joint Study Committee on Insurance Availability and Affordability)

Establishing procedures for canceling insurance.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Mr. Locke moved adoption of the committee amendment.

On motion of Mr. Lux, the following amendment by Representatives Lux, Winsley, Addison, Hine, Niemi, Jacobsen, Cole, Prince and Vaile to the committee amendment was adopted:

On page 12, after line 19 of the amendment, insert the following:

*Sec. 6. Section 3, chapter 12, Laws of 1967 ex. sess. as amended by section 6, chapter 1, Laws of 1983 2nd ex. sess. and RCW 48.30.270 are each amended to read as follows:

(1) No officer or employee of this state, or of any public agency, public authority or public corporation except a public corporation or public authority created pursuant to agreement or compact with another state, and no person acting or purporting to act on behalf of such officer or employee, or public agency or public authority or public corporation, shall, with respect to any public building or construction contract which is about to be, or which has been competitively bid, require the bidder to make application to, or to furnish financial data to, or to obtain or procure, any of the surety bonds or contracts of insurance specified in connection with such contract, or specified by any law, general, special or local, from a particular insurer or agent or broker.

(2) No such officer or employee or any person, acting or purporting to act on behalf of such officer or employee shall negotiate, make application for, obtain or procure any of such surety bonds or contracts of insurance, except contracts of insurance for builder's risk or owner's protective liability, which can be obtained or procured by the bidder, contractor or subcontractor.

(3) This section shall not be construed to prevent the exercise by such officer or employee on behalf of the state or such public agency, public authority, or public corporation of its right to approve the form, sufficiency or manner or execution of the surety bonds or contracts of insurance furnished by the insurer selected by the bidder to underwrite such bonds, or contracts of insurance.

(4) Any provisions in any invitation for bids, or in any of the contract documents, in conflict with this section are declared to be contrary to the public policy of this state.

(5) A violation of this section shall be subject to the penalties provided by RCW 48.01.080.

(6) This section shall not apply to the public nonprofit corporation authorized under RCW 67.40.020 nor shall it apply to metropolitan corporations authorized under RCW 35.58.030: PROVIDED, That no self-insurance program established pursuant to chapter 51.14 RCW shall be deemed to affect the employer-employee relationship of the individual participating employees in such program for the purpose of establishing whether an injury to a worker is due to the negligence or wrong of a third person not in the same employ, within the meaning of RCW 51.24.030.

Renumber the sections consecutively.

On motion of Mr. Lux, the following amendment by Representatives Lux and Winsley to the committee amendment was adopted:

On page 12, after line 26 add a new section as follows:

NEW SECTION, Sec. 7. Sections 1, 2 and 3 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect May 10, 1986.

The committee amendment as amended was adopted.

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

On motion of Mr. Lux, the following amendment to the title was adopted:

On page 1, line 2 of the title after "48.18.296," strike "and" and after "48.18.2901" insert ", and 48.30.270"

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

Representatives Lux and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute Senate Bill No. 451 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Reengrossed Substitute Senate Bill No. 451 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4815, by Committee on Ways & Means (originally sponsored by Senator McDermott)

Appropriating funds for public works projects.

The bill was read the second time.

Ms. Hine moved adoption of the following amendment by Representatives Hine, Zellinsky and Grimm:

On page 1, line 8 after "projects;" insert "PROVIDED, That loans shall not be made for any project located within any political subdivision which after the effective date of this section requires, directly or indirectly, a person engaged in a refuse collection business to absorb the tax imposed on such business under RCW 82.16.020, and moneys appropriated for that project shall be held in reserve until the political subdivision no longer requires the tax to be absorbed."

Representatives Hine and Ballard spoke in favor of the amendment and it was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4815 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 4815 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4917, by Committee on Financial Institutions (originally sponsored by Senators Moore, Newhouse and Bender)

Modifying provisions of Title 30 RCW.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

On motion of Mr. Zellinsky, the committee amendments were adopted.

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

Representatives Zellinsky and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4917 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Substitute Senate Bill No. 4917 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4959, by Senators Lee, Metcalf, Bluechel, McDonald, Rasmussen, Benitz, Hayner, Zimmerman, Sellar and Stratton

Including promoting pornography within criminal profiteering.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Scott and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4959, and the bill passed the House by the following vote: Yeas, 90; nays, 6; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson S, Wineberry, Winsley, Zellinsky - 90.

Voting nay: Representatives King R, Niemi, Unsoeld, Wang, Wilson K, and Mr. Speaker - 6.

Excused: Representatives Dobbs, van Dyke - 2.

Senate Bill No. 4959, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4982, by Senators Owen, Craswell, Metcalf, McCaslin, Thompson and Hayner

Broadening the definition of indecent liberties.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

On motion of Ms. Scott, the committee amendment was adopted.

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

Representatives Scott and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4982 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Senate Bill No. 4982 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 132, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Bender, Owen, Newhouse, Deccio, Zimmerman, Bauer, Barr and Rasmussen)

Urging Congress to take necessary steps toward a full accounting of United States service personnel missing in Southeast Asia.

The memorial was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

Ms. Belcher moved adoption of the committee amendment.

Representatives Belcher and Fuhrman spoke in favor of the committee amendment and it was adopted.

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

Representatives Belcher and Hankins spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 132 as amended by the House, and the memorial passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Baillard, Barnes, Barrett, Basich, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk,

Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative Baugher - 1.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Joint Memorial No. 132 as amended by the House, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 136, by Senators Conner, Peterson, Goltz, Hansen, Garrett and Rasmussen

Petitioning the Washington state congressional delegation to assist in obtaining a national veterans' cemetery within the state of Washington.

The memorial was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Ms. Belcher spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 136, and the memorial passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Senate Joint Memorial No. 136, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 3278, by Senators Gaspard, Patterson, Rinehart, Goltz and McDermott

Waiving higher education fees for students of foreign nations.

The bill was read the second time. Committee on Higher Education recommendation: Majority, do pass as amended. (For amendments, see Journal, 45th Day, February 26, 1986.)

Committee on Ways & Means recommendation: Majority, do pass as amended by Committee on Higher Education.

On motion of Ms. Sommers, the committee amendments were adopted.

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

Representatives Sommers and Prince spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3278 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 4; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Bond, Sanders, Sutherland, Van Luven - 4.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Senate Bill No. 3278 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND SUBSTITUTE SENATE BILL NO. 3487, by Committee on Energy & Utilities (originally sponsored by Senators Goltz, Bailey, Williams and Benitz)

Requiring guidelines for state agencies to implement energy conservation procedures.

The bill was read the second time. Committee on Energy & Utilities recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

On motion of Mr. D. Nelson, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute Senate Bill No. 3487 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Second Substitute Senate Bill No. 3487 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4221, by Committee on Ways & Means (originally sponsored by Senator Rinehart)

Funding the state toxicological laboratory.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4221, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 4221, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4574, by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Kiskaddon, DeJarnatt, Kreidler, Conner, Vognild, Johnson and Garrett; by request of Department of Social and Health Services)

Revising provisions on chore services.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Brekke and Lewis spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4574, and the bill passed the House by the following vote: Yeas, 71; nays, 24; absent, 1; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Ballard, Barnes, Basich, Belcher, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sanders, Sayan, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 71.

Voting nay: Representatives Addison, Allen, Barrett, Baugher, Betzoff, Bond, Brough, Crane, Hankins, Hastings, Lewis, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Schmidt, Silver, Tilly, Valle, Van Luven, Williams J, Zellinsky - 24.

Absent: Representative Isaacson - 1.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 4474, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 4601, by Senators Williams, Kreidler and Zimmerman

Revising provisions of historic property regulations.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

On motion of Mr. Smitherman, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4601 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 2; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Betzoff, Van Luven - 2.

Absent: Representative Chandler - 1.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Senate Bill No. 4601 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4680, by Senators Rasmussen, Talmadge, Wojahn, Kiskaddon, Deccio and McDonald; by request of Department of Corrections

Revising provisions relating to institutional industries.

The bill was read the second time. On motion of Mr. Dellwo, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4680, and the bill passed the House by the following vote: Yeas, 93; nays, 3; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Bond, Sanders, Van Luven - 3.

Excused: Representatives Dobbs, van Dyke - 2.

Senate Bill No. 4680, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4683, by Committee on Human Services & Corrections (originally sponsored by Senators Rasmussen, Owen, Deccio and Metcalf; by request of Department of Corrections)

Revising provisions relating to the death penalty.

The bill was read the second time. Committee on Social & Health Services recommendation: Majority, do pass with the following amendment:

On page 1, line 12 after "~~dead~~," strike the remaining language in subsection (1) and insert "In any case, death shall be pronounced by a licensed physician."

On motion of Mr. Padden, the committee amendment was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4683 as amended by the House, and the bill passed the House by the following vote: Yeas, 81; nays, 15; excused, 2.

Voting yea: Representatives Addison, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Day, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King P, Kremen, Lewis, Long, Lundquist, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 81.

Voting nay: Representatives Allen, Belcher, Crane, Dellwo, Fisher, King J, King R, Leonard, Locke, Lux, Niemi, Unsoeld, Wang, Wineberry, and Mr. Speaker - 15.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Substitute Senate Bill No. 4683 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4888, by Committee on Commerce & Labor (originally sponsored by Senators Owen and Warnke)

Requiring dealers to display the cash selling price on used vehicles.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

On motion of Mr. Wang, the committee amendment was adopted.

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

Representatives Wang and Chandler spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Wang yielded to question by Mr. R. King.

Mr. R. King: "Representative Wang, is it the intent of this bill that a used car sales person or the owner of the agency would provide to a potential buyer of a used car a written price for that car upon request whether or not he has this in writing someplace?"

Mr. Wang: "I'm not entirely sure, but my understanding is yes."

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4888 as amended by the House, and the bill passed the House by the following vote: Yeas, 80; nays, 16; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Belcher, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Valle, Van Luven, Vander Stoep, Vekich, Walk, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 80.

Voting nay: Representatives Barnes, Baugher, Betzoff, Bond, Brooks, Fisher, Lewis, Prince, Schmidt, Thomas, Tilly, Unsoeld, Walker, West, Williams J, Zellinsky - 16.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 4888 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4897, by Committee on Judiciary (originally sponsored by Senators Bender, Newhouse and Boltiger)

Requiring certification of process servers.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

On motion of Ms. Scott, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4897 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey,

Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 4897 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE JOINT MEMORIAL NO. 133, by Senators Bottiger, Moore, Granlund and Metcalf

Requesting that U.S. Congress establish satellite remote sensing receiving station in Hawaii and allocate funds for purchase of oceanographic color display.

The memorial was read the second time. On motion of Mr. Dellwo, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Mr. McMullen spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 133, and the memorial passed the House by the following vote: Yeas, 55; nays, 41; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McMullen, Nelson D, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 55.

Voting nay: Representatives Addison, Allen, Ballard, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, Miller, Nealey, Nelson G, Niemi, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 41.

Excused: Representatives Dobbs, van Dyke - 2.

Senate Joint Memorial No. 133, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE JOINT MEMORIAL NO. 135, by Committee on Commerce & Labor (originally sponsored by Senators Bottiger, Warnke, Goltz, Vognild and Lee)

Requesting federal enactment of legislation to provide additional customs inspectors for the West Coast.

The memorial was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Mr. McMullen spoke in favor of the memorial, and Mr. Schoon opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Memorial No. 135, and the memorial passed the House by the following vote: Yeas, 72; nays, 24; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Silver, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, Van Luven, Vekich, Walk, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Betzoff, Bond, Brooks, Brough, Chandler, Fuhrman, Hankins, Hastings, Isaacson, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Smith C, Tilly, Vander Stoep, Walker, West, Williams J - 24.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Joint Memorial No. 135, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 5026, by Committee on Parks & Ecology (originally sponsored by Senator Kreidler)

Providing for a study on hazardous waste disposal by farmers.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass with the following amendment:

On page 1, line 9 after "the" insert "appropriate standing committees of the"

On motion of Ms. Rust, the committee amendment was adopted.

Ms. Allen moved adoption of the following amendment by Representatives Allen and Rust:

On page 1, following line 26 insert:

"(4) A study of the state-owned and state-approved hazardous waste site set aside on the Hanford Reservation to determine the feasibility of its use as a hazardous waste disposal site."

Renumber the following subsections consecutively.

Representatives Allen and Rust spoke in favor of the amendment, and Ms. Hankins opposed it.

Ms. Rust spoke again in favor of the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Allen and Rust to Substitute Senate Bill No. 5026, and the amendment was not adopted by the following vote: Yeas, 40; nays, 56; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hine, Jacobsen, King J, King R, Leonard, Locke, Lux, Nelson D, Niemi, Nutley, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Tanner, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry - 40.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Day, Doty, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, King P, Kremen, Lewis, Long, Lundquist, Madsen, May, McMullen, Miller, Nealey, Nelson G, O'Brien, Padden, Patrick, Peery, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sutherland, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Vekich, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 56.

Excused: Representatives Dobbs, van Dyke - 2.

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

Representatives Rust and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5026 as amended by the House, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Betzoff, Hastings - 2.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 5026 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

Mr. J. King moved that House Rule 14(C) be suspended.

Mr. Barrett spoke against the motion.

A division was called.

MOTION

The Clerk called the roll on the motion to suspend House Rule 14(C), and the motion was carried by the following vote: Yeas, 53; nays, 43; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J. King P. King R. Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D. Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K. Wineberry, Zellinsky, and Mr. Speaker - 53.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 43.

Excused: Representatives Dobbs, van Dyke - 2.

The Speaker called on Mr. O'Brien to preside.

SUBSTITUTE SENATE BILL NO. 4590, by Committee on Governmental Operations (originally sponsored by Senators Thompson, Zimmerman and Rasmussen; by request of State Treasurer)

Revising provisions relating to local government investments.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For amendments, see Journal, 45th Day, February 26, 1986.)

Committee on Ways & Means recommendation: Majority, do pass as amended and without Committee on Local Government amendments. (For amendments, see Journal, 50th Day, March 3, 1986.)

Mr. Braddock moved adoption of the Committee on Ways & Means amendment.

Mr. Chandler moved adoption of the following amendment by Representatives Chandler, Baugher, C. Smith, Nealey, Rayburn, Lundquist and Bristow to the committee amendment:

On page 8, after line 21, insert the following:

NEW SECTION, Sec. 11. A new section is added to chapter 54.16 RCW to read as follows:

The commission of each district may establish differential rates for access to and use of electricity for the purposes of encouraging and promoting agriculture and encouraging the implementation of cost-effective energy conservation measures in any building which uses electric space conditioning for which construction is completed after January 1, 1986.

NEW SECTION, Sec. 12. A new section is added to chapter 35.92 RCW to read as follows:

A city or town may establish differential rates for access to and use of electricity for the purposes of encouraging and promoting agriculture and encouraging the implementation of cost-effective energy conservation measures in any building which uses electric space conditioning for which construction is completed after January 1, 1986."

Renumber the sections consecutively.

POINT OF ORDER

Mr. D. Nelson: "Mr. Speaker, I would ask that you would rule that this amendment is outside the scope and object of the bill."

SPEAKER'S RULING(MR. O'BRIEN PRESIDING)

The Speaker (Mr. O'Brien presiding): "The intent of the committee amendment is to allow the local units of government to utilize the resources of the State Treasurer's Office to maximize the potential of surplus funds on insuring the safety of public funds. The proposed amendment pertains to differential rates for electricity and purposes of that nature in developing and promoting agriculture. It appears to the Speaker that the proposed amendment is just not germane to the original intent of the committee amendment. I am going to rule the amendment out of order."

The Speaker stated the question before the House to be the committee amendment.

Mr. Barrett opposed the committee amendment.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4590 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luvan, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Dobbs, van Dyke - 2.

Substitute Senate Bill No. 4590 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4465, by Committee on Judiciary (originally sponsored by Senators Fleming and Taimadge)

Modifying provisions relative to use of deadly force.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

Mr. Armstrong moved adoption of the committee amendment.

Mr. Hargrove moved adoption of the following amendment by Representatives Hargrove and Patrick to the committee amendment:

On page 1, following line 18 strike all material down to and including "section," on page 4, line 34 and insert the following:

"(2) 'Deadly force' means the intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.

Sec. 2. Section 9A.16.040, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.16.040 are each amended to read as follows:

(1) Homicide or the use of deadly force is justifiable ((when committed by a public officer, or person acting under his command and in his aid:)) in the following cases:

((1)) (a) When a public officer is acting in obedience to the judgment of a competent court((:)); or

((2)) (b) When ((necessary)) necessarily used by a peace officer to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty.

((3) When necessary in retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony; or in arresting a person who has committed a felony

and is fleeing from justice; or in attempting, by lawful ways or means, to apprehend a person for a felony actually committed; or in lawfully suppressing a riot or preserving the peace;)) (c) When necessarily used by a peace officer or person acting under the officer's command and in the officer's aid:

(i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony;

(ii) To prevent the escape of a person from a federal or state correctional facility or in relating a person who escapes from such a facility; or

(iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or

(iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission or attempted commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a 'threat of serious physical harm' are the following:

(a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or

(b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given.

(3) A public officer or peace officer shall not be held criminally liable for using deadly force without malice and with a good faith belief that such act is justifiable pursuant to this section.

(4) This section shall not be construed as:

(a) Affecting the permissible use of force by a person acting under the authority of RCW 9A.16.020 or 9A.16.050; or

(b) Preventing a law enforcement agency from adopting standards pertaining to its use of deadly force that are more restrictive than this section."

Representatives Hargrove and Patrick spoke in favor of the amendment to the committee amendment, and it was adopted.

Representatives Armstrong and Patrick spoke in favor of the committee amendment as amended, and it was adopted.

On motion of Mr. Armstrong, the amendments to the title were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4465 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representative West - 1.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Substitute Senate Bill No. 4465 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4941, by Committee on Ways & Means (originally sponsored by Senators Granlund, DeJarnatt, Bender, Fleming, Kreidler, Wojahn and Rinehart; by request of Governor)

Providing for school districts to operate child care programs.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For amendment, see Journal, 45th Day, February 26, 1986.)

Committee on Ways & Means recommendation: Majority, do pass as amended and without amendment by Committee on Education. (For amendment, see Journal, 50th Day, March 3, 1986.)

Mr. Smitherman moved adoption of the Committee on Ways & Means amendment. Representatives Smitherman and Walker spoke in favor of the amendment, and it was adopted.

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

Mr. Smitherman spoke in favor of passage of the bill, and Ms. Walker opposed it.

POINT OF INQUIRY

Mr. Smitherman yielded to question by Mr. Schoon.

Mr. Schoon: "Representative Smitherman, if this bill is defeated, would the twenty-two districts that currently have the day care centers be forced to close their doors?"

Mr. Smitherman: "Representative Schoon, I would be speculating to say that they would be forced to close their doors, but what I would evaluate would happen is that we have begun, as a result of this legislation, to focus attention on what is going on in the schools and I think it would increase the likelihood of there being some challenge to what is going on."

Representatives Schoon and Long spoke against passage of the bill, and Ms. Cole spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 4941 as amended by the House, and the bill failed to pass the House by the following vote: Yeas, 44; nays, 52; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Brække, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hine, Jacobsen, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 44.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Baugher, Betrozoff, Bond, Bristow, Brooks, Brough, Chandler, Day, Doty, Fuhrman, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, King J, Kremen, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 52.

Excused: Representatives Dobbs, van Dyke - 2.

Engrossed Second Substitute Senate Bill No. 4941 as amended by the House, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Mr. J. King, having voted on the prevailing side, moved that the House immediately reconsider the vote by which Engrossed Second Substitute Senate Bill No. 4941 as amended by the House failed to pass the House.

Ms. Walker spoke against the motion.

A division was called.

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which Engrossed Second Substitute Senate Bill No. 4941 as amended by the House failed to pass the House, and the motion was carried by the following vote: Yeas, 49; nays, 47; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 49.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Day, Doty, Fuhrman, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 47.

Excused: Representatives Dobbs, van Dyke - 2.

On motion of Mr. J. King, further consideration of the bill was deferred and it was ordered to retain its place on the third reading calendar.

MOTION

On motion of Mr. J. King, the House adjourned until 9:00 a.m., Thursday, March 6, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FIFTY-THIRD DAY

MORNING SESSION

House Chamber, Olympia, Wash., Thursday, March 6, 1986

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representative van Dyke, who was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Heidi Yelle and Dietrich Schmitz. Prayer was offered by Reverend Peter Mans of the Evergreen Christian Reformed Church of Olympia.

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

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

AFTERNOON

The House was called to order at 12:45 p.m. by the Speaker.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-138, by Representatives O'Brien, Valle, Holland, Locke, Wineberry, Sommers, Lux, Jacobsen, Brough, Betrozoff, P. King, Brekke, Addison, Patrick, Leonard, D. Nelson, Crane, Cole, Hine, Rust, Appelwick, Barnes, Todd, Armstrong, Niemi and Schoon

WHEREAS, Since its inception in 1950, the Seattle Seafair has become the premier summer festival in the Pacific Northwest; and

WHEREAS, The 1986 Seafair will commemorate thirty-six years of the finest entertainment for those who participate and attend the many functions; and

WHEREAS, The background and history of Seafair can be traced to the legend of King Neptune Rex, defender of the city, against Davy Jones, the pirate who sought to destroy it; and

WHEREAS, In making Seafair possible each year, over one-thousand dedicated volunteers are involved, comprising business, labor and professional people, who make donations, incur long hours and hard work to create a most successful summer festival; and

WHEREAS, The Seafair clowns (Seattle University graduates), commodores and pirates are a tradition and are present at many Seafair events and, throughout the year, visit hospitals, nursing homes and children's centers spreading smiles and laughter; and

WHEREAS, Today Seafair is three weeks long with over fifty-five events involving eighteen community festivals including the Rainier District Pow Wow, West Seattle Hi Yu, Central Area Community Parade, Black Community Festival, Chinatown Parade, Greenwood District Parade, Magnolia Summer Festival, Lake City Pioneer Days, Tukwila Days, Kent Cornucopia Days, Queen Anne Street Fair, Lynnwood Lynn-O-Rama, Columbia City Days, Burien Saturday Farmers Market, White Center Jubilee Days, Redmond Derby Days, Bon Odori, Des Moines Waterland Festival and the Wallingford Kiddies Parade; and

WHEREAS, Seafair is the fifth largest festival in the nation, highlighted by such noteworthy events as the coronation of the Seafair Queen and the Hydroplane Races on Lake Washington along with the spectacular Seafair Torchlight Parade; and

WHEREAS, These events have caused national and international acclaim and bring thousands of people each year to Seattle to participate in the festivities, and they greatly contribute to the economy of Seattle and the State of Washington; and

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That we commend the Managing Director of the Seafair, Donald C. Jones, for his leadership; the thousands of community volunteers; the Board of Directors and staff of Seafair, along with the Seafair clowns, commodores and pirates, who do such excellent work in making the Seafair an outstanding regional celebration; and

BE IT FURTHER RESOLVED, That the House of Representatives extends its best wishes for the success of the thirty-sixth annual Seafair celebration and for the continued contribution to the fun, beauty and excitement of the Seafair tradition; and

BE IT FURTHER RESOLVED, That copies of this Resolution be forwarded to Mr. Donald C. Jones, Managing Director of Seafair, and to the members of the Board of Directors of Seafair by the Chief Clerk of the House of Representatives.

Mr. Locke moved adoption of the resolution. Representatives Locke and Tilly spoke in favor of the resolution and it was adopted.

The House reverted to the sixth order of business.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5044, by Committee on Agriculture (originally sponsored by Senators Hansen and Barr)

Modifying department of agriculture commodity authority.

The bill was read the second time. Committee on Agriculture recommendation: Majority, do pass as amended. (For amendments, see Journal, 46th Day, February 27, 1986.)

Mr. Vekich moved adoption of the committee amendment.

Mr. Jacobsen moved adoption of the following amendments by Representatives Jacobsen, Vekich and Prince to the committee amendment:

On page 14 of the amendment, line 12 after "to," insert "products qualifying as organic food products under chapter 15.86 RCW and"

On page 20, line 13 after "to," insert "products qualifying as organic food products under chapter 15.86 RCW and"

Representatives Jacobsen and Prince spoke in favor of the amendments to the committee amendment, and they were adopted.

On motion of Mr. Vekich, the following amendments to the committee amendment were adopted:

On page 23, line 2 after "establishment" strike "shall disclose" and insert ", at the point of sale, shall disclose by posting a sign"

On page 23, line 14, after "the" strike "manner in" and insert "size and content of the sign upon"

Mr. Addison moved adoption of the following amendment by Representatives Addison and Peery to the committee amendment:

On page 23, after line 27 insert the following:

NEW SECTION, Sec. 18. A new section is added to chapter 69.04 RCW to read as follows:

The legislature finds that more than 700,000 of our citizens die each year from heart attack and stroke, a greater number of deaths than is caused by any other illness; that research has identified saturated fats as a major cause contributing to heart disease and stroke; that public health officials and medical authorities have urged the general public to moderate their intake of saturated fats; that recent studies have shown that many restaurants, particularly fast food restaurants, use highly saturated fats, such as beef tallow, in the preparation of deep fried foods; that restaurants do not disclose in their menus or otherwise routinely disclose the kind of fat used in their fried foods; and that requiring such disclosure would enable consumers, particularly consumers with histories or family histories of heart disease or stroke, to make more intelligent decisions with respect to the foods they consume, decisions more consistent with their long term health. Therefore, the legislature enacts this law requiring all restaurants serving deep fried foods to disclose to consumers the kind of fat used in the preparation of such foods.

NEW SECTION, Sec. 19. A new section is added to chapter 69.04 RCW to read as follows:

The director shall adopt rules requiring restaurants that sell deep fried foods to disclose in a conspicuous manner to prospective consumers of such foods the kind of fat or fats used to deep fry the foods, and if the director finds it in the interest of public health, the extent to which the fat or fats are saturated. Any fried foods sold or offered for sale in violation of this section or

the rules adopted hereunder shall be deemed to be misbranded for the purposes of this chapter. For purposes of this section, the word 'restaurants' shall be broadly construed to mean any commercial food service establishment that prepares deep fried foods and sells the same, whether on or off the premises, to consumers of such foods."

Renumber the remaining sections consecutively and correct internal references.

Mr. Addison spoke in favor of the amendment to the amendment, and Representatives Hargrove and Chandler opposed it.

The amendment to the amendment was not adopted.

Mr. Vekich moved adoption of the following amendment by Representatives Vekich and Kremen to the committee amendment:

On page 25 of the amendment, after line 5, strike all material through "taken." on line 23 and insert:

"(1) The director of agriculture shall adopt rules imposing a civil penalty for violations of the standards for component parts of fluid dairy products which are established by RCW 15.36.030 or adopted pursuant to RCW 69.04.398. The penalty shall not exceed ten thousand dollars and shall be such as is necessary to achieve proper enforcement of the standards. The rules shall be adopted before January 1, 1987, and shall become effective on July 1, 1987."

On page 25 of the amendment, on line 29, after "penalty," strike all material through "question." on line 37

On page 27 of the amendment, after line 17, insert the following:

"**NEW SECTION.** Sec. 20. The director of agriculture shall establish a special study committee which shall identify and review issues related to packaged fluid dairy products standards and the enforcement of such standards. The committee shall include appropriate representatives of the department of agriculture, the dairy producers of this state, and the dairy processors of this state. The committee shall submit a report, with recommendation as to any proposed legislation, to the agriculture committees of the senate and the house of representatives no later than November 1, 1986."

Renumber the remaining sections accordingly and correct internal references accordingly.

On page 27 of the amendment, beginning on line 18, strike everything through "plans." on page 28 of the amendment, line 30

Renumber the remaining sections consecutively.

Representatives Vekich and Nealey spoke in favor of the amendments to the committee amendment, and they were adopted.

The committee amendment as amended was adopted.

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

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 5044 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Engrossed Substitute Senate Bill No. 5044 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4938, by Committee on Governmental Operations (originally sponsored by Senators Thompson, Goltz, Conner, Rinehart, Garrett, DeJarnatt, Owen and Kreidler; by request of Governor)

Revising provisions relating to various boards and commissions.

The bill was read the second time. Committee on State Government recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Ms. Belcher moved adoption of the committee amendment.

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

Beginning on page 1, line 5 strike everything through page 1, line 15.

Renumber the remaining sections consecutively and correct internal references accordingly.

Mr. Dellwo spoke in favor of the amendment to the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Dellwo and Padden to the committee amendment to Engrossed Substitute Senate Bill No. 4938, and the amendment to the amendment was not adopted by the following vote: Yeas, 35; nays, 61; absent, 1; excused, 1.

Voting yea: Representatives Addison, Appelwick, Barnes, Barrett, Bond, Brooks, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Fisch, Hastings, Holland, King P, Lewis, Long, Lundquist, Madsen, May, Nealey, Nelson G, Niemi, Nulley, Padden, Silver, Smith C, Taylor, Tilly, Vander Stoep, Walker, Wang, West, Winsley - 35.

Voting nay: Representatives Allen, Armstrong, Ballard, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brough, Cole, Ebersole, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Isaacson, Jacobsen, King J, King R, Kremen, Leonard, Locke, Lux, McMullen, Miller, Nelson D, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith L, Smitherman, Sommers, Sutherland, Tanner, Thomas, Todd, Unsoeld, Valle, Van Luven, Vekich, Walk, Williams B, Williams J, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 61.

Absent: Representative Wilson S - 1.

Excused: Representative van Dyke - 1.

Ms. Hankins moved adoption of the following amendment by Representatives Hankins and Brooks to the committee amendment:

On page 1, line 18 strike section 201.

Renumber the remaining sections consecutively and correct internal references accordingly.

Representatives Hankins, Brooks and Schoon spoke in favor of the amendment to the committee amendment, and Representatives Baugher, Belcher and Sutherland opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Hankins and Brooks to the committee amendment to Engrossed Substitute Senate Bill No. 4938, and the amendment to the amendment was not adopted by the following vote: Yeas, 48; nays, 49; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, King P, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Tanner, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 48.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nulley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 49.

Excused: Representative van Dyke - 1.

Mr. B. Williams moved adoption of the following amendment by Representatives B. Williams and Belcher to the committee amendment:

On page 70 of the amendment, after line 5, insert the following:

*CAPITOL COMMITTEE

Sec. 1001. Section 43.17.070, chapter 8, Laws of 1965 as amended by section 8, chapter 40, Laws of 1982 and RCW 43.17.070 are each amended to read as follows:

There shall be an administrative committee(s) of the state government, which shall be known as ~~((the))~~ the state finance committee ~~((and (2) the state capitol committee))~~.

Sec. 1002. Section 43.34.040, chapter 8, Laws of 1965 and RCW 43.34.040 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration may erect one or more permanent buildings; one or more temporary buildings; excavate or partially excavate for any such building or buildings; partially erect any such building or buildings; make other temporary or permanent improvements wholly or in part; upon the capitol grounds belonging to the state and known as the 'Sylvester site' or 'Capitol place' in Olympia, Washington.

NEW SECTION. Sec. 1003. RCW 43.34.040, as amended by this 1986 act, is recodified as a section in chapter 79.24 RCW.

Sec. 1004. Section 7, chapter 69, Laws of 1909 as last amended by section 76, chapter 57, Laws of 1985 and RCW 79.24.030 are each amended to read as follows:

The board of natural resources ~~((and the state capitol committee))~~ may employ such cruisers, draughtsmen, engineers, architects or other assistants as may be necessary for the best interests of the state in carrying out the provisions of ~~((this act))~~ RCW 79.24.010 through 79.24.085, and all expenses incurred by the board ~~((and committee))~~ and all claims against the capitol building construction account shall be audited by the ~~((state capitol committee))~~ department of natural resources and presented in vouchers to the state treasurer, who shall draw a warrant therefor against the capitol building construction account as herein provided or out of any appropriation made for such purpose.

Sec. 1005. Section 1, chapter 293, Laws of 1955 as last amended by section 90, chapter 75, Laws of 1977 and RCW 79.24.300 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration may construct parking facilities for the state capitol adequate to provide parking space for automobiles, said parking facilities to be either of a single level, multiple level, or both, and to be either on one site or more than one site and located either on or in close proximity to the capitol grounds, though not necessarily contiguous thereto. The ~~((state capitol committee))~~ department of general administration may select such lands as are necessary therefor and acquire them by purchase or condemnation. As an aid to such selection the ~~((committee))~~ department may cause location, topographical, economic, traffic, and other surveys to be conducted, and for this purpose may utilize the services of existing state agencies, may employ personnel, or may contract for the services of any person, firm or corporation. ~~((in selecting the location and plans for the construction of the parking facilities the committee shall consider recommendations of the director of general administration.))~~

Space in parking facilities may be rented to the officers and employees of the state on a monthly basis at a rental to be determined by the director of general administration. The state shall not sell gasoline, oil, or any other commodities or perform any services for any vehicles or equipment other than state equipment.

Sec. 1006. Section 2, chapter 293, Laws of 1955 and RCW 79.24.310 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration may construct any two of the following three facilities: (1) A two story parking facility south of the transportation and public lands building in the existing parking area; (2) multiple level but not to exceed three story parking facility adjacent to the new office building; (3) multiple level but not to exceed three story parking facility adjacent to the new office building.

Sec. 1007. Section 2, chapter 216, Laws of 1955 and RCW 79.24.410 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration may accept such grant on behalf of the state. Upon receipt from the city of Olympia of the conveyance authorized by RCW 79.24.400, the ~~((state capitol committee))~~ department of general administration may lease the premises thereby conveyed, to any person, firm, or corporation for the purpose of constructing, operating and maintaining a garage and parking facility underneath the surface of said property.

The lease shall be for a term of not to exceed twenty-five years and by its terms shall require the lessee to restore and maintain the condition of the surface of the property so as to be available and suitable for use as a public park. The lease shall further provide that all improvements to the property shall become the property of the state upon termination of the lease, and may provide such further terms as the ~~((capitol committee))~~ department of general administration may deem to be advantageous.

Sec. 1008. Section 1, chapter 258, Laws of 1957 and RCW 79.24.450 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration may construct a suitable access to the capitol grounds by way of fourteenth and fifteenth streets in the city of Olympia, and for the purpose may acquire, by purchase or condemnation, such lands along the said streets and between Capitol Way and Cherry Street in the city of Olympia, and construct thereon such improvements as the ~~((state capitol committee))~~ department of general administration may deem proper for the purposes of such access.

Sec. 1009. Section 1, chapter 167, Laws of 1961 as amended by section 1, chapter 43, Laws of 1967 ex. sess. and RCW 79.24.500 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration shall proceed as rapidly as their resources permit to acquire title to the following described property for development as state capitol grounds:

That area bounded as follows: Commencing at a point beginning at the southwest corner of Capitol Way and 15th Avenue and proceeding westerly to the present easterly boundary of the capitol grounds on the west; thence proceeding northerly along said easterly boundary of the capitol grounds; thence proceeding easterly along the boundary of the present capitol grounds to a point at the corner of Capitol Way and 14th Avenue; thence proceeding southerly to the point of beginning; also that area bounded by Capitol Way on the west, 11th Avenue on the north, Jefferson Street on the east, and 16th Avenue (Maple Park) on the south; also that area bounded by Jefferson Street on the west, 14th Avenue on the north, Cherry Street on the east and 14th Avenue (Interstate No. 5 access) on the south; also that area bounded by 14th Avenue (Interstate No. 5 access) on the north, the westerly boundary of the Oregon-Washington Railroad & Navigation Co. right-of-way on the east, 16th Avenue on the south, and Jefferson Street on the west; also that area bounded by 15th Avenue on the north, the westerly boundary of the Oregon-Washington Railroad & Navigation Co. right-of-way on the east, and 14th Avenue (Interstate No. 5 access) on the south and west; all in the city of Olympia, county of Thurston, state of Washington, or any such portion or portions of the above described areas as may be required for present or future expansion of the facilities of the state capitol.

Sec. 1010. Section 3, chapter 167, Laws of 1961 and RCW 79.24.520 are each amended to read as follows:

The ~~((state capitol committee))~~ department of general administration may acquire such property by gift, exchange, purchase, option to purchase, condemnation, or any other means of acquisition not expressly prohibited by law. All other state agencies shall aid and assist the ~~((state capitol committee))~~ department of general administration in carrying out the provisions of RCW 79.24.500 through 79.24.600.

Sec. 1011. Section 4, chapter 167, Laws of 1961 and RCW 79.24.530 are each amended to read as follows:

The department of general administration shall develop, amend and modify an overall plan for the design and establishment of state capitol buildings and grounds on the east capitol site in accordance with current and prospective requisites of a state capitol befitting the state of Washington. ~~((The overall plan, amendments and modifications thereto shall be subject to the approval of the state capitol committee.))~~

Sec. 1012. Section 5, chapter 167, Laws of 1961 and RCW 79.24.540 are each amended to read as follows:

State agencies which are authorized by law to acquire land and construct buildings, whether from appropriated funds or from funds not subject to appropriation by the legislature, may buy land in the east capitol site and construct buildings thereon so long as the location, design and construction meet the requirements established by the department of general administration ~~((and approved by the state capitol committee)).~~

Sec. 1013. Section 6, chapter 167, Laws of 1961 and RCW 79.24.550 are each amended to read as follows:

No state agency shall undertake construction of buildings in Thurston county except upon the state capitol grounds: PROVIDED, That the ~~((state capitol committee))~~ department of general administration may authorize exceptions upon a finding by the ~~((state capitol committee))~~ department that appropriate locations on the capitol grounds or east capitol site are unavailable.

Sec. 1014. Section 1, chapter 14, Laws of 1970 ex. sess. and RCW 79.24.630 are each amended to read as follows:

In addition to any authority previously granted, the state ~~((capitol))~~ finance committee is authorized and directed to issue coupon or registered revenue bonds of the state in an amount not to exceed four million dollars. The bonds shall bear interest at such rates and mature at such times as the state ~~((capitol))~~ finance committee shall determine ~~((by resolution))~~. Both principal and interest shall be payable only from funds received and deposited in the capitol purchase and development account of the general fund or directly from proceeds provided in RCW 79.24.570.

Sec. 1015. Section 5, chapter 105, Laws of 1967 ex. sess. as amended by section 4, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.632 are each amended to read as follows:

Such bonds may be sold in such manner and in such amounts, in such denominations, at such price and at such times as the ~~((capitol))~~ state finance committee shall determine.

Sec. 1016. Section 6, chapter 105, Laws of 1967 ex. sess. as amended by section 5, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.634 are each amended to read as follows:

Bonds issued under RCW 79.24.630 through 79.24.646 shall mature at such time or times, and include such provisions for optional redemption, premiums, coverage, guarantees, and other covenants as in the opinion of the state (~~capitol~~) finance committee may be necessary. In issuing such bonds and including such provisions, the state (~~capitol~~) finance committee shall act for the state and all officers, departments and agencies thereof affected by such provisions, and the state and such officers, departments and agencies shall adhere to and be bound by such covenants. As long as any of such bonds shall be outstanding, neither the state, nor any of its officers, departments, agencies or instrumentalities, shall divert any of the proceeds and revenues actually pledged to secure the payment of the bonds and interest thereon, and the provisions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as the bonds are outstanding and unpaid and shall constitute a contract to that effect for the benefit of the holders of all such bonds. The principal and interest of said bonds shall be payable at the office of the state treasurer, or at the office of the fiscal agent of the state in New York City at the option of the holder of any such bond or bonds.

Sec. 1017. Section 8, chapter 105, Laws of 1967 ex. sess. as last amended by section 5, chapter 8, Laws of 1982 2nd ex. sess. and RCW 79.24.638 are each amended to read as follows:

For the purpose of paying the principal and interest of said bonds as the same shall become due, or as said bonds become callable at the option of the (~~capitol~~) state finance committee, there is created a fund to be denominated the 'state building bond redemption fund'. While any of said bonds remain outstanding and unpaid, it shall be the duty of the (~~capitol~~) state finance committee on or before June 30th of each year to determine the amount that will be required for the redemption of bonds and the payment of interest during the twelve-month period of the next fiscal year, and certify said amount to the state treasurer in writing. The state treasurer shall forthwith and thereafter during said twelve-month period and at least fifteen days prior to each interest and principal payment date deposit into the state building bond redemption fund that portion of all receipts necessary to pay the principal and interest on the bonds issued that would otherwise be deposited in the general fund—capitol purchase and development account and transfer such additional amounts from the general fund—capitol purchase and development account as may be necessary until the amount certified to said treasurer by the (~~said capitol~~) state finance committee has accrued to the state building bond redemption fund. Nothing in RCW 79.24.630 through 79.24.642, 79.24.645, 79.24.647, 79.24.570 and 79.24.580 shall prohibit the use of such receipts from leases and contracts of sale for any other lawfully authorized purpose when not required for the redemption and payment of interest and meeting the covenant requirements of the bonds authorized herein.

On June 30, 1983, the state treasurer shall transfer from the capitol purchase and development account to the general fund all moneys in excess of seven hundred thousand dollars.

In addition to certifying and providing for the annual amounts required to pay the principal and interest of said bonds, the (~~capitol~~) state finance committee may, under such terms and conditions and at such times and in such amounts as may be found necessary to insure the sale of said bonds, provide for additional payments into the state building bond redemption fund to be held as a reserve to secure the payment of the principal and interest of such bonds.

The owner and holder of any of said bonds or the trustee for any of said bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as directed herein.

The proceeds from the sale of the bonds hereby authorized shall be paid into the general fund—capitol purchase and development account.

Sec. 1018. Section 10, chapter 105, Laws of 1967 ex. sess. as amended by section 9, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.642 are each amended to read as follows:

Proceeds of the bonds issued hereunder shall be expended by the (~~state capitol committee~~) department of general administration for the purposes enumerated in this section.

The (~~state capitol committee~~) department of general administration shall provide for the acquisition, development and improvement of lands, improvements and facilities within the east capitol site, as now described or as may be described by the legislature, as may be determined by the (~~state capitol committee~~) department of general administration to be necessary for the current and prospective requisites of a state capitol in accordance with the provisions of RCW 79.24.500 through 79.24.590 and chapter 43.19 RCW, and to pay for all costs and expenses in issuing the bonds and to pay interest thereon during construction of the improvements and facilities for which the bonds were issued and six months thereafter.

Sec. 1019. Section 1, chapter 273, Laws of 1969 ex. sess. and RCW 79.24.6421 are each amended to read as follows:

The state (~~capitol~~) finance committee is hereby authorized to refund, at the maturity thereof, or before the maturity thereof if they are subject to call prior to maturity, or if all the holders thereof consent thereto, upon such terms and conditions as it shall deem just, any or all of its revenue bonds now or hereafter outstanding, issued pursuant to RCW 79.24.630 through

79.24.646, which revenue bonds are payable out of the state building bond redemption fund. Refunding revenue bonds may be issued hereunder in a sufficient amount to refund the aforesaid outstanding revenue bonds and in addition to provide the balance of the four million dollars in bond proceeds authorized by RCW 79.24.630 for deposit into the general fund—capitol purchase and development account. Such refunding bonds shall bear interest at such rates and mature at such times, without limitation by the interest rates or maturity of the bonds being refunded, as the state ((capitol)) finance committee shall determine ((by resolution)). Such refunding revenue bonds shall be issued in accordance with and be subject to the provisions of RCW 79.24.630 through 79.24.642.

Sec. 1020. Section 1, chapter 272, Laws of 1969 ex. sess. and RCW 79.24.650 are each amended to read as follows:

The ((state capitol committee)) department of general administration shall provide for the construction, remodeling, and furnishing of capitol office buildings, parking facilities, governor's mansion, and such other buildings and facilities as are determined by the ((state capitol committee)) department of general administration to be necessary to provide space for the legislature by way of offices, committee rooms, hearing rooms, and work rooms, and to provide executive office space and housing for the governor, and to provide executive office space for other elective officials and such other state agencies as may be necessary, and to pay for all costs and expenses in issuing the bonds and to pay interest thereon during construction of the facilities for which the bonds were issued and six months thereafter.

Sec. 1021. Section 2, chapter 272, Laws of 1969 ex. sess. and RCW 79.24.652 are each amended to read as follows:

In addition to any authority previously granted, the state ((capitol)) finance committee is authorized and directed to issue coupon or registered revenue bonds of the state in an amount not to exceed fifteen million dollars. The bonds may be sold in such manner and amounts, and in such denominations, at such times, at such price and shall bear interest at such rates and mature at such times as the state ((capitol)) finance committee shall determine ((by resolution)). Both principal and interest shall be payable only from revenues hereafter received from leases and contracts of sale heretofore or hereafter made of lands, timber, and other products from the surface or beneath the surface of the lands granted to the state by the United States pursuant to the act of congress approved February 22, 1889, for capitol building purposes and from any parking revenues derived from state capitol parking facilities.

Sec. 1022. Section 3, chapter 272, Laws of 1969 ex. sess. and RCW 79.24.654 are each amended to read as follows:

Bonds issued under RCW 79.24.650 through 79.24.668 shall mature at such time or times, and include such provisions for optional redemption, premiums, coverage, guarantees, and other covenants as in the opinion of the state ((capitol)) finance committee may be necessary. In issuing such bonds and including such provisions, the state ((capitol)) finance committee shall act for the state and all officers, departments and agencies thereof affected by such provisions, and the state and such other officers, departments and agencies shall adhere to and be bound by such covenants. As long as any of such bonds shall be outstanding, neither the state, nor any of its officers, departments, agencies or instrumentalities, shall divert any of the proceeds and revenues actually pledged to secure the payment of the bonds and interest thereon, and the provisions of this section shall restrict and limit the powers of the legislature of the state of Washington in respect to the matters herein mentioned as long as the bonds are outstanding and unpaid and shall constitute a contract to that effect for the benefit of the holders of all such bonds. The principal and interest of said bonds shall be payable at the office of the state treasurer, or at the office of the fiscal agent of the state in New York City at the option of the holder of any such bond or bonds.

Sec. 1023. Section 5, chapter 272, Laws of 1969 ex. sess. and RCW 79.24.658 are each amended to read as follows:

For the purpose of paying the principal and interest of said bonds as the same shall become due, or as said bonds become callable at the option of the ((capitol)) state finance committee, there is created a fund to be denominated the 'state building and parking bond redemption fund'. While any of said bonds remain outstanding and unpaid, it shall be the duty of the ((capitol)) state finance committee on or before June 30th of each year to determine the amount that will be required for the redemption of bonds and the payment of interest during the next fiscal year, and certify said amount to the state treasurer in writing. The state treasurer shall forthwith and thereafter during that fiscal year and at least fifteen days prior to each interest and principal payment date deposit into the state building and parking bond redemption fund all receipts from any parking facilities and to the extent necessary from receipts from leases and contracts of sale heretofore or hereafter made of lands, timber, and other products from the surface or beneath the surface of the lands granted to the state by the United States pursuant to the act of congress until the amount certified to the treasurer by the ((capitol)) state finance committee has accrued to the state building and parking bond redemption fund. Nothing in RCW 79.24.650 through 79.24.668 shall prohibit the use of such receipts from leases and contracts of sale for any other lawfully authorized purpose when not required for the

redemption and payment of interest and meeting the covenant requirements of the bonds authorized herein.

In addition to certifying and providing for the annual amounts required to pay the principal and interest of said bonds, the (~~capitol~~) state finance committee may, under such terms and conditions and at such times and in such amounts as may be found necessary to insure the sale of said bonds, provide for additional payments into the state building and parking bond redemption fund to be held as a reserve to secure the payment of the principal and interest of such bonds.

The owner and holder of any of said bonds or the trustee for any of said bonds may by mandamus or other appropriate proceeding require and compel the deposit and payment of funds as directed herein.

The proceeds from the sale of the bonds hereby authorized shall be paid into the general fund—state building construction account.

Sec. 1024. Section 7, chapter 272, Laws of 1969 ex. sess. and RCW 79.24.662 are each amended to read as follows:

Proceeds of the bonds issued hereunder shall be expended by the (~~state capitol committee~~) department of general administration for the purposes enumerated in RCW 79.24.650.

Sec. 1025. Section 9, chapter 272, Laws of 1969 ex. sess. and RCW 79.24.666 are each amended to read as follows:

The (~~state capitol committee~~) department of general administration shall perform the foregoing in accordance with law and after consultation with and advice of such committee of the senate and house of representatives as the legislature may appoint for this purpose. The (~~state capitol committee~~) department of general administration shall have power to do all acts and things necessary or convenient to carry out the purposes of RCW 79.24.650 through 79.24.668 subject to and in accordance with the provisions of RCW 79.24.650 through 79.24.668 and chapters 43.19 and 79.24 RCW.

NEW SECTION. Sec. 1026. The following acts or parts of acts are each repealed:

(1) Section 43.30.090, chapter 8, Laws of 1965, section 105, chapter 3, Laws of 1983 and RCW 43.30.090;

(2) Section 43.34.010, chapter 8, Laws of 1965, section 10, chapter 57, Laws of 1979 ex. sess. and RCW 43.34.010;

(3) Section 43.34.015, chapter 8, Laws of 1965 and RCW 43.34.015;

(4) Section 43.82.020, chapter 8, Laws of 1965 and RCW 43.82.020; and

(5) Section 3, chapter 293, Laws of 1955 and RCW 79.24.320.

PART XI*

Renumber the sections consecutively.

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

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

On page 70, after line 18, insert the following:

*Sec. 1001. Section 1, chapter 12, Laws of 1970 ex. sess. as last amended by section 3, chapter 365, Laws of 1985 and by section 1, chapter 461, Laws of 1985 and RCW 41.06.020 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) 'Agency' means an office, department, board, commission, or other separate unit or division, however designated, of the state government and all personnel thereof; it includes any unit of state government established by law, the executive officer or members of which are either elected or appointed, upon which the statutes confer powers and impose duties in connection with operations of either a governmental or proprietary nature.

(2) 'Board' means the (~~state personnel board established under the provisions of RCW 41.06.110, except that this definition does not apply to the words 'board' or 'boards' when used in RCW 41.06.070~~) department of personnel created under RCW 41.06.030.

(3) 'Classified service' means all positions in the state service subject to the provisions of this chapter.

(4) 'Competitive service' means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment.

(5) 'Comparable worth' means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions.

(6) 'Noncompetitive service' means all positions in the classified service for which a competitive examination is not required.

(7) 'Department' means an agency of government that has as its governing officer a person, or combination of persons such as a commission, board, or council, by law empowered to operate the agency responsible either to (a) no other public officer or (b) the governor.

(8) 'Career development' means the progressive development of employee capabilities to facilitate productivity, job satisfaction, and upward mobility through work assignments as well

as education and training that are both state-sponsored and are achieved by individual employee efforts, all of which shall be consistent with the needs and obligations of the state and its agencies.

(9) 'Training' means activities designed to develop job-related knowledge and skills of employees.

(10) 'Director' means the director of personnel appointed under the provisions of RCW 41.06.130.

(11) 'Affirmative action' means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

Sec. 1002. Section 3, chapter 1, Laws of 1961 and RCW 41.06.030 are each amended to read as follows:

~~((A))~~ The department of personnel, ~~((governed by a state personnel board and))~~ administered by ~~((a))~~ the director of personnel, is hereby established as a separate agency within the state government.

Sec. 1003. Section 8, chapter 10, Laws of 1982 as amended by section 69, chapter 287, Laws of 1984 and RCW 41.06.110 are each amended to read as follows:

~~((H))~~ There is hereby created a state personnel ~~((board))~~ advisory committee composed of three members appointed by the ~~((governor, subject to confirmation by the senate. The first such board shall be appointed within thirty days after December 8, 1960, for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Each member shall continue to hold office after the expiration of the member's term until a successor has been appointed))~~ director of personnel. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed~~((:))~~.

~~((2))~~ Each member of the board shall be compensated in accordance with RCW 43.03.250. ~~The members of the board may receive any number of daily payments for official meetings of the board actually attended:)~~ Members of the ~~((board))~~ advisory committee shall ~~((also))~~ be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

~~((3))~~ At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board. ~~The director of personnel shall serve as secretary.~~

~~(4) The board may appoint and compensate hearing officers to hear and conduct appeals until December 31, 1982. Such compensation shall be paid on a contractual basis for each hearing, in accordance with the provisions of chapter 43.88 RCW and rules adopted pursuant thereto, as they relate to personal service contracts:)~~

The state personnel advisory committee shall advise the director in carrying out his or her duties under law. The committee shall meet when convened by the director but at least four times per year.

Sec. 1004. Section 13, chapter 1, Laws of 1961 as amended by section 3, chapter 53, Laws of 1982 1st ex. sess. and RCW 41.06.130 are each amended to read as follows:

~~((The office of director of personnel is hereby established:~~

~~(1) Within ninety days after December 8, 1960, a director of personnel shall be appointed. The merit system director then serving under RCW 50.12.030, whose position is terminated by this chapter, may serve as director of personnel hereunder until a permanent director of personnel is appointed as herein provided, and may be appointed as director of personnel by the governor alone, or the governor may fill the position in the manner hereinafter provided for subsequent vacancies therein on the basis of competitive examination, in conformance with board rules for competitive examinations, for which examinations the merit system director is eligible:~~

~~((2))~~ The director of personnel shall be appointed by the governor ~~((from a list of three names submitted to him by the board with its recommendations. The names on such list shall be those of the three standing highest upon competitive examination conducted by a committee of three persons appointed by the board solely for that purpose whenever the position is vacant. Only persons with substantial experience in the field of personnel management are eligible to take such examination.~~

~~((3) The director of personnel is removable for cause by the governor with the approval of a majority of the board or by a majority of the board)) and shall hold office at the pleasure of the governor. The director shall receive a salary as fixed by the governor in accordance with RCW 43.03.040. The director may employ staff as necessary to carry out the purposes of this chapter.~~

~~((4))~~ The director of personnel shall direct and supervise all the department of personnel's ~~((administrative and technical))~~ activities in accordance with the provisions of this chapter and the rules and regulations approved and promulgated thereunder. ~~((He shall prepare for consideration by the board proposed rules and regulations required by this chapter. His salary shall be fixed by the board.~~

(5)) The director of personnel may delegate to any agency the authority to perform administrative and technical personnel activities if the agency requests such authority and the director of personnel is satisfied that the agency has the personnel management capabilities to effectively perform the delegated activities. The director of personnel shall prescribe standards and guidelines for the performance of delegated activities. If the director of personnel determines that an agency is not performing delegated activities within the prescribed standards and guidelines, the director shall withdraw the authority from the agency to perform such activities.

NEW SECTION. Sec. 1005. A new section is added to chapter 41.06 RCW to read as follows:

Wherever the term 'state personnel board' appears in the Revised Code of Washington or the Washington Administrative Code, it shall mean the department of personnel.

Sec. 1006. Section 2, chapter 36, Laws of 1969 ex. sess. as last amended by section 2, chapter 365, Laws of 1985 and by section 8, chapter 461, Laws of 1985 and RCW 28B.16.020 are each reenacted and amended to read as follows:

Unless the context clearly indicates otherwise, the words used in this chapter have the meaning given in this section.

(1) 'Institutions of higher education' are the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and the various state community colleges;

(2) 'Board' means the department of higher education personnel ~~((board))~~ established under ~~((the provisions of RCW 28B.16.060))~~ section 1007 of this 1986 act;

(3) 'Related boards' means the state board for community college education and the department of higher education personnel ~~((board))~~; and such other boards, councils and commissions related to higher education as may be established;

(4) 'Classified service' means all positions at the institutions of higher education subject to the provisions of this chapter;

(5) 'Comparable worth' means the provision of similar salaries for positions that require or impose similar responsibilities, judgments, knowledge, skills, and working conditions;

(6) 'Competitive service' means all positions in the classified service for which a competitive examination is required as a condition precedent to appointment;

(7) 'Noncompetitive service' means all positions in the classified service for which a competitive examination is not required;

(8) 'Affirmative action' means a procedure by which racial minorities, women, persons in the protected age category, persons with disabilities, Vietnam-era veterans, and disabled veterans are provided with increased employment opportunities. It shall not mean any sort of quota system.

NEW SECTION. Sec. 1007. A new section is added to chapter 28B.16 RCW to read as follows:

There is hereby created the department of higher education personnel which shall be under the direction and supervision of the director of higher education personnel. The director of higher education personnel shall be appointed by the governor and shall hold office at the pleasure of the governor. The director shall receive a salary fixed by the governor in accordance with RCW 43.03.040.

The director may employ staff as necessary to carry out the purposes of this chapter.

Sec. 1008. Section 6, chapter 36, Laws of 1969 ex. sess. as last amended by section 63, chapter 287, Laws of 1984 and RCW 28B.16.060 are each amended to read as follows:

(1) There is hereby created a state higher education personnel ~~((board))~~ advisory committee composed of three members appointed by the ~~((governor, subject to confirmation by the senate. The first such board shall be appointed within thirty days after the effective date of this chapter for terms of two, four, and six years. Each odd-numbered year thereafter the governor shall appoint a member for a six-year term. Persons so appointed shall have clearly demonstrated an interest and belief in the merit principle, shall not hold any other employment with the state, shall not have been an officer of a political party for a period of one year immediately prior to such appointment, and shall not be or become a candidate for partisan elective public office during the term to which they are appointed.~~

(2) Each member of the board shall be compensated in accordance with RCW 43.03.250) director of higher education personnel. The advisory committee shall advise the director in carrying out his or her duties under law. The committee shall meet when convened by the director but at least four times per year.

Members of the ~~((board))~~ advisory committee shall ~~((also))~~ be reimbursed for travel expenses incurred in the discharge of their official duties in accordance with RCW 43.03.050 and 43.03.060.

~~((3)) At its first meeting following the appointment of all of its members, and annually thereafter, the board shall elect a chairman and vice chairman from among its members to~~

serve one year. The presence of at least two members of the board shall constitute a quorum to transact business. A written public record shall be kept by the board of all actions of the board.

(4) The board shall appoint a personnel director who shall be the chief staff officer for the board. In preparing matters for consideration by the board and in coordinating the implementation of the board's rules and regulations, the personnel director shall work in conjunction with the campus personnel officers and their staffs at each institution of higher education, and in the case of community colleges, with the state board for community college education. When necessary, the personnel director may request the creation of task forces drawn from the four-year institutions of higher education, and representatives of the various state community colleges through the state board for community college education, for the accomplishment of any projects undertaken by the board. The director may employ necessary personnel for the board, and the board may appoint and compensate hearing officers to hear and conduct appeals. The board shall establish an office for the conduct of its business.))

NEW SECTION, Sec. 1009. A new section is added to chapter 28B.16 RCW to read as follows:

Wherever the term 'higher education personnel board' appears in the Revised Code of Washington or the Washington Administrative Code, it shall mean the department of higher education personnel.

NEW SECTION, Sec. 1010. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the higher education personnel board shall be delivered to the custody of the department of higher education personnel. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the higher education personnel board shall be made available to the department of higher education personnel. All funds, credits, or other assets held by the higher education personnel board shall be assigned to the department of higher education personnel.

Any appropriations made to the higher education personnel board shall, on the effective date of this act, be transferred and credited to the department of higher education personnel.

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

NEW SECTION, Sec. 1011. All employees of the higher education personnel board are transferred to the jurisdiction of the department of higher education personnel. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of higher education personnel to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION, Sec. 1012. All rules and all pending business before the higher education personnel board shall be continued and acted upon by the department of higher education personnel. All existing contracts and obligations shall remain in full force and shall be performed by the department of higher education personnel.

NEW SECTION, Sec. 1013. The transfer of the powers, duties, functions, and personnel of the higher education personnel board shall not affect the validity of any act performed prior to the effective date of this act.

NEW SECTION, Sec. 1014. If apportionments of budgeted funds are required because of the transfers directed by sections 1010 through 1013 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION, Sec. 1015. Nothing contained in sections 1010 through 1014 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 1016. Section 2, chapter 115, Laws of 1967 ex. sess. as amended by section 3, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.020 are each amended to read as follows:

As used in this chapter, unless the context indicates otherwise, the following definitions shall apply:

(1) 'Authority' means the Washington state data processing authority created ((by RCW 43.105.032)) under section 1017 of this 1986 act;

(2) 'Automatic data processing' means that method of processing information using punch card (EAM) and/or electronic (EDP) equipment and includes data communication devices used in connection with automatic data processing equipment for the transmission of data;

(3) 'Local government agencies' includes all municipal and quasi municipal corporations and political subdivisions, and all agencies of such corporations and subdivisions authorized to contract separately;

(4) 'Director' means the executive director of the authority;

(5) 'State agency' means all offices, departments, agencies, institutions, and commissions of state government;

(6) 'System' means an organized collection of men, machines, and methods to accomplish a specific objective:

(7) 'Applications system' means a computerized system which accomplishes a specific objective (i.e., a payroll system or an inventory system).

NEW SECTION, Sec. 1017. A new section is added to chapter 43.105 RCW to read as follows:

The Washington state data processing authority is hereby created as an agency of state government. The authority shall be under the direction and supervision of the executive director of the Washington state data processing authority. The executive director shall be appointed by the governor and shall serve at the pleasure of the governor. The executive director shall receive a salary fixed by the governor in accordance with RCW 43.03.040.

The executive director may employ such staff as is necessary to carry out the purposes of this chapter.

Sec. 1018. Section 5, chapter 219, Laws of 1973 1st ex. sess. as last amended by section 86, chapter 287, Laws of 1984 and RCW 43.105.032 are each amended to read as follows:

There is hereby created the Washington state data processing ~~((authority))~~ advisory committee consisting of eleven members appointed by the ~~((governor, and serving at his pleasure. The governor shall make such appointments within thirty days after April 25, 1973))~~ executive director of the authority.

Members of the ~~((authority shall be compensated for service on the authority in accordance with RCW 43.03.240 and))~~ advisory committee shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

~~((The authority shall elect a chairman from among its members and shall appoint an executive director within sixty days after April 25, 1973, subject to confirmation by a majority vote of the senate.))~~

The advisory committee shall advise the executive director in carrying out his or her duties under law. The advisory committee shall meet when convened by the director, but at least four times per year.

NEW SECTION, Sec. 1019. The following acts or parts of acts are each repealed:

(1) Section 12, chapter 1, Laws of 1961, section 2, chapter 43, Laws of 1975-'76 2nd ex. sess., section 17, chapter 311, Laws of 1981 and RCW 41.06.120;

(2) Section 7, chapter 36, Laws of 1969 ex. sess., section 1, chapter 23, Laws of 1983 and RCW 28B.16.070; and

(3) Section 8, chapter 219, Laws of 1973 1st ex. sess. and RCW 43.105.045.

PART XI"

Renumber the sections consecutively.

Representatives Fuhrman and B. Williams spoke in favor of the amendment to the committee amendment, and Representatives Belcher and Sayan opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Fuhrman to the committee amendment to Engrossed Substitute Senate Bill No. 4938, and the amendment to the amendment was not adopted by the following vote: Yeas, 41; nays, 56; excused, 1.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Lundquist, May, Miller, Nealey, Nelson G. Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 41.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, McMullen, Nelson D, Niemi, Nulley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 56.

Excused: Representative van Dyke - 1.

The committee amendment as amended was adopted.

On motion of Mr. B. Williams, the committee amendment to the title of the bill was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4938 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Barnes, Betzozoff, Dellwo, Sanders, Van Luven - 5.

Excused: Representative van Dyke - 1.

Engrossed Substitute Senate Bill No. 4938 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 308,
 SUBSTITUTE HOUSE BILL NO. 1368,
 SUBSTITUTE HOUSE BILL NO. 1413,
 HOUSE BILL NO. 1483,
 SUBSTITUTE HOUSE BILL NO. 1493,
 HOUSE BILL NO. 1504,
 HOUSE BILL NO. 1511,
 SUBSTITUTE HOUSE BILL NO. 1564.

MOTION

Mr. Appelwick moved that the House immediately consider SUBSTITUTE SENATE BILL NO. 4425, SUBSTITUTE SENATE BILL NO. 4547 and SUBSTITUTE SENATE BILL NO. 4553.

The motion failed.

SUBSTITUTE SENATE BILL NO. 4905, by Committee on Transportation (originally sponsored by Senators Peterson and Patterson; by request of Governor)

Adopting the supplemental transportation budget.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For amendments, see Journal, 51st Day, March 4, 1986.)

Mr. Walk moved adoption of the committee amendment.

Mr. Van Luven moved adoption of the following amendment to the committee amendment:

On page 6, following line 21 insert the following:

"NEW SECTION, Sec. 9. During the 1985-87 biennium, the department of transportation shall not, without approval by the legislative transportation committee, increase the permanent staffing levels for the highway construction programs above the levels assumed by the legislature when the 1985-87 biennial budget for the department was enacted."

Renumber the remaining sections consecutively.

Mr. Van Luven spoke in favor of the amendment to the amendment, and Mr. Walk opposed it.

The amendment to the amendment was not adopted.

Mr. Van Luven moved adoption of the following amendment to the committee amendment:

On page 14, after line 15 insert the following:

"NEW SECTION, Sec. 18. The legislative transportation committee shall study the issue of privatization of the department of transportation. The study will include the feasibility of the

state contracting with the private sector to manage the state's transportation system in whole or in part, sale of the state ferry system and toll bridges, contracting out of the highway maintenance program, and contracting out of all the functions in programs A, B and C in whole or in part which currently are performed by the department.

This study shall include the feasibility of highways being privately financed, constructed, maintained and operated as toll roads and the private construction, maintenance and financing of bridges.

The committee shall report its findings to the legislature and the governor by December 31, 1986.

\$100,000 or so much thereof as may be necessary is appropriated from the motor vehicle fund to the legislative transportation committee for this purpose."

Renumber the remaining section consecutively.

Representatives Van Luven, Schoon, Padden and Addison spoke in favor of the amendment to the amendment, and Representatives Walk and Sutherland opposed it.

Mr. Crane demanded the previous question and the demand was not sustained.

Mr. Bond spoke in favor of the amendment to the amendment.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Van Luven to the committee amendment to Substitute Senate Bill No. 4905, and the amendment to the amendment was not adopted by the following vote: Yeas, 40; nays, 57; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Sanders, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B - 40.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nulley, O'Brien, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 57.

Excused: Representative van Dyke - 1.

Mr. Smitherman moved adoption of the following amendment by Representatives Smitherman, Zellinsky, Thomas, Haugen, Schmidt, Sayan, Basich, S. Wilson, Vekich, Fisher and Madsen to the committee amendment:

On page 14 of the committee amendment, after line 15, insert the following:

"Sec. 18. Section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 30, chapter 49, Laws of 1983 1st ex. sess. and RCW 82.38.030 are each amended to read as follows:

(1) There is hereby levied and imposed upon special fuel users a tax at the rate computed in the manner provided in RCW 82.36.025 per gallon or each one hundred cubic feet of compressed natural gas measured at standard pressure and temperature on the use of special fuel in any motor vehicle operated upon the highways of this state during the fiscal year for which such rate is applicable.

(2) The tax shall be collected by the special fuel dealer and shall be paid over to the department as hereinafter provided: (a) With respect to all special fuel delivered by a special fuel dealer into supply tanks of motor vehicles or into storage facilities used for the fueling of motor vehicles at unbonded service stations in this state; or (b) in all other transactions where the purchaser is not the holder of a valid special fuel license issued pursuant to this chapter allowing the purchase of untaxed special fuel.

(3) Notwithstanding the provisions of RCW 82.38.180, special fuel purchased by the Washington state ferry system for vessel operation after June 30, 1987, is subject to the tax imposed by this section and is not refundable. Moneys collected by the director upon special fuel sold to the state ferry system shall be transmitted forthwith to the state treasurer and shall be credited by the treasurer to the Puget Sound operating account of the motor vehicle fund.

(4) The tax shall be paid over to the department by the special fuel user as hereinafter provided with respect to the taxable use of special fuel upon which the tax has not previously been imposed.

It is expressly provided that delivery of special fuel may be made without collecting the tax otherwise imposed, when such deliveries are made by a bonded special fuel dealer to

special fuel users who are authorized by the department as hereinafter provided, to purchase fuel without payment of tax to the bonded special fuel dealer."

Renumber the section following consecutively

POINT OF ORDER

Ms. Sommers: "Mr. Speaker, I wish to challenge this amendment as being out of scope and object of the budget bill."

SPEAKER'S RULING

The Speaker: "Representative Sommers, the Speaker has examined Substitute Senate Bill No. 4905 and the amendment by Representative Smitherman. The bill deals with the appropriations and budgeting of moneys for transportation purposes. The amendment deals with revenue, a tax related to special fuel users. After examining both, the Speaker believes the amendment is outside the scope and object. Your point is well taken."

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

On page 14 of the committee amendment, after line 15, insert the following:

"Sec. 18. Section 82.36.010, chapter 15, Laws of 1961 as last amended by section 25, chapter 49, Laws of 1983 1st ex. sess. and RCW 82.36.010 are each amended to read as follows:

For the purposes of this chapter:

(1) 'Motor vehicle' means every vehicle that is in itself a self-propelled unit, equipped with solid rubber, hollow-cushion rubber, or pneumatic rubber tires and capable of being moved or operated upon a public highway, except motor vehicles used as motive power for or in conjunction with farm implements and machines or implements of husbandry;

(2) 'Motor vehicle fuel' means gasoline or any other inflammable gas or liquid, by whatsoever name such gasoline, gas, or liquid may be known or sold, the chief use of which is as fuel for the propulsion of motor vehicles or motorboats;

(3) 'Distributor' means every person who refines, manufactures, produces, or compounds motor vehicle fuel and sells, distributes, or in any manner uses it in this state; also every person engaged in business as a bona fide wholesale merchant dealing in motor vehicle fuel who either acquires it within the state from any person refining it within or importing it into the state, on which the tax has not been paid, or imports it into this state and sells, distributes, or in any manner uses it in this state;

(4) 'Service station' means a place operated for the purpose of delivering motor vehicle fuel into the fuel tanks of motor vehicles;

(5) 'Department' means the department of licensing;

(6) 'Director' means the director of licensing;

(7) 'Dealer' means any person engaged in the retail sale of liquid motor vehicle fuels;

(8) 'Person' means every natural person, firm, partnership, association, or private or public corporation;

(9) 'Highway' means every way or place open to the use of the public, as a matter of right, for purposes of vehicular travel;

(10) 'Broker' means every person, other than a distributor, engaged in business as a broker, jobber, or wholesale merchant dealing in motor vehicle fuel or other petroleum products used or usable in propelling motor vehicles, or in other petroleum products which may be used in blending, compounding, or manufacturing of motor vehicle fuel;

(11) 'Producer' means every person, other than a distributor, engaged in the business of producing motor vehicle fuel or other petroleum products used in, or which may be used in, the blending, compounding, or manufacturing of motor vehicle fuel;

(12) 'Distribution' means all withdrawals of motor vehicle fuel for delivery to others, to retail service stations, or to unlicensed bulk storage plants;

(13) 'Bulk storage plant' means, pursuant to the licensing provisions of RCW 82.36.070, any plant, under the control of the distributor, used for the storage of motor vehicle fuel to which no retail outlets are directly connected by pipe lines;

(14) 'Marine fuel dealer' means any person engaged in the retail sale of liquid motor vehicle fuel whose place of business and or sale outlet is located upon a navigable waterway;

(15) 'Aggregate motor vehicle fuel tax revenues' means the amount of excise taxes to be paid by distributors, retailers, and users pursuant to chapters 82.36, 82.37, and 82.38 RCW for any designated fiscal period, whether or not such amounts are actually received by the department of licensing. The phrase does not include fines or penalties assessed for violations;

(16) 'Fiscal year' means a twelve-month period ending June 30th;

(17) 'State personal income' means the dollar amount published as total personal income of persons in the state for the calendar year by the United States department of commerce or its successor agency;

(18) 'State personal income ratio' for any calendar year means that ratio expressed in percentage terms that is the sum of one hundred percent, plus seventy percent of the percentage increase or decrease in state personal income for the calendar year under consideration as compared to state personal income for the immediately preceding calendar year;

(19) 'Motor vehicle fund revenue' means all state taxes, fees, and penalties deposited in the motor vehicle fund and all other state revenue required by statute to be deposited in the motor vehicle fund, but does not include (a) moneys derived from nonfuel tax sources which are deposited directly in the several accounts, (b) interest deposited directly in the several accounts within the motor vehicle fund, (c) federal funds, (d) proceeds from the sale of bonds, or (e) reimbursements to the motor vehicle fund for services performed by the department of transportation for others(;;);

(20) 'Alcohol' means alcohol that is produced from renewable resources and is produced in this state or in a state that extends a tax exemption or credit for the sale of alcohol produced in this state for use in motor vehicle fuel that is at least equal to a tax exemption or credit for the sale of alcohol produced in the other state for use in motor vehicle fuel;

(21) 'Electronic funds transfer' means any transfer of funds, other than a transaction originated by check, draft, or similar paper instrument, which is initiated through an electronic terminal, telephonic instrument, or computer or magnetic tape so as to order, instruct, or authorize a financial institution to debit or credit an account.

Sec. 19. Section 82.36.030, chapter 15, Laws of 1961 and RCW 82.36.030 are each amended to read as follows:

Every distributor shall on or before the twenty-fifth day of each calendar month file, on forms furnished by the director, a statement signed by the distributor or his authorized agent showing the total number of gallons of motor vehicle fuel sold, distributed, or used by such distributor within this state during the preceding calendar month.

If any distributor fails to file such report, the director shall proceed forthwith to determine from the best available sources, the amount of motor vehicle fuel sold, distributed, or used by such distributor for the unreported period, and said determination shall be presumed to be correct for that period until proved by competent evidence to be otherwise. The director shall immediately assess the excise tax in the amount so determined, adding thereto a penalty of ten percent for failure to report. Such penalty shall be cumulative of other penalties herein provided. All statements filed with the director, as required in this section, shall be public records.

If any distributor establishes by a fair preponderance of evidence that his or her failure to file a report by the due date was attributable to reasonable cause and was not intentional or wilful, the department may waive the penalty imposed by this section.

NEW SECTION, Sec. 20. A new section is added to chapter 82.36 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, the tax due on motor vehicle fuel that is sold, distributed, or used during a month shall be paid on or before the twenty-fifth day of the following month.

(2) If payment of the tax due on motor vehicle fuel that is sold, distributed, or used during a month is made by electronic funds transfer, it shall be made on or before the state business day immediately preceding the last state business day of the following month.

(3) The tax shall be paid by electronic funds transfer whenever the amount due is fifty thousand dollars or more.

Sec. 21. Section 82.36.040, chapter 15, Laws of 1961 as amended by section 1, chapter 28, Laws of 1977 and RCW 82.36.040 are each amended to read as follows:

~~((The amount of excise tax for each month shall be paid to the director on or before the twenty-fifth day of the next month thereafter, and if not paid prior thereto, shall become delinquent at the close of business on that day, and a penalty of one percent of such excise tax must be added thereto for delinquency. PROVIDED, That in no case shall the penalty be more than five hundred dollars. If such tax and penalty is not received on or before the close of business on the last day of the month in which the payment is due an additional penalty of ten percent must be added thereto in addition to penalty above provided for.))~~ If payment of any tax due is not received by the due date, there shall be assessed a penalty of two percent of the amount of the tax. If any distributor establishes by a fair preponderance of evidence that his or her failure to pay the amount of tax due by the due date was attributable to reasonable cause and was not intentional or wilful, the department may waive the penalty imposed by this section.

Any motor vehicle fuel tax, penalties, and interest payable under the provisions of this chapter shall bear interest at the rate of ~~((one-half of))~~ one percent per month, or fraction thereof, from the first day of the calendar month after the close of the monthly period for which the amount or any portion thereof should have been paid until the date of payment~~((PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars. AND PROVIDED FURTHER, That))~~. The department may waive the interest ~~((on the unpaid excise tax))~~ when ~~((the interest exceeds five dollars and))~~ the department determines that the cost of processing the collection of the interest exceeds the amount of interest due.

In any suit brought to enforce the rights of the state ~~((hereunder))~~ under this chapter, the certificate of the director showing the amount of taxes, penalties, interest and cost unpaid by

any distributor and that the same are due and unpaid to the state shall be prima facie evidence of the facts as shown.

Sec. 22. Section 17, chapter 175, Laws of 1971 ex. sess. as amended by section 12, chapter 40, Laws of 1979 and RCW 82.38.160 are each amended to read as follows:

(1) The tax imposed by this chapter shall be computed as follows: ~~((+))~~ (a) With respect to special fuel upon which the tax has been collected by the seller thereof as a special fuel dealer, by multiplying the tax rate per gallon provided in this chapter by the number of gallons of special fuel delivered subject to the special fuel tax; ~~((+))~~ (b) with respect to special fuel on which the tax has not been paid to a special fuel dealer in this state and which has been consumed by the purchaser thereof as a special fuel user, by multiplying the tax rate per gallon provided in this chapter by the number of gallons of special fuel consumed by him in the propulsion of a motor vehicle on the highways of this state.

(2) Except as provided in subsection (3) of this section, the tax return shall be accompanied by a remittance payable to the state treasurer covering the tax moneys collected by the special fuel dealer or the amount determined to be due hereunder by licensed users of special fuels during the preceding reporting period.

(3) If the tax is paid by electronic funds transfer and the reporting period ends on the last day of a calendar month, the tax shall be paid on or before the state business day immediately preceding the last state business day of the month following the end of the reporting period. If the tax is paid by electronic funds transfer and the reporting period ends on a day other than the last day of a calendar month as provided in RCW 82.38.150, the tax shall be paid on or before the state business day immediately preceding the last state business day of the thirty-day period following the end of the reporting period.

(4) The tax shall be paid by electronic funds transfer whenever the amount due is fifty thousand dollars or more.

Sec. 23. Section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 4, chapter 242, Laws of 1983 and RCW 82.38.170 are each amended to read as follows:

(1) If any special fuel dealer or special fuel user fails to pay any taxes collected or due the state of Washington by said dealer or user within the time prescribed by RCW 82.38.150 and 82.38.160, said dealer or user shall pay in addition to such tax a penalty of ten percent of the amount thereof.

(2) If it be determined by the department that the tax reported by any special fuel dealer or special fuel user is deficient it shall proceed to assess the deficiency on the basis of information available to it and there shall be added to this deficiency a penalty of two percent of the amount of the deficiency.

(3) If any special fuel dealer or special fuel user, whether or not he is licensed as such, fails, neglects, or refuses to file a special fuel tax report, the department shall, on the basis of information available to it, determine the tax liability of the special fuel dealer or the special fuel user for the period during which no report was filed, and to the tax as thus determined, the department shall add the penalty and interest provided in subsection (2) of this section. An assessment made by the department pursuant to this subsection or to subsection (2) of this section shall be presumed to be correct, and in any case where the validity of the assessment is drawn in question, the burden shall be on the person who challenges the assessment to establish by a fair preponderance of the evidence that it is erroneous or excessive as the case may be.

(4) If any special fuel dealer or special fuel user shall establish by a fair preponderance of evidence that his failure to file a report or pay the proper amount of tax within the time prescribed was due to reasonable cause and was not intentional or willful, the department may waive the penalty prescribed in subsections (1), (2), and (3) of this section.

(5) If any special fuel dealer or special fuel user shall file a false or fraudulent report with intent to evade the tax imposed by this chapter, there shall be added to the amount of deficiency determined by the department a penalty equal to twenty-five percent of the deficiency, in addition to the penalty provided in subsection (2) of this section and all other penalties prescribed by law.

(6) Any fuel tax, penalties, and interest payable under this chapter shall bear interest at the rate of one percent per month, or fraction thereof, from the first day of the calendar month after the amount or any portion thereof should have been paid until the date of payment: PROVIDED, That the department may waive the interest when it determines that the cost of processing the collection of the interest exceeds the amount of interest due.

(7) Except in the case of a fraudulent report or of neglect or refusal to make a report, every deficiency shall be assessed under subsection (2) of this section within three years from the twenty-fifth day of the next succeeding calendar month following the reporting period for which the amount is proposed to be determined or within three years after the return is filed, whichever period expires the later.

(8) Any special fuel dealer or special fuel user against whom an assessment is made under the provisions of subsections (2) or (3) of this section may petition for a reassessment thereof within thirty days after service upon the special fuel dealer or special fuel user of notice

thereof. If such petition is not filed within such thirty day period, the amount of the assessment becomes final at the expiration thereof.

If a petition for reassessment is filed within the thirty day period, the department shall reconsider the assessment and, if the special fuel dealer or special fuel user has so requested in his petition, shall grant such special fuel dealer or special fuel user an oral hearing and give the special fuel dealer or special fuel user ten days' notice of the time and place thereof. The department may continue the hearing from time to time. The decision of the department upon a petition for reassessment shall become final thirty days after service upon the special fuel dealer or special fuel user of notice thereof.

Every assessment made by the department shall become due and payable at the time it becomes final and if not paid to the department when due and payable, there shall be added thereto a penalty of ten percent of the amount of the tax.

(9) Any notice of assessment required by this section shall be served personally or by mail; if by mail, service shall be made by depositing such notice in the United States mail, postage prepaid addressed to the special fuel dealer or special fuel user at his address as the same appears in the records of the department.

(10) Any licensee who has had their special fuel user license, special fuel dealer license, special fuel supplier license, or combination thereof revoked shall pay a one hundred dollar penalty prior to the issuance of a new license.

(11) Any person who, upon audit or investigation by the department, is found to have not paid special fuel taxes as required by this chapter shall be subject to cancellation of all vehicle registrations for vehicles utilizing special fuel as a means of propulsion. Any unexpired Washington tonnage on the vehicles in question may be transferred to a purchaser of the vehicles upon application to the department who shall hold such tonnage in its custody until a sale of the vehicle is made or the tonnage has expired."

Renumber the section following consecutively.

POINT OF ORDER

Mr. Padden: "Mr. Speaker, I would ask for a ruling on scope and object of this amendment."

SPEAKER'S RULING

The Speaker: "The Speaker has examined the amendment and the bill, Representative Padden. Substitute Senate Bill No. 4905 deals with the budgeting of the transportation budget appropriations. The amendment speaks of electronic transfers and other matters having to do with revenues, the electronic transfer of revenues. The Speaker, after examining both, finds that the amendment is outside the scope and object of the bill. Your point is well taken."

The committee amendment was adopted.

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

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

Representatives Walk and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4905 as amended by the House, and the bill passed the House by the following vote: Yeas, 89; nays, 8; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, King J, King P, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, Van Luven, Vekich, Walk, Walker, Wang, West, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Jacobsen, King R, Nelson D, Nelson G, Sommers, Tilly, Vander Stoep, Williams B - 8.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 4905 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

ENGROSSED SUBSTITUTE SENATE BILL NO. 3990, by Committee on Financial Institutions (originally sponsored by Senator Moore)

Establishing requirements for specified suits brought by purchasers or sellers of securities.

The bill was read the second time.

Mr. Barnes moved adoption of the following amendments:

On page 3, line 11 after "such," strike "person is" and insert "individuals shall be personally"

On page 3, line 12 after "of" strike "the defendant" and insert "such individual"

Mr. Barnes spoke in favor of the amendments, and Representatives Isaacson, Winsley and D. Nelson spoke against them.

Mr. Barnes spoke again in favor of the amendments.

The amendments were not adopted.

Mr. Locke moved adoption of the following amendment:

On page 2, line 36 after "(7)" strike all material through "underwriters." on page 3, line 17 and insert the following: "(Notwithstanding subsections (1) through (6) of this section, if an initial offer or sale of securities that are exempt from registration under RCW 21.20.010 is made by this state or its agencies, political subdivisions, municipal or quasi-municipal corporations, or other instrumentality of one or more of the foregoing and is in violation of RCW 21.20.010(2), and any such issuer, member of the governing body, committee member, public officer, director, employee, or agent of such issuer acting on its behalf, or person in control of such issuer, member of the governing body, committee member, public officer, director, employee, or agent of such person acting on its behalf, materially aids in the offer or sale, such person is liable to the purchaser of the security only if the purchaser establishes scienter on the part of the defendant. The word 'employee' or the word 'agent,' as such words are used in this subsection, do not include a bond counsel or an underwriter. Under no circumstances whatsoever shall this subsection be applied to require purchasers to establish scienter on the part of bond counsels or underwriters;)" This section shall be interpreted by the courts in a manner consistent with federal securities statutes, regulations, and caselaw construing those statutes and regulations in order to effectuate the purpose of this act to apply a scienter standard uniformly to any cause of action brought under this section."

Mr. Locke spoke in favor of the amendment. With the consent of the House, Mr. Locke withdrew the amendment.

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

Representatives Locke and Bond spoke against passage of the bill, and Representatives Lux and Winsley spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 3990, and the bill passed the House by the following vote: Yeas, 80; nays, 16; absent, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Betrozoff, Braddock, Brekke, Bristow, Brough, Chandler, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Long, Lux, Madsen, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Barnes, Barrett, Belcher, Bond, Brooks, Dobbs, Doty, Hastings, Lewis, Locke, Lundquist, May, Prince, Sanders, West, Williams J - 16.

Absent: Representative Sommers - 1.

Excused: Representative van Dyke - 1.

Engrossed Substitute Senate Bill No. 3990, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4662, by Senators Kreidler, Bluechel and Talmadge

Authorizing the department of ecology to participate in certain hazardous waste programs.

The bill was read the second time. Committee on Environmental Affairs recommendation: Majority, do pass as amended. (For amendments, see Journal, 46th Day, February 27, 1986.)

Ms. Rust moved adoption of the committee amendment.

Mr. Barnes moved adoption of the following amendment by Representatives Barnes and Rust to the committee amendment:

On page 6 of the amendment, beginning on line 14 after "limits;" strike all material down to and including "dollars;" on page 6, line 38 and insert:

"(a) For an annual gross income not ~~((in excess))~~ exceeding one million dollars, a fee of not more than one ~~((hundred fifty dollars))~~ quarter of one percent of the annual gross income;
~~((b) For annual gross income in excess of one million dollars, but not exceeding ten million dollars, a fee of not more than seven hundred fifty dollars;~~

~~((c) For annual gross income in excess of ten million dollars, a fee of not more than seven thousand five hundred dollars))."~~

Renumber the remaining subsections consecutively.

Representatives Barnes and Rust spoke in favor of the amendment to the amendment, and it was adopted.

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the committee amendment as amended.

Representatives Rust, Barnes, Allen, Nutley and Lux spoke in favor of the amendment as amended, and Representatives Hastings, Isaacson, G. Nelson, Lewis, Smitherman and May opposed it.

Ms. Rust spoke again in favor of the committee amendment as amended.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the committee amendment as amended to Senate Bill No. 4662, and the amendment as amended was adopted by the following vote: Yeas, 49; nays, 48; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grimm, Haugen, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 49.

Voting nay: Representatives Addison, Ballard, Barrett, Baugher, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fisch, Fuhrman, Hankins, Hargrove, Hastings, Holland, Isaacson, Kremen, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Taylor, Thomas, Tilly, Van Luvan, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 48.

Excused: Representative van Dyke - 1.

The Speaker resumed the Chair.

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

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

Mr. Padden demanded an oral roll call and the demand was sustained.

MOTION

On motion of Mr. J. King, further consideration of Senate Bill No. 4662 as amended by the House was deferred, and the bill was held on the third reading calendar.

REENGROSSED SENATE BILL NO. 3527, by Senators Bender, Bauer, Lee and Gaspard

Revising limitations on the ratio of students to teachers in grades K-3.

The bill was read the second time. Committee on Education recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

Mr. Ebersole moved adoption of the committee amendment and spoke against the amendment.

Mr. Betzoff opposed the committee amendment.

The committee amendment was not adopted.

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

Representatives Ebersole and Betzoff spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Senate Bill No. 3527, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Reengrossed Senate Bill No. 3527, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4630, by Committee on Judiciary (originally sponsored by Senator Talmadge)

Revising provisions relating to civil actions.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Mr. McMullen moved adoption of the following amendments by Representatives McMullen and Niemi to the committee amendment:

On page 1 of the amendment, after line 4, insert the following:

*Sec. 1. Section 1, chapter 80, Laws of 1971 as amended by section 1, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 4.16.350 are each amended to read as follows:

Any civil action for damages for injury occurring as a result of health care which is provided after June 25, 1976 against:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative;

based upon alleged professional negligence shall be commenced within three years of the act or omission alleged to have caused the injury or condition, or one year of the time the patient

or his representative discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period expires later, except that in no event shall an action be commenced more than eight years after said act or omission. Any action not commenced in accordance with this section shall be barred. (~~PROVIDED. That the limitations in this section shall not apply to persons under a legal disability as defined in RCW 4-16-190~~).

(4)(a) Except as provided in (b) of this subsection, the limitations in this section shall not apply to persons under a legal disability as defined in RCW 4.16.190.

(b) An action based on alleged professional negligence in the treatment of a person during that person's birth or the prenatal treatment relating to the birth shall be commenced within eight years of the act or omission alleged to have caused the injury or condition.

On page 27 of the amendment after line 19, strike all the material down to and including "negligence." on line 34

Remember the remaining sections consecutively and correct any internal references accordingly.

(Per a motion made later in the day, all debate made on this bill has been inserted in the Journal.)

Mr. McMullen: "The purpose of this amendment is to place a statute of limitations for eight years for -- if I could use the term -- baby doctors. We've all read and are all fully aware of the problem that OB and GYN doctors are having with their long tail, their twenty-six year long tail for their exposure. We have a husband-and-wife team in Sedro Woolley that were recruited because we were short of this specialty. They came to Sedro Woolley on the promise that the community would back them. Their insurance premiums will be approaching \$70,000 next year for the two of them. This is totally beyond the realm of economic ability to handle the premiums. If we bring the statute of limitations down to eight years for prenatal and birth care, we will then bring in predictability and certainty into the insurance writing business for this type of medical care, and I believe that by doing this, we will bring the cost down considerably for OB/GYN professions and I believe this is an amendment that we should adopt at this time."

POINT OF PARLIAMENTARY INQUIRY

Ms. K. Wilson: "Mr. Speaker, if we adopt this amendment, can we adopt another amendment regarding the same thing?"

Mr. Speaker: "Representative Wilson, it's a hypothetical situation and I'm sure we're going to have a lot of these before this evening is out. I will deal with that when I see that or if I see that."

Mr. Bristow: "This amendment is inconsistent with provisions later in a striking amendment which will follow. I urge you to vote 'no' on the amendment."

Mr. Baillard: "I would also urge a 'no' vote on the amendment."

Mr. Appelwick: "Over the past year, and going into this session, one of the real problems where the documented evidence is real clear that the insurance industry, or at least the premiums they set, are way out of line in the area of obstetrics and gynecology. Before you, you have an amendment that deals in a rifle-shot fashion with a very specific documented problem and is not overly broad; it does not interfere with the rest of the tort system. This is much better than the proposal that is in the striking amendment to follow. I urge your adoption of it."

Mr. J. King: "What we have here is a test. There's been no explanation offered, the original amendment put forward, argument goes, and you've heard it before on the floor of this House--'It's a bad amendment. Vote 'no'.' We talked here last year about a big ugly bear is chomping around. We're going to find out right now with this amendment if the people are willing to listen to reason and vote on this, or whether they are going to clap their hands over their eyes, poke their fingers in their ears and vote blindly on a subject they don't know a lot about. Please support this amendment."

Mr. G. Nelson: "There should have been some additional explanation of this amendment. If one looks to the bottom of this page, you will see that it's also beginning on page 27 of the original amendment, striking all of section 907 of the amendment to the Judiciary Committee amendment. That particular striking action now removes the protection of members of boards of directors or other governing

bodies of public or private hospitals. I'm not so sure that was the intention of the mover of this amendment, but it really does it to all of those board of director folks that are trustees and trying to administer the hospitals in the state of Washington. We ought to vote this amendment down. I think that for as far as it went with what the maker of the amendment had in mind, he accurately portrayed what his version of what action perhaps should be given in the way of protecting some of the OBs in the state, but it went far beyond what I think the intent is. It deserves a 'no' vote."

Mr. McMullen: "I've not been here that long, but I certainly understand the old idea of 'trust me and follow me,' and I think the Representative from the 7th District has been acting in good faith these many weeks and still is acting in good faith, but my concern is the document that we are going to totally adopt down the road, hit the bar an hour ago. It hit the bar an hour ago because, it was explained in caucus, when the OPR staff gave their version of these particular items to some high-powered, high-priced attorneys outside this body to work on, they came back and it left a grievous hole in it and it had to be amended. Up to that point, we were all listening, we were all assuming that this document said certain things and all of a sudden, it had a hole in it and had to be corrected. It's been sitting up there for an hour. How many people have read it?"

"This amendment is not inconsistent with the other amendment because the other amendment has an eight-year statute of limitations for all doctors. All doctors, not just baby doctors, all doctors. You and I have a twenty-one year statute of limitations if we go out here and negligently run a stop sign and hit a car with a child in it. We have a twenty-one year statute of limitations. We are going to take doctors in their economic status and the way the rest of the world treats them, and I hold them in very high esteem, and give them an eight-year statute of limitations, lower than anybody else. That's what the amendment down the road does. You know what else it does? You might want to take a look at it before you turn around and say we're just going to adopt something else down the road. We don't know what all the changes have been yet. This is just an effort by poor country lawyer from Sedro Woolley to try and find an effort, a way into the middle ground of this. We've heard the people talk on both sides and there was no solution. This is one of a series of amendments which I hope will come up with a solution..."

The Speaker advised Representative McMullen that his time had expired.

With the consent of the House, Mr. McMullen was allowed more time.

Mr. McMullen: "The point I was trying to make is that when we came into the session, there was a 'coalition package.' If you recall that coalition package, it never mentioned relief for doctors in this arena. Not at all. Then in discussions, we came up with the fact that the baby doctors are having a severe problem now, so this amendment tries to address that problem. What you have been asked to accept blindly down the road is an amendment for all doctors. It wasn't even requested and we're going to give the coalition all doctors. I feel strongly that when people cannot agree and you are forced to choose one side or the other, then it's fine and dandy to make a commitment, but I would also suggest that if legitimate compromise is being offered, a legitimate effort is being made to resolve the situation, that people who say they are going to be bound by their words, regardless of what the amendment may be, and not read the future amendment, I think you are doing a disservice to your constituents. I hope you would take the time to individually search your conscience and see if this particular amendment is indeed a fair amendment and adopt it."

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives McMullen and Niemi to page 1 of the committee amendment to Engrossed Substitute Senate Bill No. 4630, and the amendments were not adopted by the following vote: Yeas, 40; nays, 57; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Barnes, Baugher, Belcher, Braddock, Brekke, Cole, Crane, Dellwo, Fisher, Gallagher, Hine, Jacobsen, King J, King P, King R, Leonard,

Locke, Lux, Madsen, McMullen, Nelson D. Niemi, Nutley, O'Brien, Padden, Peery, Rayburn, Rust, Sayan, Schmidt, Sutherland, Todd, Unsoeld, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 40.

Voting nay: Representatives Addison, Allen, Ballard, Barrett, Basich, Betrozoff, Bond, Bristol, Brooks, Brough, Chandler, Day, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Kremen, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Patrick, Prince, Sanders, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Valle, Van Luven, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zöllinsky - 57.

Excused: Representative van Dyke - 1.

Mr. McMullen moved adoption of the following amendments by Representatives McMullen and Niemi to the committee amendment:

On page 1 of the amendment after line 4, insert the following:

***NEW SECTION.** Sec. 1. A new section is added to chapter 4.56 RCW to read as follows:

(1) In an action based on fault seeking damages for personal injury or property damage in which a verdict or award for future economic damages of at least one hundred thousand dollars is made, the court or arbitrator shall, at the request of a party, enter a judgment which provides for the periodic payment in whole or in part of the future economic damages. With respect to the judgment, the court or arbitrator shall make a specific finding as to the dollar amount of periodic payments intended to compensate the judgment creditor for the future economic damages.

(2) Prior to entry of judgment, the court shall request each party to submit a proposal for periodic payment of future economic damages to compensate the claimant. Proposals shall include provisions for: The name of the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, the number of payments or the period of time over which the payments shall be made, modification for hardship or unforeseen circumstances, posting of adequate security, and any other factor the court deems relevant under the circumstances. After each party has submitted a proposal, the court shall select the proposal which in the discretion of the court and the interests of justice best provides for the future needs of the claimant and enter judgment according to the proposal selected.

(3) If the court enters a judgment for periodic payments and any security required by the judgment is not posted within thirty days, the court shall enter a judgment for the payment of future damages in a lump sum.

(4) If at any time following entry of judgment for periodic payments, a judgment debtor fails for any reason to make a payment in a timely fashion according to the terms of the judgment, the judgment creditor may petition the court for an order requiring payment by the judgment debtor of the outstanding payments in a lump sum. In calculating the amount of the lump sum judgment, the court shall total the remaining periodic payments due and owing to the judgment creditor converted to present value. The court may also require payment of interest on the outstanding judgment.

(5) Upon the death of the judgment creditor, the court which rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages. Money damages awarded for loss of future earnings shall not be reduced or payments terminated by reason of the death of the judgment creditor.

(6) Upon satisfaction of a periodic payment judgment, any obligation of the judgment debtor to make further payments shall cease and any security posted pursuant to this section shall revert to the judgment debtor.

NEW SECTION. Sec. 2. Section 5, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 4.56-.240 are each repealed."

Beginning on page 5 of the amendment, after line 24, strike all the material down to and including "chapter," on page 6, line 29

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 21 of the amendment, after line 3, strike all the material down to and including "repealed," on line 7

Renumber the remaining sections consecutively and correct any internal references accordingly.

Beginning on page 21 of the amendment, after line 20, strike all the material down to and including "involved," on page 22, line 27

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 26 of the amendment, after line 8, strike all the material down to and including "action," on line 34

Renumber the remaining sections consecutively and correct any internal references accordingly.

Mr. McMullen: "This amendment -- I might remind the body that the first thing we are supposed to do is perfect any amendment before we strike it and that's the

purpose of these amendments, to perfect the existing amendment, the committee amendment. This amendment is word-for-word from the proposal by the Representative from the 7th District. Word-for-word. I believe it is a better form than the committee amendment and therefore, I am asking you to adopt this amendment."

Mr. Bristow: "I guess I need to say that I disagree with my colleague from the 40th District. I think this is inappropriate and I ask you to vote 'no' on the amendment."

POINT OF INQUIRY

Mr. McMullen yielded to question by Mr. G. Nelson.

Mr. G. Nelson: "Representative McMullen, we still have another action within this amendment beyond what you have described thus far. I would like to have you describe to the body on amendment 622, toward the bottom of the page where you are striking Section 202 from the Judiciary Committee amendment to the bill. I would be pleased to hear exactly what it is in the way of intent as to why you are striking that section."

Mr. McMullen: "As I mentioned, my intention is to try to perfect the committee amendment. The committee amendment, among other things, contains offers of settlement which the language from the soon-to-be propounded amendment as we understand does not contain. Therefore, it is entirely consistent with the following amendment from the Representative from the 7th District. Therefore, both the additional language and the ensuing language are identical with the Bristow amendment."

Mr. Ballard: "Urging you to vote no; it is not the same as the amendment that is following. It does not give discretion to the court to alter proposals. Vote 'no.'"

The amendments to the amendment were not adopted.

The Clerk read the following amendments by Representatives McMullen and Niemi to the committee amendment:

On page 1 of the amendment after line 4, insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 4.24 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a member of the board of directors or an officer of any nonprofit corporation is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence.

(2) Nothing in this section shall limit or modify in any manner the duties or liabilities of a director or officer of a corporation to the corporation or the corporation's shareholders."

On page 1 of the amendment, after line 4, insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 48.22 RCW to read as follows:

The commissioner shall by regulation require insurers authorized to write casualty insurance in this state to form a market assistance plan to assist persons and other entities unable to purchase casualty insurance in an adequate amount from either the admitted market or non-admitted market.

For the purpose of this section, a market assistance plan means a voluntary mechanism by insurers writing casualty insurance in this state in either the admitted or nonadmitted market to provide casualty insurance for a class of insurance designated in writing to the plan by the commissioner.

The bylaws and method of operation of any market assistance plan shall be approved by the commissioner prior to its operation.

A market assistance plan shall have a minimum of twenty-five insurers willing to insure risks within the class designated by the commissioner. If twenty-five insurers do not voluntarily agree to participate, the commissioner may require casualty insurers to participate in a market assistance plan as a condition of continuing to do business in this state. The commissioner shall make such a requirement to fulfill the quota of at least twenty-five insurers. The commissioner shall make his or her designation on the basis of the insurer's premium volume of casualty insurance in this state.

NEW SECTION, Sec. 2. A new section is added to chapter 48.19 RCW to read as follows:

The commissioner shall, in reviewing a casualty rate filing, determine in accordance with sound and reliable actuarial principles whether this act requires an insurer to grant its policyholders a credit in such casualty rate filing. Upon determining that data in support of such a credit is actuarially credible, the commissioner shall approve or disapprove such casualty rate filing in accordance therewith. The commissioner shall not approve any casualty rate that is inadequate, excessive, or unfairly discriminatory.

NEW SECTION, Sec. 3. The commissioner shall, as chairman of the tort reform study commission, require the task force to study the effectiveness of joint underwriting authorities throughout the United States to specifically determine:

- (1) The price as it relates to a filed Insurance Services Organization rate;
- (2) The solvency of such mechanisms;
- (3) The effect it has on the admitted market;
- (4) The effect it has on the nonadmitted market;
- (5) The effect or availability on the voluntary market; and
- (6) What effect it has on lines or classes of insurance not designated."

On page 1 of the amendment, after line 4, insert the following:

***NEW SECTION, Sec. 1.** A new section is added to chapter 4.56 RCW to read as follows:

(1) As used in this section, the following terms have the meanings indicated unless the context clearly requires otherwise.

(a) 'Economic damages' means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities.

(b) 'Noneconomic damages' means subjective, nonmonetary losses, including, but not limited to pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation, and destruction of the parent-child relationship.

(c) 'Bodily injury' means physical injury, sickness, or disease, including death.

(d) 'Average annual wage' means the average annual wage in the state of Washington as determined under RCW 50.04.355 as now or hereafter amended.

(2) In any action based on fault seeking damages for personal injury or property damage, the claimant is entitled to recover noneconomic losses.

(3) No defendant shall be liable to any claimant in an action for personal injury or property damage for noneconomic losses exceeding the average annual wage multiplied by sixty percent of the life expectancy of the claimant as calculated under subsection (b) of this section. In applying the limits of this subsection, claims for loss of consortium, loss of society and companionship, and destruction of the parent-child relationship which are asserted by one who did not actually sustain bodily injury shall be added to any claims for noneconomic damages sustained by a claimant who did incur bodily injury.

(a) For purposes of determining noneconomic losses, no calculation for persons age sixty years or older shall be based on a life expectancy of less than fifteen years.

(b) The office of the administrator of the courts shall develop and publish annually, the schedule for noneconomic damages utilizing the life expectancy tables adopted by the Washington state insurance commissioner."

On page 10 of the amendment beginning on line 2 strike all the material down to and including "IV" on page 11, line 27

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 30 of the amendment, line 2, after "209" strike ", 303."

On page 30 of the amendment, line 9, after "210," strike "304."

With the consent of the House, Mr. McMullen withdrew the amendments.

Mr. McMullen moved adoption of the following amendments by Representatives McMullen and Niemi to the committee amendment:

On page 1, after line 4 insert the following:

"Sec. 1. Section 11, chapter 27, Laws of 1981 and RCW 4.22.030 are each amended to read as follows:

If more than one person is liable to a claimant on an indivisible claim for the same injury, death or harm, the liability of such persons shall be joint and several, except that a person whose percentage of fault is less than allocated to the claimant is liable to the claimant for no more than three times that person's own percentage of the damages, not to exceed the total amount of damages awarded by the trier of fact."

On page 11 of the amendment after line 27 strike everything down to and including "V" on page 12, line 8.

Renumber the remaining sections consecutively and correct any internal references accordingly.

Mr. McMullen: "This is the attempt to find a resolution to the 'joint and several' problem which was the last hold-up in trying to resolve this entire tort reform problem. If I could use the analysis from where the state of Washington is coming, in my opinion, on 'joint and several' is retained from an old, old system where if the plaintiff was one percent at fault, that plaintiff could not even get in the courtroom doors. We've gone clear to the present state of affairs in 'joint and several'. I feel that the state of Washington has gone by a pendulum swing from a one, clear to a

ten. I sincerely feel that we ought to bring that pendulum back. This obviously is not the position of the trial lawyers; none of my amendments are the position of the trial lawyers. They are not at all in accord with what I am offering today. This is a good faith effort to resolve this. This amendment I submit brings that pendulum back to about a six. The amendment which will be offered later on by Representative Bristow, in my opinion, takes us back to about a two, back to the dark ages where the entire trial will be by the defense trying to find the plaintiff wrong, even one percent, rather than to fully evaluate the damages. This amendment is addressing those concerns of the counties and municipalities, where for a five percent negligent standard, they happen to have been brought in for a deep pocket. This says if the plaintiff is more negligent than those counties and municipalities, then his or her recovery is limited to three times the percentage allotted to the county or municipality. I feel this is a fair appraisal and I would hope you will adopt this amendment."

Mr. Bristow: "This is an inconsistent and inappropriate amendment and I urge you to vote no.

Mr. Ballard: "Urging a 'no' vote on the amendment; a 'no' vote.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives McMullen and Niemi to page 1 of the committee amendment to Engrossed Substitute Senate Bill No. 4630, and the amendments were not adopted by the following vote: Yeas, 35; nays, 62; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Cole, Crane, Dellwo, Fisher, Hargrove, Hine, Jacobsen, King J, King P, King R, Leonard, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, Padden, Peery, Rayburn, Sayan, Sutherland, Todd, Unsoeld, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 35.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Basich, Betrozoff, Bond, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hastings, Haugen, Holland, Isaacson, Kremen, Lewis, Locke, Long, Lundquist, May, Miller, Nealey, Nelson G, O'Brien, Patrick, Prince, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Valle, Van Luvén, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 62.

Excused: Representative van Dyke - 1.

Mr. P. King moved adoption of the following amendments by Representatives P. King and Wang to the committee amendment:

On page 1 of the amendment, after line 4, insert the following:

"Sec. 1. Section .19.03, chapter 79, Laws of 1947 and RCW 48.19.030 are each amended to read as follows:

Rates shall be used, subject to the other provisions of this chapter, only if made in accordance with the following provisions:

(1) In the case of insurances under standard fire policies and that part of marine and transportation insurances not exempted under RCW 48.19.010, manual, minimum, class or classification rates, rating schedules or rating plans, shall be made and adopted; except as to specific rates on inland marine risks individually rated, which risks are not reasonably susceptible to manual or schedule rating, and which risks by general custom of the business are not written according to manual rates or rating plans.

(2) In the case of casualty and surety insurances:

(a) The systems of expense provisions included in the rates for use by any insurer or group of insurers may differ from those of other insurers or groups of insurers to reflect the requirements of the operating methods of any such insurer or group with respect to any kind of insurance, or with respect to any subdivision or combination thereof for which subdivision or combination separate expense provisions are applicable.

(b) Risks may be grouped by classifications for the establishment of rates and minimum premiums. Classification rates may be modified to produce rates for individual risks in accordance with rating plans which establish standards for measuring variations in hazards or expense provisions, or both. Such standards may measure any differences among risks that can be demonstrated to have a probable effect upon losses or expenses.

(3) Due consideration in making rates for all insurances shall be given to:

(a) Past and prospective loss experience within and outside this state(~~(-and)~~); PROVIDED, That, in the case of rates for fire insurance, due consideration shall be given to the loss experience of insurers as to insurance against fire during a period of not less than the most recent

five-year period for which such experience is available. In addition, casualty rates and rating schedules shall be supported, whenever possible, by loss experience for this state. If such information is not available or is not statistically credible, an insurer may use loss experience from the state of Idaho, Montana, and Oregon in support of a rate filing or rating schedule. Loss experience from states other than Washington, Idaho, Montana, and Oregon may be used in support of a rate filing or rating schedule only after it has been demonstrated to the satisfaction of the commissioner that the loss experience from those states is either not available or is not statistically credible.

- (b) Conflagration and catastrophe hazards, where present.
- (c) A reasonable margin for underwriting profit and contingencies.
- (d) Dividends, savings and unabsorbed premium deposits allowed or returned by insurers to their policyholders, members, or subscribers.
- (e) All other relevant factors within and outside this state.
- (4) In addition to other factors required by this section, rates filed by an insurer on its own behalf may also be related to the insurer's plan of operation and plan of risk classification.
- (5) Except to the extent necessary to comply with RCW 48.19.020 uniformity among insurers in any matter within the scope of this section is neither required nor prohibited.

(6) No filing pursuant to the requirements of this chapter may be made which would constitute more than a fifteen percent increase over the rate in use one year before the date of filing: PROVIDED, That upon a finding that this limitation would operate to require actuarially unsound insurance practices, the commissioner may waive the limitation. No insurance company may cancel a policy as the result of this limitation."

On page 22, beginning on line 28, strike all material through line 30 on page 25
 Re-number the remaining sections consecutively.

Mr. P. King: "This amendment, if you look at it, isn't going to be in the Bristow striking amendment, so I ask you to pay attention. This is something you can take back home to your voters and say that you did something about insurance rate increases. This puts back up in the language before the Bristow striking amendment, the limitation of fifteen percent and also puts the experience rating for Washington insurers. As you know, and many have been told over and over again, our rates are based on national rates; they are not based on Washington experience. Many other states have punitive damages. This would just make that playing field level for Washington, so we would get the benefits of our experience here in the state. I urge the adoption. There will be not another chance to vote on this because the Bristow striking amendment will probably go through. I urge you to take this back home to your voters."

Mr. Bristow: "I think this insurance issue will be more appropriately covered in subsequent amendments as we perfect the committee amendment, so I will urge you to vote 'no' on this amendment."

Mr. Ballard: "Vote 'no' on the amendment. Vote 'no.'"

Mr. P. King: "Don't listen to that. The fact of the matter is that it is not going to be brought up. This is your last chance to do something for the ratepayers in your district. Vote 'yes' on this."

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives P. King and Wang to page 1 of the committee amendment to Engrossed Substitute Senate Bill No. 4630, and the amendments were not adopted by the following vote: Yeas, 38; nays, 59; excused, 1.

Voting yea: Representatives Addison, Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cole, Crane, Dellwo, Fisher, Hargrove, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nuttley, O'Brien, Patrick, Sayan, Schmidt, Sutherland, Todd, Unsöld, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 38.

Voting nay: Representatives Allen, Ballard, Barnes, Barrett, Baugher, Betzoff, Bond, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doly, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hastings, Haugen, Holland, Isaacson, Kremen, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Peery, Prince, Rayburn, Rust, Sanders, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 59.

Excused: Representative van Dyke - 1.

Mr. P. King moved adoption of the following amendment by Representatives P. King and Wang to the committee amendment:

On page 1 of the amendment, after line 4, insert the following:

"Sec. 1. Section 1, chapter 26, Laws of 1975 as amended by section 2, chapter 147, Laws of 1983 and RCW 4.56.115 are each amended to read as follows:

Judgments founded on the tortious conduct of the state of Washington or of the political subdivisions, municipal corporations, and quasi municipal corporations of the state, whether acting in their governmental or proprietary capacities, shall bear interest from the date of ((entry)) filing of the action upon which the judgment is based at the maximum rate permitted under RCW 19.52.020 on the date of ((entry thereof: PROVIDED, That in any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered)) filing."

Mr. P. King: "This is another one that isn't going to be in the Bristow striking amendment and I urge you to consider it. This is really a business amendment. What it says is that you get interest from the time you file your lawsuit. So if you are in a business lawsuit and you have to wait around for four years to get your judgment, you don't get that money that you would have incurred on the judgment between the four years and if it goes for appeal it might go three or four years beyond that, so seven years without interest on a business judgment that you could have had. This is just a matter of fairness. This is making the playing field a little level, getting it back where it should have been a long time ago. I urge your support and don't listen to this..."

POINT OF ORDER

Mr. Barrett: "For the second time, the speaker has made reference to other arguments, which have been made or will be made, in a very derogatory manner."

The Speaker: "Representative Barrett, you perhaps anticipated what he was going to say and I did not hear him say--he did not complete the sentence. He didn't get an opportunity. Perhaps he'd like to complete the sentence and maybe you will have a point."

Mr. P. King: "I think the other argument was a little bit felonious and I was worried about their comments."

Mr. Bristow: "I would like to assure my colleague from the 44th District that we mean him no harm and would ask you to vote against this inappropriate amendment."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives P. King and Wang to page 1 of the committee amendment to Engrossed Substitute Senate Bill No. 4630, and the amendment was not adopted by the following vote: Yeas, 46; nays, 51; excused, 1.

Voting yea: Representatives Addison, Appelwick, Armstrong, Barnes, Basich, Belcher, Braddock, Brekke, Chandler, Cole, Crane, Dellwo, Ebersole, Fisher, Gallagher, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Long, Lux, Madsen, McMullen, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Sayan, Schmidt, Smith L, Sutherland, Tilly, Todd, Unsoeld, Valle, Van Luven, Vekich, Wang, Wineberry, and Mr. Speaker - 46.

Voting nay: Representatives Allen, Ballard, Barrett, Baugher, Betrozoff, Bond, Bristow, Brooks, Brough, Day, Dobbs, Doty, Fisch, Fuhrman, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Kremen, Lewis, Lundquist, May, Miller, Nealey, Patrick, Prince, Rayburn, Rust, Sanders, Schoon, Scott, Silver, Smith C, Smitherman, Sommers, Tanner, Taylor, Thomas, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 51.

Excused: Representative van Dyke - 1.

Mr. P. King moved adoption of the following amendment to the committee amendment:

On page 1 of the amendment, after line 4, insert the following:

"NEW SECTION. Sec. 1. Limitations on noneconomic damages shall not be applicable under any provisions of this act when the following actions seeking damages for personal injury or death are involved:

- (1) Limitations do not apply to actions for the loss of both parents by a minor claimant.
- (2) Limitations do not apply to actions in which the claimant's injuries have resulted in the loss of both arms.

(3) Limitations do not apply to actions in which the claimant's injuries have resulted in the complete loss of sight in both eyes.

(4) Limitations do not apply to actions in which the claimant's injuries have rendered the claimant paraplegic.

(5) Limitations do not apply to actions in which the claimant's injuries have rendered the claimant quadriplegic.

(6) Limitations do not apply to actions in which the claimant's injuries resulted from the escape of a convict.

(7) Limitations do not apply to actions in which the claimant's injuries have resulted in permanent sexual dysfunction.

(8) Limitations do not apply to actions in which the claimant's injuries resulted from the negligent failure of a law enforcement agency to respond to a call.

(9) Limitations do not apply to actions in which the claimant's injuries resulted from rape.

(10) Limitations do not apply to actions for the loss of a mother by a child under five years of age.

(11) Limitations do not apply to actions in which the claimant's injuries resulted from asbestosis.

(12) Limitations do not apply to actions in which the claimant's injuries resulted from toxic poisoning.

(13) Limitations do not apply to actions in which the claimant has no children and, as a result of the injuries, is physically unable to procreate or bear children.

(14) Limitations do not apply to actions in which the claimant's injuries resulted from the actions of a person driving or in physical control of a motor vehicle while under the influence of alcohol or drugs.

(15) Limitations do not apply to actions in which the claimant is a victim of AIDS incurred from causes other than homosexual acts."

Mr. P. King: "This amendment is really in response to a lot of correspondence that we've had here from organizations like MADD and SADD and all those other groups and women's groups and so on. Really, you can go through the list here and there are quite a few. I don't think anybody here wants to be on record as voting to have these people limited in their rights. Really, it is a sad situation to limit somebody when a drunk driver smashes into somebody, and here we are limiting their recovery; or a certain woman is raped and many of you read that letter that we received from the psychologists the other day about a woman who was raped and where they had her rights limited. I urge you strongly to support this. Take these poor people out. Listen to your constituents and vote the right way."

Mr. Bristow: "I think this body, as we move to truly perfect this bill, will show that our hearts are in the right place. I think this is an attempt to do damage to this bill and I would urge you to vote against this amendment."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative P. King to page 1 of the committee amendment to Engrossed Substitute Senate Bill No. 4630, and the amendment was not adopted by the following vote: Yeas, 34; nays, 63; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Belcher, Brekke, Chandler, Cole, Dellwo, Fisch, Fisher, Hine, King J, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Sayan, Schmidt, Sutherland, Thomas, Todd, Unselo, Wang, West, Wineberry, and Mr. Speaker - 34.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Basich, Baugher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Crane, Day, Dobbs, Doty, Ebersole, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Jacobsen, Kremen, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson D, Nelson G, Prince, Rayburn, Rust, Sanders, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Tilly, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 63.

Excused: Representative van Dyke - 1.

Mr. Wang moved adoption of the following amendment by Representatives Wang, Niemi and Dellwo to the committee amendment:

On page 5, beginning on line 8 strike all of Part II, sections 201 through 210.

Mr. Wang: "This amendment is the same as the Padden amendment which was withdrawn. This is the first of a series of several amendments which have been prepared which adopts coalition language and attempts to perfect the committee amendment which is before us. The coalition has not opposed, as I understand it--I

talked to the gentleman from the 7th District--the coalition is not opposed to this language. I would hope this will be the first amendment to be adopted here in an attempt to perfect the bill before us. The issue of what this amendment would do would be to strike the provisions currently in the bill which deal with offers of settlement. When we first started to respond to this problem last fall, this was one of the alternatives that I was considering in terms of introducing--proposing--some provisions dealing with offers of settlement in which attorney fees could be paid by the losing party under certain circumstances. This would be, however, a major shift in the whole philosophy of jurisprudence of going from one party paying to the other party paying for attorney fees. The problems are that it really leads to an inequity in many situations. For example, if you've got one defendant who is insured and, on the other hand, the person is a very poor person who is a plaintiff, the incentive is all there; the plaintiff has nothing to lose and the incentive is there for the plaintiff not to settle. On the other hand, going the other way, if you've got a middle class plaintiff, the plaintiff has a lot to lose and an attorney would almost have to advise the person to accept whatever settlement there was even if it's not a fair settlement, because the person can't afford to hold out. The offers of settlement provision that were in the committee proposal are well-intentioned, but they are not going to work and they are going to leave some inequities. I would hope that you would join me in supporting this amendment which simply strikes that, consistent with the coalition proposal and consistent with making the language conform with the coalition proposal without attempting to insert language in the gap at page 1, line 6. This puts the language in the text of the bill. I would urge your support.

Mr. Padden: "Also urging your support of the amendment, this was offered in the Judiciary Committee and lost on a tie vote, but I think, as far as I know, there is no real support among either defense of plaintiff bar for this. It is not in the striking amendment that is coming because it is recognized as being unworkable. The offers of settlement that we have now in current law, pertain to offers under \$7500.00 and are meant to keep the smaller cases out of the courts. I think there is widespread opposition to abandoning that and I would simply urge that you vote 'yes.'"

Mr. Bristow: "I certainly don't object to this truly perfecting amendment and I urge you to vote your conscience."

The amendment was adopted.

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

Beginning on page 10, line 3 strike everything through page 11, line 26 and insert the following:

NEW SECTION, Sec. 201. A new section is added to chapter 4.24 RCW to read as follows:

The court shall, upon petition by a named party in any tort action, except those provided for in RCW 7.70.070, determine the reasonableness of that party's attorneys' fees. The court shall take into consideration the following:

- (1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
- (2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
- (3) The fee customarily charged in the locality for similar legal services;
- (4) The amount involved and the results obtained;
- (5) The time limitations imposed by the client or by the circumstances;
- (6) The nature and length of the professional relationship with the client;
- (7) The experience, reputation, and ability of the lawyer or lawyers performing the services;
- (8) Whether the fee is fixed or contingent;
- (9) Whether the fixed or contingent fee agreement was in writing and whether the client was aware of his or her right to petition the court under this section.

NEW SECTION, Sec. 202. Section 201 of this act applies to agreements for attorney's fees entered into after the effective date of this section."

Mr. Wang: "This also would give the coalition version in dealing with attorney fees. It places it in the committee amendment language. The concept here is to require a court to review what reasonable attorney fees would be in a court situation upon the request of the party to the case. There is not the thirty-day limitation

that's in the committee language and this allows for a petition by the party as opposed to the party's attorney. It's perfecting language identical to the coalition language and I would urge your support of it."

Mr. Bristow: "Here, again, is another perfecting amendment which I can't object to and I urge you to vote your conscience."

The amendment to the amendment was adopted.

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

On page 11 of the committee amendment, after line 26, insert the following:

"PART IV

LIMITATION ON NONECONOMIC DAMAGES

NEW SECTION. Sec. 401. A new section is added to chapter 4.56 RCW to read as follows:

(1) As used in this section, the following terms have the meanings indicated unless the context clearly requires otherwise.

(a) 'Economic damages' means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities.

(b) 'Noneconomic damages' means subjective, nonmonetary losses, including, but not limited to pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation, and destruction of the parent-child relationship.

(c) 'Bodily injury' means physical injury, sickness, or disease, including death.

(d) 'Average annual wage' means the average annual wage in the state of Washington as determined under RCW 50.04.355.

(2) In no action seeking damages for personal injury or death may a claimant recover a judgment for noneconomic damages exceeding an amount determined by multiplying 0.43 by the average annual wage and by the life expectancy of the person incurring noneconomic damages. For purposes of determining the maximum amount allowable for noneconomic damages, a claimant's life expectancy shall not be less than fifteen years. The limitation contained in this subsection applies to all claims for noneconomic damages made by a claimant who incurred bodily injury. Claims for loss of consortium, loss of society and companionship, destruction of the parent-child relationship, and all other derivative claims asserted by persons who did not sustain bodily injury are to be included within the limitation on claims for noneconomic damages arising from the same bodily injury.

(3) If a case is tried to a jury, the jury shall not be informed of the limitation contained in subsection (2) of this section."

Remember the parts and sections following consecutively, and correct internal references accordingly.

Mr. Locke: "This is again an attempt to perfect the committee amendment to make it as close as possible to the coalition version. This language was taken verbatim from the coalition package. I urge your adoption."

Mr. Bristow: "There is certainly no way that we can object to this amendment."

The amendment to the amendment was adopted.

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

On page 12, line 2 after "several" strike everything through line 7 and insert "Subject to the limits established in this section a defendant whose percentage of fault is determined to be less than the fault attributable to the claimant shall not be required to pay an amount greater than twice the damages attributable to the defendant. A defendant whose percentage of fault is greater than that attributable to the claimant shall not be required to pay an amount greater than three times the damage attributable to the defendant."

Mr. Sayan: "This is a good-faith effort to perfect the amendment and simply provide for a more equitable distribution on the basis of percentage of claim, and it puts a cap on the deep pocket and also provides that the plaintiff has some relief. Unfortunately in 1973 when this legislation was passed originally, this kind of idea was overlooked and this brings it back toward equity in the litigation. I urge its adoption."

Mr. Bristow: "We have no position on this amendment. It would be stricken by the striking amendment and language along this subject would be reinserted."

The amendment was adopted.

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

On page 11 of the committee amendment, beginning on line 29, strike all of section 401 and insert the following:

*Sec. 401. Section 11, chapter 27, Laws of 1981 and RCW 4.22.030 are each amended to read as follows:

(1) Except as provided in subsections (2) and (4) of this section, if more than one person is liable to a claimant on an indivisible claim for the same injury, death or harm, the liability of such persons shall be joint and several.

(2) Except as provided in subsection (3) of this section, a person whose percentage of fault is less than that allocated to the claimant is liable to the claimant only for the person's own percentage of the damages.

(3) Subsection (2) of this section does not apply to:

(a) A cause of action involving a violation of any state or local law relating to solid wastes, hazardous wastes or substances, air, water, or high or low level radioactive wastes or substances;

(b) A cause of action involving the manufacture or marketing of a product causing injury to the claimant that cannot be attributed to the conduct of a particular defendant and in which the conduct of all defendants is simultaneous in time or poses substantially the same risk of harm to the claimant. The fault of each defendant in such a cause of action shall be determined on a market-share basis; or

(c) A cause of action arising under Title 51 RCW.

(4) The state or a county, city, town, municipal corporation, quasi-municipal corporation, special district, or other governmental entity that is liable on a claim is liable only for the entity's own percentage of fault.

(5) In an action in which a right of contribution exists under RCW 4.22.040, the court shall determine, upon a motion made not later than one year after judgment is entered, whether all or part of a liable party's share of the judgment is uncollectible. If the court so finds, it shall reallocate the uncollectible amount among all other parties who were allocated a percentage of fault, including a claimant at fault, according to the ratios of their respective percentages of fault. In determining whether a share is uncollectible, the court shall consider the current and future availability and extent of resources from which collection might be made, the current and future ability of the party seeking reallocation to collect the share, and the reasonableness of the efforts made by the party seeking reallocation to collect the share. The party whose share is reallocated is nonetheless subject to contribution and to any continuing liability to the claimant on the judgment."

Mr. Appelwick: "The joint/several proposal has been much debated and there seems to be the core of what everybody is being so protective of. The proposal that the coalition has put forth is defective in several regards. The amendment before you put the combination of the Oregon approach, which says you have joint and several liability unless the plaintiff is more negligent than the defendant. It further adds what was previously the Locke amendment which, in case one of those jointly and severally liable defendants is negligent and is insolvent, that insolvent party's loss is apportioned between the plaintiff and the defendant in relative proportion to where they are. The criticism of the existing tort law is that it's unfair because when someone is insolvent, the other defendant bears the whole risk of loss from that insolvency. If that's true, then the joint and several proposal that is being advanced in the striking amendment by the gentlemen from the 7th and 12th, is equally unfair and is equally ridiculous because it shifts the total risk of loss to the plaintiff whenever the plaintiff has even one percent of negligence involved in the case. What we are proposing is that this be apportioned between the defendant and the plaintiff who is not insolvent in relative proportion to their fault. In addition, the amendment says that municipal governments are always only severally liable. I mentioned the baby doctor problem before, where the obstetricians and gynecologists had a real problem, for all those people who are driven to support this amendment to take care of local government, this does it much better; much more straightforward without any exception than does the striking amendment you are talking about. There is a further concern in the amendment, and that is you require in the the striking amendment, the defense of the empty chair. It totally undercuts settlement and that fact and that problem do not exist in this amendment. This is a much better approach and I urge your support for it."

Mr. Padden: "I also urge support. I guess I have some concerns on this. I basically favor the language that currently is in the House Judiciary Committee amendment which is the Oregon language, pure and simple. This provides additional protection to some municipalities that I think goes beyond the committee amendment, but I think it is far, far more preferable than what is in the striking amendment to come, which does away with joint and several, and I think will produce some really harsh results in the real world. This approach will take care of those extreme examples of somebody who is five percent at fault, and yet is paying one hundred percent of the damages. It is especially protective of the municipalities in the state, so I would urge it and ask you to consider it as a worthy alternative to the proposal that is in coalition."

Mr. Bristow: "In the proposal that, I guess, has become affectionately known as the coalition provision, in the case of an innocent injured party involved with a suit involving municipalities, that innocent injured party could recover in full, so the flaw to me in this amendment is that an injured innocent party involved in a lawsuit with a municipality could not recover in full if the defendant were insolvent. I just hope that you will seriously consider that implication as you vote on this measure."

Mr. McMullen: "On a scale of one to ten, as I mentioned before, this comes back to about a five. It's a further swing even yet. What I would ask you to do is compare this to the coming coalition proposal. The coming coalition proposal, if you read it carefully, says to the defense attorney, 'Your job is to go into court and do nothing but find the plaintiff one percent liable.' That's to get out of joint and several. That's all they have to do. Therefore, the defense, rather than talking about how the accident happened or talking about damages or anything else, their first charge is to find the plaintiff one percent negligent. Also, if you take a look at the coming proposal, it talks about releasing entities immune from action. Remember that proposal also sets an eight-year statute of limitations for all doctors, unlike anybody else; so, if a doctor and somebody else is involved in a lawsuit and the lawsuit is brought in the ninth year, the doctor is immune. The doctor can then come into court and say it was all his fault and take one hundred percent of the blame and the other wrongful party gets ten percent. How do you go after a doctor who admits total liability in a lawsuit in order to protect some other body? I don't think people have sat down and thought of the ramifications of what that coalition proposal means. It will handicap the juries. It will handicap the injured parties and it will be a field day for defense lawyers. I think this is a fair and just allocation and I urge you to adopt this amendment."

Mr. Wang: "I would also urge your support for this proposal. I think that the discussion by the gentleman from the 7th District also points to some of the fairness that can be found in this proposal. The example would be what happens if the plaintiff is not at all at fault. Under the coalition proposal you still have the deep pocket. Municipal government would still be entirely liable and you still would have the inequities and the criticisms of the current system of joint and several liability. Under this proposal, it would solve that problem. This proposal would say that the local government or state government, whatever governmental entity it is, would be liable only for the portion of fault they have. It would solve that deep pocket problem. More importantly though, this proposal deals with the problem of trial tactics that otherwise you would get into, which the gentleman from the 40th District referred to. The situation in which it is easy to try to find even one percent fault on the part of the plaintiff and, indeed, defense attorneys would naturally, of course, try to find one percent fault because once they did that, then you've got a problem with eliminating joint and several liability just by finding one percent fault. You can find one percent fault so easily comparatively. You can do it in the form of a taillight that is out. We're talking about a whole range of thing. We're talking about your basic car crash, your simple little fender-bender, everything; we're not talking about just million dollar medical malpractice cases. We're talking about the little fender-benders also. This is going to cause all kinds of problems and all kinds of difficulties with trial tactics. I would urge you to consider and support this proposal."

Mr. Appelwick: "Just briefly, you know in the negotiations that went on, the coalition rejected the version that didn't have the municipal liability. I think that argument's a red herring. You need to understand that the number of current lawsuits in which the plaintiff has some liability and whom you will cut off from having access to joint several liability far exceeds the number where you will have--there will be immunity for municipal plaintiff by the governmental immunity. You are clearly cutting off people who have bodily injury or property damage from recovering that loss under this proposal. If you reject this amendment and adopt the coalition striking amendment, there is no doubt in my mind, and there shouldn't be in yours, that that's the harm you will inflict."

Mr. Ballard: "Urging you to vote against the amendment, the red herring is, quite frankly, that we are talking about one percent all the time, in the real world that just simply doesn't happen in the court. Prior to 1973, we talked about bringing it back to equal, prior to 1973 this simply didn't exist. I would urge you to reject this amendment and support the coalition amendment."

Mr. Padden: "Just to point out that we are not dealing here with the coalition amendment. We're dealing with the Judiciary Committee amendment and we're trying to perfect that amendment to make it a worthy amendment. You still will have an opportunity to vote for or against the coalition striking amendment later on. This certainly is closer to the coalition amendment than what is in the bill right now. With that supposition, I think we should vote for the amendment."

The amendment to the amendment was adopted.

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

On page 12, line 13 after "a" insert "complete"

On page 12, after line 23 insert the following:

"Sec. 502. Section 1, chapter 80, Laws of 1971 as amended by section 1, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 4.16.350 are each amended to read as follows:

Any civil action for damages for injury occurring as a result of health care, which is provided after June 25, 1976 against:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative;

based upon alleged professional negligence shall be commenced within three years of the act or omission alleged to have caused the injury or condition, or one year of the time the patient or his representative discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period expires later, except that in no event shall an action be commenced more than eight years after said act or omission; PROVIDED, That the time for commencement of an action is tolled upon proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic diagnostic purpose or effect.

For purposes of this section, notwithstanding RCW 4.16.190, the knowledge of a custodial parent or guardian shall be imputed to a person under the age of eighteen years. Any action not commenced in accordance with this section shall be barred((-PROVIDED, That the limitations in this section shall not apply to persons under a legal disability as defined in RCW 4.16.190))."

Mr. Locke: "This is another attempt to perfect the committee amendment to bring it closer in line with the so-called coalition version. This adopts the coalition proposal of the statute of limitations, saying that the knowledge of the parents is attributed to the child so that the lawsuit would have to be brought within the statute of limitations regardless of the age of the child, that a parent would have to

bring it. It would effectively cut down the number of lawsuits and would force parents to exercise their parental responsibilities in doing what is best for the child. I urge your adoption of this amendment."

Mr. McMullen: "I think I can predict the outcome of some of these amendments, but I would just like to remind you of what you are doing here. This, in essence, is a three-year statute of limitations on a birth case. Three years, when the parents for reasons of religion, for reasons of lack of knowledge, for reasons for living up-river in the state of Washington, for reasons that they trust their doctors, don't file a lawsuit within three years, they come into court and they face their own doctor saying, 'I told them that there was a problem during delivery and they just didn't hear me.' Now that makes a three-year statute of limitations. At the most, we're going to go eight. I offered eight for baby doctors earlier, but this is down to three years. We're taking away the rights of minors and we're saying that the parents know about that. The doctors said they knew about it, and they have a three-year statute of limitations. Three years--they don't even have time to start talking and walking and go through tests to see if there is something wrong with them, and we're going to just say 'tough.' Now, if you want to go ahead and vote for it, I suppose you are going to, but I want you to know what you are voting for. I urge you to oppose this amendment."

The amendment was not adopted.

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

On page 16 of the amendment beginning on line 16 strike everything through "year." on page 17, line 31 and insert the following:

***NEW SECTION, Sec. 801.** (1) In an action for personal injuries, wrongful death, or property damage in which a verdict or award of future damages is in excess of the amount established under subsection (4) of this section, the court shall, at the request of a party, enter a judgment for periodic installments of such future damages as provided in this chapter.

(2) The court shall enter judgment in lump sum for past damages, noneconomic damages, attorney fees, if any, costs, and litigation expenses of the plaintiff.

(3) If a judgment for periodic installments is to be entered under subsection (1) of this section, the court prior to entry of judgment shall request each party to submit a proposal for periodic payment of such future damages to compensate the claimant. Proposals shall include the following provisions:

(a) The name of the recipient or recipients of the payments, the dollar amount of the payments;

(b) The intervals between payments;

(c) The number of payments or the period of time over which the payments shall be made;

(d) Modification for hardship;

(e) Posting of adequate security;

(f) Payment of interest; and

(g) Any other factor the court deems relevant under the circumstances.

After each party has submitted a proposal, the court shall select, modify, or develop a payment plan which, in the discretion of the court and the interests of justice, best provides for the future needs of the claimant. Any proposal for periodic installments of ten years or more approved by the court must guarantee payments for a minimum of ten years.

(4) On the effective date of this section, the minimum amount referenced in subsection (1) of this section shall be one hundred thousand dollars. On July 1, 1987, and on July 1 of each year thereafter, the office of the administrator for the courts shall adjust the minimum amount in accordance with the change in the federal consumer price index during the previous year."

On page 19 of the amendment, beginning on line 5, strike everything through "creditor." on line 32, and insert the following:

***NEW SECTION, Sec. 804.** In cases in which future damages are payable in periodic installments under this chapter:

(1) Unless otherwise agreed between the parties, payment of future medical damages shall continue to be paid to the estate of the judgment creditor only for as long as necessary to enable the estate to satisfy medical expenses of the judgment creditor that were due and owing at the time of death, which resulted from the injury for which damages were awarded, and do not exceed the dollar amount of the total payments for such future medical damages outstanding at the time of death: PROVIDED, That the balance of the ten-year guarantee provided for in section 401 of this act shall not be reduced or terminated by reason of the death of the judgment creditor, but shall be considered part of the estate of the judgment creditor; and

(2) The portion of any periodic payment allocatable to loss of future earnings shall not be reduced or terminated by reason of the death of the judgment creditor, but shall be considered

part of the estate of the judgment creditor. In such cases, the court which rendered the original judgment may, upon petition of any party in interest, convert those portions of such periodic payments allocatable to the loss of future earnings to a lump sum by calculating the present value of such payments in order to assist in the settlement of the estate of the judgment creditor."

On page 19 of the amendment, beginning on line 33, strike everything through "accordingly," on page 20, line 33, and insert the following:

"NEW SECTION, Sec. 805. (1) If, at any time after entry of judgment, a judgment creditor or successor in interest can establish that the continued payment of the judgment in periodic installments will impose a hardship, due to a substantial change of circumstances not provided for in the payment plan under section 401 of this act, the court may, in its discretion, order that the remaining payments or a portion thereof shall be made to the judgment creditor in a lump sum. The court shall, before entering such an order, consider the following: (a) Whether unanticipated and substantial medical or other needs have arisen that warrant the payment of the remaining payments, or a portion thereof, in a lump sum; (b) whether ordering such a lump sum payment would impose an unreasonable financial burden on the judgment debtor or debtors; (c) whether ordering such a lump sum payment will accommodate the future medical and other needs of the judgment creditor; and (d) whether ordering such a lump sum payment would further the interests of justice.

(2) If a lump sum payment is ordered by the court, such lump sum shall be calculated on the basis of the present value of remaining periodic payments, or portions thereof, that are converted into a lump sum payment. The remaining future periodic payments, if any, shall be reduced accordingly."

Mr. Appelwick: "These three amendments together are the proposal on periodic payments and this is the language as it was perfected in negotiations between the coalition representative and others who have met over the past week and a half. The approach in this, of course, is to get people together to see if we could avoid this lengthy process today. We talked about if this were a piece of the proposal, what language could we agree on to be perfecting. All of the amendments I am offering today came through that process. They don't come from any place else; from all the parties at the table, this was good language. For the periodic here provides for a lump sum up front for noneconomic damages, they have a guarantee of payments of ten years or more in the installment plan, they have a threshold of \$100,000 that's in the coalition version. They have the federal CPI inflator for subsequent years and they have something that's missing in the other one, and that is the statutory right of modification if it gets changed for some unforeseen circumstances. That is, if something happens down the road and the plan that has been entered won't work, you have the right under statute to go to the court and ask to have that modified. The coalition didn't adopt that language and I don't frankly know why. It says that the plan itself may provide some modifications, but frankly, just think of all the mistakes that we found in this bill that is being drafted today by competent attorneys downstairs. There are glitches all over the place and if your plan comes through and the other side is drafting it and the court fixes it, and doesn't put in the modification provision or forgets to even reference it, you are out in the cold. This is a cleanup that is important to protect people who have very large losses, obviously, because they are way above the threshold, who are put on installments or periodic payment, and it's important statutory protection to give these people who have been harmed. I urge your support."

The amendments were adopted.

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

On page 21, after line 7 insert:

"NEW SECTION, Sec. 807. A new section is added to chapter 4.56 RCW to read as follows:

(1) As used in this section, the following terms have the meanings indicated unless the context clearly requires otherwise:

(a) 'Economic damages' means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, loss of business or employment opportunities, and reasonable attorney fees."

Renumber the remaining sections consecutively and correct internal references accordingly.

Mr. Sayan: "I think the interesting thing here for the body is that if we realize as lay persons and not as those who are members of the bar, when you figure doctors

and out-of-pocket expense, when you pay a special witness to a court, it's an out-of-pocket expense. I do not understand why we consider paying an attorney to be not an out-of-pocket expense. In fact, it is an out-of-pocket expense. Why should then, an individual who wins an award be required to subtract from that award to pay an out-of-pocket expense? How does it, somehow in the mystical world of law, become a noneconomic damage when everything else you pay out-of-pocket is an economic damage? My amendment simply seeks to provide protection for the plaintiff. There are plaintiffs who have won an award, who end up having to pay expenses out of pocket. They didn't win anything; they won an award and that left them holding an empty sack. This protects the defendant by separating reasonable attorney fees from pain and suffering and allows the jury to recognize the difference. Finally, it protects the attorneys by providing reasonable attorney fees. There are attorneys who have anticipated a return from their efforts, only to find that they have an adverse result in court. This would insure that reasonable attorney fees, as economic expenses, are provided. It's unfortunate that we couldn't come together with all the parties to discuss these issues. Unfortunately the process didn't lend itself to that and, I'm sure, you are going to hear those speeches later on today. I urge your adoption of this amendment."

The amendment was adopted.

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

On page 21, beginning on line 21 strike everything through page 22, line 27 and insert the following:

NEW SECTION. Sec. 901. A new section is added to chapter 5.40 RCW to read as follows:

A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered by the trier of fact as evidence of negligence; however, any breach of duty as provided by statute, ordinance, or administrative rule relating to electrical fire safety, the use of smoke alarms, or driving while under the influence of intoxicating liquor or any drug, shall be considered negligence per se.

NEW SECTION. Sec. 902. A new section is added to chapter 5.40 RCW to read as follows:

It is a complete defense to an action for damages for personal injury or wrongful death that the person injured or killed was under the influence of intoxicating liquor or any drug and that such condition contributed more than fifty percent to his or her injuries or death. If the amount of alcohol in a person's blood is shown by chemical analysis of his or her blood, breath, or other bodily substance to have been 0.10 percent or more by weight of alcohol in the blood, it is conclusive proof that the person was under the influence of intoxicating liquor.

NEW SECTION. Sec. 903. A new section is added to chapter 4.24 RCW to read as follows:

A member of the board of directors or a superintendent of any school district is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence."

Remember the remaining sections consecutively and correct internal references accordingly.

Mr. Locke: "Again, this is a perfecting amendment to the committee amendment to bring it in line with the various elements of the coalition package, merely saying that mere violation of an ordinance or statute is not negligence automatically, that if the plaintiff was a drunk and that person contributed to more than fifty percent of his or her own injuries and it immunizes school board members and school superintendents unless they were grossly negligent."

Mr. Padden: "This also eliminates the mandatory arbitration provision from the committee amendment which is not part of the striking amendment to come. The committee amendment as it is now raises the limits of mandatory arbitration from \$25,000 to \$100,000. It just recently has been raised from \$15,000 to \$25,000, and we don't feel that is necessary. I would urge your support of the amendment."

The amendment was adopted.

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

On page 25 of the committee amendment, line 28 after "filing" and before the period insert ": PROVIDED, That upon a finding that this limitation would operate to require actuarially unsound insurance practices, the commissioner may waive the limitation"

Mr. Wang: "This provides some flexibility in the insurance provisions of the existing committee amendment which is before us. This provides, where the fifteen percent lid on premium rates of insurance applies, this would allow for some changes to that lid where it would otherwise be actuarially unsound. It would give some needed cushion while still providing protection to the consumer to avoid excessive rate changes in insurance."

The amendment to the amendment was adopted.

Mr. Appelwick moved adoption of the following amendment:

On page 27 of the amendment beginning on line 35, strike everything through "jury," on page 28, line 14 and insert the following:

"NEW SECTION, Sec. 908. A new section is added to chapter 4.44 RCW to read as follows:

(1) In an action for damages for personal injury, wrongful death, or damage to property, the court shall instruct the jury that if the jury finds a verdict awarding damages, it shall in its verdict specify the damages that have been incurred prior to the verdict and amounts intended to compensate for damages to be incurred in the future. Specification of damages shall include each category of damages considered by the jury.

(2) A party entering into a release, covenant not to sue, or similar agreement entered into by a claimant and a person liable for damages for personal injury, wrongful death, or damage to property, shall include in the agreement a specification of damages for the amount to be paid under the agreement. The agreement shall include specification of damages that have been incurred prior to the agreement and amounts intended to compensate for damages to be incurred in the future, and shall include each category of damages considered by the parties to the agreement. The agreement shall be filed with the clerk of the court."

Mr. Appelwick: "The committee amendment has a very good provision which requires itemized verdicts. Part of the problems in the debate that has ensued over the past week is that all of the rhetoric about how high the pain and suffering awards have been as compared to economic damages. One of the problems in actual practice is that the insurance industry does not like to break down their awards and tell you how much they are giving in terms of pain and suffering, because of the preferential value. I think if we could have this debate based on fact of what is filed in litigation and in what my amendment adds, what is filed in those out of court settlements, then we could have true data on this issue. I urge you to adopt this amendment which will require itemized verdicts and itemized settle agreements to be made a public record, so that you could base, in the future, on not simply supposition, but based in truly fact on what is going on in real practice."

The amendment was adopted.

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

On page 29 of the amendment, after line 36, insert the following:

"NEW SECTION, Sec. 911. A new section is added to chapter 4.24 RCW to read as follows:

No person may maintain a cause of action or receive an award of damages based on the claim that but for the negligent conduct of another, he or she would have been aborted. This section, however, does not affect rights or duties of parents or health care providers regarding the receiving or giving of information necessary for an informed consent to an abortion procedure."

Renumber the sections consecutively and correct internal references accordingly.

Mr. Padden: "One of the big complaints, and I think this is a justifiable complaint regarding our system, is the effect it has had on the medical community, especially the OB/GYN area. One of the things that causes medical malpractice insurance premium rates to go up is new causes of action. In this state, as a result of the Harbeson v. Parke-Davis case, there was a new cause of action that came about in 1983. It was an action for wrongful birth and wrongful life. I would just like quote briefly from the court decision there. At that time, the Washington State Supreme Court stated, 'Are these developments the first step toward a facist-Orwellian societal attitude of genetic purity or Huxley's Brave New World, or do they provide positive benefits to individual families and all society by avoiding the

vast emotional and economic costs of defective children?' The court then indicated that we hold that parents have the right to prevent the birth of a defective child, and the health care provider, a duty relative to that right. The court then went on to indicate that the injury is, in fact, the birth itself. Other states have restricted this cause of action on wrongful life and wrongful birth. I believe the state of Idaho has, and along with their statute of limitations, an eight-year statute of limitations. The information that I have is that the malpractice insurance premiums there for OB/GYNs are about \$12,000 a year less than in our state. This bill passed out of the House Judiciary Committee on a 15 to 2 vote in 1983. I would strongly urge you to support this amendment and I feel that without it, and under current law, that as a result of the Harbeson case, a physician can be liable on three different separate series of liability: Failure to diagnose and inform; the performance of an abortion if the mother did not wish to have an abortion, doing such a procedure to be sure the child's right not to be born are protected; and failure to abort and be subject to the child's right to sue for wrongful life. Clearly, this is something that has been supported by the Washington State Medical Association, by their delegates. I would urge your support. I feel very badly that, despite requests, this was not included in the coalition striking amendment, because it would go a long way to help insure our society that they are going to have adequate obstetrical care. I urge your support."

Mr. Armstrong: "I rise in opposition to this amendment and to say that the coalition was correct not to include this amendment in the coalition proposal. No one says by saving this right of action, that a child should not live or should not have been born. The only thing that denial of this amendment says, is that when parents have the incredible expense of a Downs syndrome child or a child otherwise born with less than it should have, that the parents will be assisted in paying for the hundreds of thousands of dollars that it costs to raise the child who does turn out to have a birth defect. I urge that you defeat this amendment."

Mr. Hargrove: "The flip side of the argument that was just made is that the doctors, in order to avoid sharing in the expense of this Down's syndrome or retarded child, will be required to suggest or require that the parents have an abortion instead of putting themselves in the liability in that situation. I think we all recognize that medicine is an art and not a science. It is extremely difficult, even with the current state of the art and all the science we have available, to predict all of the birth defects before birth and to insure against this liability. I hope we don't have a situation in the future where doctors feel compelled, in order to avoid the chance of liability in this area, to recommend abortion for their patients even when they only have the slightest suspicion that there might be something wrong with that unborn child. I would urge your support for this amendment."

Mr. Wang: "I would urge your opposition to this amendment. The Harbeson case, which has been referred to, is a case which has generated a lot of misunderstanding and a lot of emotional furor. The facts of the case were that a doctor was--the patient came up and asked the doctor if the medicine was okay to use. 'I'm pregnant, is this medicine okay to use?' The doctor failed to check. The doctor gave the wrong information and prescribed the medicine which led to birth defects. It's a very simple case from that standpoint and it does not require abortion or anything of that sort. It simply says that under those kinds of fact situations, of course, the doctor should be liable for not checking, for ignoring the literature, ignoring the warnings of prescribing medicine. This amendment would preclude that kind of liability, which I believe is a very reasonable liability to attach. The amendment is intended to get at that one case and I think it is a very reasonable case. I would not adopt this amendment."

Mr. Bond: "Very briefly, I think it is necessary to straighten the situation out here a little bit. We are not talking about malpractice on somebody, the problem is that the injury is the birth itself. That's what we are talking about, so I don't think anybody should be confused about that."

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Padden and Hargrove to the committee amendment to Engrossed Substitute Senate Bill No. 4630, and the amendment to the amendment was not adopted by the following vote: Yeas, 47; nays, 50; excused, 1.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Basich, Baugher, Bond, Bristow, Chandler, Day, Dellwo, Dobbs, Doty, Fuhrman, Gallagher, Hargrove, Hastings, Hine, Holland, Isaacson, Kremen, Long, Lundquist, McMullen, Nealey, Nelson G, Padden, Patrick, Rayburn, Sanders, Sayan, Schoon, Silver, Smith C, Smith L, Sutherland, Taylor, Tilly, Van Luven, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson S, Winsley - 47.

Voting nay: Representatives Allen, Appelwick, Armstrong, Belcher, Betzoff, Braddock, Brekke, Brooks, Brough, Cole, Crane, Ebersole, Fisch, Fisher, Grimm, Hankins, Haugen, Jacobsen, King J, King P, King R, Leonard, Lewis, Locke, Lux, Madsen, May, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Prince, Rust, Schmidt, Scott, Smitherman, Sommers, Tanner, Thomas, Todd, Unsoeld, Valle, Vander Stoep, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 50.

Excused: Representative van Dyke - 1.

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

On page 29 of the amendment, after line 36, insert the following:

NEW SECTION. Sec. 911. A new section is added to chapter 4.56 RCW to read as follows:

(1) As used in this section, the following terms have the meanings indicated unless the context clearly requires otherwise.

(a) 'Economic damages' means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities.

(b) 'Noneconomic damages' means subjective, nonmonetary losses, including, but not limited to pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation, and destruction of the parent-child relationship.

(c) 'Bodily injury' means physical injury, sickness, or disease, including death.

(2) In any action based on fault seeking damages for personal injury or property damage, the claimant is entitled to recover noneconomic losses.

(3) In no action seeking damages for personal injury or property damage may a claimant recover damages for noneconomic losses exceeding four hundred thousand dollars except in extraordinary circumstances in which application of that limit would constitute an inequitable and unreasonably severe hardship on the claimant. In applying the limits of this subsection, claims for loss of consortium, loss of society and companionship, and destruction of the parent-child relationship which are asserted by one who did not actually sustain bodily injury shall be added to any claims for noneconomic damages sustained by a claimant who did incur bodily injury."

Renumber the sections consecutively and correct internal references accordingly.

POINT OF ORDER

Representative Locke: "Mr. Speaker, I believe we adopted House floor amendment 610 which would conflict with this amendment. I would ask for your ruling on the situation where you have two inconsistent amendments to a bill."

SPEAKER'S RULING

The Speaker: "Representative Locke, the Speaker would note Reed's Rule 161. 'An amendment may be inconsistent or incompatible with the words left in the bill, or with other amendments already adopted, but that is for the assembly to decide, and not for the presiding officer. For him to pass upon such a question would be very embarrassing to the assembly...' and it certainly would be in this case. '...So, also, the question of constitutionality is not for him to decide. Incompatibility, inconsistency, and unconstitutionality are matters of argument.' I find your point of order not well taken."

Mr. Padden: "I know you are all anxiously awaiting to see what this amendment is. It's another approach to dealing with the cap. It's an approach that, I think, is a more viable approach and a more constitutionally sound approach although, of course, that's always open to argument. What this does is put a cap on the non-economic damages of \$400,000 across the board, so this is simply not an age discrimination type of approach. Also, what it does, it allows some discretion. I think it

is generally accepted, the more discretion that is maintained with the trier of fact-- be it the judge or the jury--the more likely we are going to have a sound constitutional bill. In that regard, it has an escape clause and I'd like to read from that portion of the amendment. It says, "...except in extraordinary circumstances in which application of that limit would constitute an inequitable and unreasonably severe hardship on the claimant." So, as much as we have adopted an emergency escape hatch on the cap on the insurance premiums, this would allow that here also, but would have a flat \$400,000 cap on noneconomic damages across the board. I strongly urge your support for this approach."

Mr. Bristow: "This body has already adopted a much more appropriate and thoughtful amendment dealing with this subject. I would strongly urge you to defeat this amendment."

The amendment was not adopted.

Mr. Bristow moved adoption of the following amendment by Representatives Bristow and Ballard to the committee amendment:

On page 2 of the amendment, after line 33, strike all material down through "affected." on page 30, line 15 and insert the following:

*PART I

ACCELERATED PHYSICIAN-PATIENT PRIVILEGE

Sec. 101. Section 294, page 187, Laws of 1854 as last amended by section 1, chapter 56, Laws of 1982 and RCW 5.60.060 are each amended to read as follows:

(1) A husband shall not be examined for or against his wife, without the consent of the wife, nor a wife for or against her husband without the consent of the husband; nor can either during marriage or afterward, be without the consent of the other, examined as to any communication made by one to the other during marriage. But this exception shall not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other, nor to a criminal action or proceeding against a spouse if the marriage occurred subsequent to the filing of formal charges against the defendant, nor to a criminal action or proceeding for a crime committed by said husband or wife against any child of whom said husband or wife is the parent or guardian, nor to a proceeding under chapter 71.05 RCW: PROVIDED, That the spouse of a person sought to be detained under chapter 71.05 RCW may not be compelled to testify and shall be so informed by the court prior to being called as a witness.

(2) An attorney or counselor shall not, without the consent of his client, be examined as to any communication made by the client to him, or his advice given thereon in the course of professional employment.

(3) A clergyman or priest shall not, without the consent of a person making the confession, be examined as to any confession made to him in his professional character, in the course of discipline enjoined by the church to which he belongs.

(4) A (~~regular~~) physician or surgeon or osteopathic physician or surgeon shall not, without the consent of his patient, be examined in a civil action as to any information acquired in attending such patient, which was necessary to enable him to prescribe or act for the patient, (~~but this exception shall not apply in any judicial proceeding regarding a child's injuries; neglect or sexual abuse, or the cause thereof~~) except as follows:

(a) In any judicial proceedings regarding a child's injury, neglect, or sexual abuse or the cause thereof; and

(b) Within ninety days of filing an action for personal injuries or wrongful death, the claimant shall elect whether or not to waive the physician-patient privilege. If the claimant does not waive the physician-patient privilege, the claimant may not put his or her mental or physical condition or that of his or her decedent or beneficiaries in issue and may not waive the privilege later in the proceedings. Waiver of the physician-patient privilege for any one physician or condition constitutes a waiver of the privilege as to all physicians or conditions, subject to such limitations as a court may impose pursuant to court rules.

(5) A public officer shall not be examined as a witness as to communications made to him in official confidence, when the public interest would suffer by the disclosure.

PART II

ATTORNEYS' FEES

NEW SECTION. Sec. 201. A new section is added to chapter 4.24 RCW to read as follows:

The court shall, upon petition by a named party in any tort action, except those provided for in RCW 7.70.070, determine the reasonableness of that party's attorneys' fees. The court shall take into consideration the following:

(1) The time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;

(2) The likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;

- (3) The fee customarily charged in the locality for similar legal services;
- (4) The amount involved and the results obtained;
- (5) The time limitations imposed by the client or by the circumstances;
- (6) The nature and length of the professional relationship with the client;
- (7) The experience, reputation, and ability of the lawyer or lawyers performing the services;
- (8) Whether the fee is fixed or contingent;
- (9) Whether the fixed or contingent fee agreement was in writing and whether the client was aware of his or her right to petition the court under this section.

NEW SECTION, Sec. 202. Section 201 of this act applies to agreements for attorney's fees entered into after the effective date of this section.

PART III

LIMITATION ON NONECONOMIC DAMAGES

NEW SECTION, Sec. 301. A new section is added to chapter 4.56 RCW to read as follows:

(1) As used in this section, the following terms have the meanings indicated unless the context clearly requires otherwise.

(a) 'Economic damages' means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities.

(b) 'Noneconomic damages' means subjective, nonmonetary losses, including, but not limited to pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation, and destruction of the parent-child relationship.

(c) 'Bodily injury' means physical injury, sickness, or disease, including death.

(d) 'Average annual wage' means the average annual wage in the state of Washington as determined under RCW 50.04.355.

(2) In no action seeking damages for personal injury or death may a claimant recover a judgment for noneconomic damages exceeding an amount determined by multiplying 0.43 by the average annual wage and by the life expectancy of the person incurring noneconomic damages, as the life expectancy is determined by the life expectancy tables adopted by the insurance commissioner. For purposes of determining the maximum amount allowable for noneconomic damages, a claimant's life expectancy shall not be less than fifteen years. The limitation contained in this subsection applies to all claims for noneconomic damages made by a claimant who incurred bodily injury. Claims for loss of consortium, loss of society and companionship, destruction of the parent-child relationship, and all other derivative claims asserted by persons who did not sustain bodily injury are to be included within the limitation on claims for noneconomic damages arising from the same bodily injury.

(3) If a case is tried to a jury, the jury shall not be informed of the limitation contained in subsection (2) of this section.

PART IV

APPORTIONMENT OF DAMAGES

NEW SECTION, Sec. 401. A new section is added to chapter 4.22 RCW to read as follows:

(1) In all actions involving fault of more than one entity, the trier of fact shall determine the percentage of the total fault which is attributable to every entity which caused the claimant's damages, including the claimant or person suffering personal injury or incurring property damage, defendants, third-party defendants, entities released by the claimant, entities immune from liability to the claimant and entities with any other individual defense against the claimant. Judgment shall be entered against each defendant except those who have been released by the claimant or are immune from liability to the claimant or have prevailed on any other individual defense against the claimant in an amount which represents that party's proportionate share of the claimant's total damages. The liability of each defendant shall be several only and shall not be joint except:

(a) A party shall be responsible for the fault of another person or for payment of the proportionate share of another party where both were acting in concert or when a person was acting as an agent or servant of the party.

(b) If the trier of fact determines that the claimant or party suffering bodily injury or incurring property damages was not at fault, the defendants against whom judgment is entered shall be jointly and severally liable for the sum of their proportionate shares of the claimant's total damages.

(2) If a defendant is jointly and severally liable under one of the exceptions listed in subsections (1)(a) or (1)(b) of this section, such defendant's rights to contribution against another jointly and severally liable defendant, and the effect of settlement by either such defendant, shall be determined under RCW 4.22.040, 4.22.050, and 4.22.060.

(3)(a) Nothing in this section affects any cause of action relating to hazardous wastes or substances or solid waste disposal sites.

(b) Nothing in this section shall affect a cause of action arising from the tortious interference with contracts or business relations.

(c) Nothing in this section shall affect any cause of action arising from the manufacture or marketing of a fungible product in a generic form which contains no clearly identifiable shape, color, or marking.

Sec. 402. Section 11, chapter 27, Laws of 1981 and RCW 4.22.030 are each amended to read as follows:

Except as otherwise provided in section 401 of this 1986 act, if more than one person is liable to a claimant on an indivisible claim for the same injury, death or harm, the liability of such persons shall be joint and several.

Sec. 403. Section 4, chapter 85, Laws of 1977 ex. sess. as last amended by section 5, chapter 218, Laws of 1984 and RCW 51.24.060 are each amended to read as follows:

(1) If the injured worker or beneficiary elects to seek damages from the third person, any recovery made shall be distributed as follows:

(a) The costs and reasonable attorneys' fees shall be paid proportionately by the injured worker or beneficiary and the department and/or self-insurer:

(b) The injured worker or beneficiary shall be paid twenty-five percent of the balance of the award: PROVIDED, That in the event of a compromise and settlement by the parties, the injured worker or beneficiary may agree to a sum less than twenty-five percent;

(c) The department and/or self-insurer shall be paid the balance of the recovery made, but only to the extent necessary to reimburse the department and/or self-insurer for compensation and benefits paid;

(i) The department and/or self-insurer shall bear its proportionate share of the costs and reasonable attorneys' fees incurred by the worker or beneficiary to the extent of the benefits paid or payable under this title: PROVIDED, That the department or self-insurer may require court approval of costs and attorneys' fees or may petition a court for determination of the reasonableness of costs and attorneys' fees.

(ii) The sum representing the department's and/or self-insurer's proportionate share shall not be subject to subsection (1) (d) and (e) of this section.

(d) Any remaining balance shall be paid to the injured worker or beneficiary;

(e) Thereafter no payment shall be made to or on behalf of a worker or beneficiary by the department and/or self-insurer for such injury until the amount of any further compensation and benefits shall equal any such remaining balance. Thereafter, such benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person;

(f) If the employer or a co-employee are determined under section 401 of this 1986 act to be at fault, (c) and (e) of this subsection do not apply and benefits shall be paid by the department and/or self-insurer to or on behalf of the worker or beneficiary as though no recovery had been made from a third person.

(2) The recovery made shall be subject to a lien by the department and/or self-insurer for its share under this section.

(3) The department or self-insurer has sole discretion to compromise the amount of its lien. In deciding whether or to what extent to compromise its lien, the department or self-insurer shall consider at least the following:

(a) The likelihood of collection of the award or settlement as may be affected by insurance coverage, solvency, or other factors relating to the third person;

(b) Factual and legal issues of liability as between the injured worker or beneficiary and the third person. Such issues include but are not limited to possible contributory negligence and novel theories of liability; and

(c) Problems of proof faced in obtaining the award or settlement.

(4) In the case of an employer not qualifying as a self-insurer, the department shall make a retroactive adjustment to such employer's experience rating in which the third party claim has been included to reflect that portion of the award or settlement which is reimbursed for compensation and benefits paid and, if the claim is open at the time of recovery, applied against further compensation and benefits to which the injured worker or beneficiary may be entitled.

(5) In an action under this section, the self-insurer may act on behalf and for the benefit of the department to the extent of any compensation and benefits paid or payable from state funds.

(6) It shall be the duty of the person to whom any recovery is paid before distribution under this section to advise the department or self-insurer of the fact and amount of such recovery, the costs and reasonable attorneys' fees associated with the recovery, and to distribute the recovery in compliance with this section.

(7) The distribution of any recovery made by award or settlement of the third party action shall be confirmed by department order, served by registered or certified mail, and shall be subject to chapter 51.52 RCW. In the event the order of distribution becomes final under chapter 51.52 RCW, the director or the director's designee may file with the clerk of any county within the state a warrant in the amount of the sum representing the unpaid lien plus interest accruing from the date the order became final. The clerk of the county in which the warrant is filed shall immediately designate a superior court cause number for such warrant and the clerk shall

cause to be entered in the judgment docket under the superior court cause number assigned to the warrant, the name of such worker or beneficiary mentioned in the warrant, the amount of the unpaid lien plus interest accrued and the date when the warrant was filed. The amount of such warrant as docketed shall become a lien upon the title to and interest in all real and personal property of the injured worker or beneficiary against whom the warrant is issued, the same as a judgment in a civil case docketed in the office of such clerk. The sheriff shall then proceed in the same manner and with like effect as prescribed by law with respect to execution or other process issued against rights or property upon judgment in the superior court. Such warrant so docketed shall be sufficient to support the issuance of writs of garnishment in favor of the department in the manner provided by law in the case of judgment, wholly or partially unsatisfied. The clerk of the court shall be entitled to a filing fee of five dollars, which shall be added to the amount of the warrant. A copy of such warrant shall be mailed to the injured worker or beneficiary within three days of filing with the clerk.

(8) The director, or the director's designee, may issue to any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, a notice and order to withhold and deliver property of any kind if he or she has reason to believe that there is in the possession of such person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state, property which is due, owing, or belonging to any worker or beneficiary upon whom a warrant has been served by the department for payments due to the state fund. The notice and order to withhold and deliver shall be served by the sheriff of the county or by the sheriff's deputy, or by any authorized representatives of the director. Any person, firm, corporation, municipal corporation, political subdivision of the state, public corporation, or agency of the state upon whom service has been made shall answer the notice within twenty days exclusive of the day of service, under oath and in writing, and shall make true answers to the matters inquired of in the notice and order to withhold and deliver. In the event there is in the possession of the party named and served with such notice and order, any property which may be subject to the claim of the department, such property shall be delivered forthwith to the director or the director's authorized representative upon demand. If the party served and named in the notice and order fails to answer the notice and order within the time prescribed in this section, the court may, after the time to answer such order has expired, render judgment by default against the party named in the notice for the full amount claimed by the director in the notice together with costs. In the event that a notice to withhold and deliver is served upon an employer and the property found to be subject thereto is wages, the employer may assert in the answer to all exemptions provided for by chapter 7.33 RCW to which the wage earner may be entitled.

PART V

LIMITATION OF ACTIONS

NEW SECTION. Sec. 501. A new section is added to chapter 4.24 RCW to read as follows:

It is a complete defense to any action for damages for personal injury or wrongful death that the person injured or killed was engaged in the commission of a felony, if the felony was causally related to the injury or death in time, place, or activity. However, nothing in this section shall affect a right of action under 42 U.S.C. Sec. 1983.

Sec. 502. Section 1, chapter 80, Laws of 1971 as amended by section 1, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 4.16.350 are each amended to read as follows:

Any civil action for damages for injury occurring as a result of health care which is provided after June 25, 1976 against:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative;

based upon alleged professional negligence shall be commenced within three years of the act or omission alleged to have caused the injury or condition, or one year of the time the patient or his representative discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period expires later, except that in no event shall an action be commenced more than eight years after said act or omission; PROVIDED, That the time for commencement of an action is tolled upon proof of fraud, intentional concealment, or the presence of a foreign body not intended to have a therapeutic diagnostic purpose or effect.

For purposes of this section, notwithstanding RCW 4.16.190, the knowledge of a custodial parent or guardian shall be imputed to a person under the age of eighteen years. Any action not commenced in accordance with this section shall be barred (~~;- PROVIDED, That the limitations in this section shall not apply to persons under a legal disability as defined in RCW 4.16.190~~).

PART VI INDEMNIFICATION AGREEMENTS

Sec. 601. Section 2, chapter 46, Laws of 1967 ex. sess. and RCW 4.24.115 are each amended to read as follows:

A covenant, promise, agreement or understanding in, or in connection with or collateral to, a contract or agreement relative to the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of, any building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including moving and demolition in connection therewith, purporting to indemnify against liability for damages arising out of bodily injury to persons or damage to property;

(1) Caused by or resulting from the sole negligence of the indemnitee, his agents or employees is against public policy and is void and unenforceable;

(2) Caused by or resulting from the concurrent negligence of (a) the indemnitee or the indemnitee's agents or employees, and (b) the indemnitor or the indemnitor's agents or employees, is valid and enforceable only to the extent of the indemnitor's negligence and only if the agreement specifically and expressly provides therefor, and may waive the indemnitor's immunity under industrial insurance, Title 51 RCW, only if the agreement specifically and expressly provides therefor and the waiver was mutually negotiated by the parties. This subsection applies to agreements entered into after the effective date of this 1986 section.

PART VII BUILDER LIMITATION

Sec. 701. Section 2, chapter 43, Laws of 1955 and RCW 4.16.160 are each amended to read as follows:

The limitations prescribed in this chapter shall apply to actions brought in the name or for the benefit of any county or other municipality or quasimunicipality of the state, in the same manner as to actions brought by private parties: PROVIDED, That, except as provided in RCW 4.16.310, there shall be no limitation to actions brought in the name or for the benefit of the state, and no claim of right predicated upon the lapse of time shall ever be asserted against the state: AND FURTHER PROVIDED, That no previously existing statute of limitations shall be interposed as a defense to any action brought in the name or for the benefit of the state, although such statute may have run and become fully operative as a defense prior to February 27, 1903, nor shall any cause of action against the state be predicated upon such a statute.

Sec. 702. Section 2, chapter 75, Laws of 1967 and RCW 4.16.310 are each amended to read as follows:

All claims or causes of action as set forth in RCW 4.16.300 shall accrue, and the applicable statute of limitation shall begin to run only during the period within six years after substantial completion of construction, or during the period within six years after the termination of the services enumerated in RCW 4.16.300, whichever is later. The phrase "substantial completion of construction" shall mean the state of completion reached when an improvement upon real property may be used or occupied for its intended use. Any cause of action which has not accrued within six years after such substantial completion of construction, or within six years after such termination of services, whichever is later, shall be barred: PROVIDED, That this limitation shall not be asserted as a defense by any owner, tenant or other person in possession and control of the improvement at the time such cause of action accrues. The limitations prescribed in this section apply to all claims or causes of action as set forth in RCW 4.16.300 brought in the name or for the benefit of the state which are made or commenced after the effective date of this 1986 section.

Sec. 703. Section 1, chapter 75, Laws of 1967 and RCW 4.16.300 are each amended to read as follows:

RCW 4.16.300 through 4.16.320 shall apply to all claims or causes of action of any kind against any person, arising from such person having constructed, altered or repaired any improvement upon real property, or having performed or furnished any design, planning, surveying, architectural or construction or engineering services, or supervision or observation of construction, or administration of construction contracts for any construction, alteration or repair of any improvement upon real property. This section is intended to benefit only those persons referenced herein and shall not apply to claims or causes of action against manufacturers.

PART VIII PERIODIC PAYMENTS

NEW SECTION, Sec. 801. A new section is added to chapter 4.56 RCW to read as follows:

(1) In an action based on fault seeking damages for personal injury or property damage in which a verdict or award for future economic damages of at least one hundred thousand dollars is made, the court or arbitrator shall, at the request of a party, enter a judgment which

provides for the periodic payment in whole or in part of the future economic damages. With respect to the judgment, the court or arbitrator shall make a specific finding as to the dollar amount of periodic payments intended to compensate the judgment creditor for the future economic damages.

(2) Prior to entry of judgment, the court shall request each party to submit a proposal for periodic payment of future economic damages to compensate the claimant. Proposals shall include provisions for: The name of the recipient or recipients of the payments, the dollar amount of the payments, the interval between payments, the number of payments or the period of time over which the payments shall be made, modification for hardship or unforeseen circumstances, posting of adequate security, and any other factor the court deems relevant under the circumstances. After each party has submitted a proposal, the court shall select the proposal, with any changes the court deems proper, which in the discretion of the court and the interests of justice best provides for the future needs of the claimant and enter judgment accordingly.

(3) If the court enters a judgment for periodic payments and any security required by the judgment is not posted within thirty days, the court shall enter a judgment for the payment of future damages in a lump sum.

(4) If at any time following entry of judgment for periodic payments, a judgment debtor fails for any reason to make a payment in a timely fashion according to the terms of the judgment, the judgment creditor may petition the court for an order requiring payment by the judgment debtor of the outstanding payments in a lump sum. In calculating the amount of the lump sum judgment, the court shall total the remaining periodic payments due and owing to the judgment creditor converted to present value. The court may also require payment of interest on the outstanding judgment.

(5) Upon the death of the judgment creditor, the court which rendered the original judgment may, upon petition of any party in interest, modify the judgment to award and apportion the unpaid future damages. Money damages awarded for loss of future earnings shall not be reduced or payments terminated by reason of the death of the judgment creditor.

(6) Upon satisfaction of a periodic payment judgment, any obligation of the judgment debtor to make further payments shall cease and any security posted pursuant to this section shall revert to the judgment debtor.

NEW SECTION, Sec. 802. Section 5, chapter 56, Laws of 1975-76 2nd ex. sess. and RCW 4.56.240 are each repealed.

PART IX MISCELLANEOUS

NEW SECTION, Sec. 901. A new section is added to chapter 5.40 RCW to read as follows:

A breach of a duty imposed by statute, ordinance, or administrative rule shall not be considered negligence per se, but may be considered by the trier of fact as evidence of negligence; however, any breach of duty as provided by statute, ordinance, or administrative rule relating to electrical fire safety, the use of smoke alarms, or driving while under the influence of intoxicating liquor or any drug, shall be considered negligence per se.

NEW SECTION, Sec. 902. A new section is added to chapter 5.40 RCW to read as follows:

It is a complete defense to an action for damages for personal injury or wrongful death that the person injured or killed was under the influence of intoxicating liquor or any drug and that such condition contributed more than fifty percent to his or her injuries or death. If the amount of alcohol in a person's blood is shown by chemical analysis of his or her blood, breath, or other bodily substance to have been 0.10 percent or more by weight of alcohol in the blood, it is conclusive proof that the person was under the influence of intoxicating liquor.

NEW SECTION, Sec. 903. A new section is added to chapter 4.24 RCW to read as follows:

(1) Except as provided in subsection (2) of this section, a member of the board of directors or an officer of any nonprofit corporation is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence.

(2) Nothing in this section shall limit or modify in any manner the duties or liabilities of a director or officer of a corporation to the corporation or the corporation's shareholders.

NEW SECTION, Sec. 904. A new section is added to chapter 4.24 RCW to read as follows:

A member of the board of directors or a superintendent of any school district is not civilly liable for any act or omission in the course and scope of his or her official capacity unless the act or omission constitutes gross negligence.

NEW SECTION, Sec. 905. A new section is added to chapter 7.70 RCW to read as follows:

Members of the board of directors or other governing body of a public or private hospital are not individually liable for injuries resulting from health care administered by a health care provider granted privileges to provide health care at the hospital unless the decision to grant the privilege to provide health care at the hospital constitutes gross negligence.

NEW SECTION, Sec. 906. A new section is added to chapter 48.22 RCW to read as follows:

The commissioner shall by regulation require insurers authorized to write casualty insurance in this state to form a market assistance plan to assist persons and other entities unable to

purchase casualty insurance in an adequate amount from either the admitted market or non-admitted market.

For the purpose of this section, a market assistance plan means a voluntary mechanism by insurers writing casualty insurance in this state in either the admitted or nonadmitted market to provide casualty insurance for a class of insurance designated in writing to the plan by the commissioner.

The bylaws and method of operation of any market assistance plan shall be approved by the commissioner prior to its operation.

A market assistance plan shall have a minimum of twenty-five insurers willing to insure risks within the class designated by the commissioner. If twenty-five insurers do not voluntarily agree to participate, the commissioner may require casualty insurers to participate in a market assistance plan as a condition of continuing to do business in this state. The commissioner shall make such a requirement to fulfill the quota of at least twenty-five insurers. The commissioner shall make his or her designation on the basis of the insurer's premium volume of casualty insurance in this state.

NEW SECTION, Sec. 907. A new section is added to chapter 48.19 RCW to read as follows:

The commissioner shall, in reviewing a casualty rate filing, determine in accordance with sound and reliable actuarial principles whether this act requires an insurer to grant its policyholders a credit in such casualty rate filing. Upon determining that data in support of such a credit is actuarially credible, the commissioner shall approve or disapprove such casualty rate filing in accordance therewith. The commissioner shall not approve any casualty rate that is inadequate, excessive, or unfairly discriminatory.

NEW SECTION, Sec. 908. The commissioner shall, as chairman of the tort reform study commission, require the task force to study the effectiveness of joint underwriting authorities throughout the United States to specifically determine:

- (1) The price as it relates to a filed Insurance Services Organization rate;
- (2) The solvency of such mechanisms;
- (3) The effect it has on the admitted market;
- (4) The effect it has on the nonadmitted market;
- (5) The effect or availability on the voluntary market; and
- (6) What effect it has on lines or classes of insurance not designated.

NEW SECTION, Sec. 909. The insurance commissioner shall submit a report to the legislature by January 1, 1991, on the effects of this act on insurance rates and the availability of insurance coverage and the impact on the civil justice system.

NEW SECTION, Sec. 910. Except as provided in sections 202 and 601 of this act and except for section 904 of this act, this act applies to all actions filed on or after August 1, 1986.

NEW SECTION, Sec. 911. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 912. Section 904 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

POINT OF ORDER

Mr. P. King: "Mr. Speaker, according to our rules here that we have adopted, the Permanent Rules of the House of Representatives, Rule 25 (D)(6) says that if the amendment would be adopted, the bill should be referred to the Ways and Means Committee or the Transportation Committee as appropriate. Could I have a ruling on that?"

SPEAKER'S RULING

The Speaker: "Representative King, the Speaker has ruled previously on issues and will do so later, on bills on the calendar. The Speaker has ruled previously that when we are going through second reading, our rules reads, Rule 25 (D)(6), 'All bills having a direct negative revenue impact or a direct appropriation of fifty thousand dollars or more shall be referred to the ways and means committee or transportation committee as appropriate before their final passage.' There are two issues before us, Representative King, at this time is that the Speaker is not going to rule on this until later, but note that it says a direct appropriation, or a direct negative revenue impact. Secondly, and most directly to the question now before us, is that the Speaker has ruled previously and rules also today, that when the issue is on second reading, it is not appropriate because it reads 'before final passage.' When we get to third reading and final passage, the Speaker will entertain your point of order. Your point is not well taken."

Mr. Bristow: "This is the direction that we have been heading, as we have worked long and hard for the past months to truly deal with our liability insurance crisis. I think that there has been a great deal of work done, a lot of thought and interest and concern shared over this issue. You are going to hear a lot of speeches on what might be considered negative aspects of this, but I think as we ponder and review this amendment, you will come to the same conclusion that I have, that this is a fair, just and appropriate proposal. I think now, as we have spent some time looking at perfecting amendments, that you will join me in voting for this amendment."

Mr. Armstrong: "I speak to oppose this amendment. Joint and several liability is the largest difference between the coalition proposal and this amendment and the alternative reform proposal which is before you. Joint and several liability is the question whether a victim of injury gets his or her whole award when there are multiple defendants and one goes broke. The alternative reform proposal which I think you should prefer to the coalition amendment, the victim would collect only the defendant percentage share from the defendant less liable or from a public defendant. In the coalition proposal, in contrast, the injured victim collects his whole award only if that victim was zero percent at fault. There are not many zero percentage fault cases on behalf of plaintiffs now. The first offense and the defense will set out to prove if there is some percentage fault on the injured claimant. It's going to be like rape has been, you're the victim and then the process makes you the victim of the process as well. The attack is going to be on the injured claimant rather than a rational inquiry into who was responsible and to what percentage. Take the asbestosis victim; it is a true example, because Johns-Manville has gone broke and is leaving people where there are multiple defendants in situations where they cannot collect from the person, company in this case, primarily liable. In every case, the defense presents the argument that the injured asbestosis victim somehow is negligent--they smoke, they didn't wear the mask, they knew there was asbestos there and that it was dangerous. In those cases, those injured victims of asbestosis will only receive ten to fifteen percent of the whole award necessary for his medical and living expenses for his life and that will be from the installment contract. That's only ten to fifteen percent of even the economic damages. The average working person, under the coalition proposal, will not get his necessary medical and living expenses. Then, where will he go?"

Mr. Wang: "Urging your opposition to the amendment before us. We have gone through a process, perhaps a bit laboriously, but we have gone through a process which has given us a choice. We have a meaningful choice before us. What I would like to do is just take a minute to walk through what is identical in the committee amendment and the Bristow amendment. There are provisions for waivers in both. The provisions for offers of settlement, attorney fees, caps, felonies, indemnification, builder immunities, periodic payments, mandatory arbitration of negligence per se, school board, other directors--all those things are identical in the two bills that are before us in the Bristow amendment and in the committee amendment. There are two major differences. The gentleman from the 36th District referred to one them, the joint and several provision. The other provisions are in the insurance area. There are a number of things which are in the committee bill which are not in the Bristow bill and I think those items will offer real relief on the insurance side of the equation, the insurance side of the problem. There are provisions for considering instate experience and the effects of instate experience on insurance premiums in the committee amendment and not in the Bristow amendment. We do not have punitive damages in this state. Let's take advantage of that for insurance premiums. There are provisions for limiting the rise of insurance premiums. It's limited to fifteen percent in the committee amendment, but not in the Bristow amendment. There are also provisions for settlement conferences, for itemized verdicts, for prejudgment interest, provisions which will help expedite and make a real difference in the settlement process and in the process of trying to avoid some of these excessive litigations and additional costs. I really think we do have a meaningful choice to make here. It has been painful for me to propose some of the things that are currently before us in the committee amendment, nevertheless I've done it on the basis of good faith that we can come up with a choice

and offer a meaningful choice to this body, so that we do not have to have the Bristow amendment as the only choice before us. The major differences, again, are insurance and joint and several liability. I would urge you to consider dealing with the problem of insurance by rejecting the Bristow amendment and keeping the language before us."

Mr. Brooks: "I think this is a really giant step forward to meet the problem. Not the whole way, but a good measure in the right direction. We're not going to solve all the insurance problems tonight, that's another part of this process; however, if we have done nothing else tonight, we have made--if we pass the Bristow amendment--we will have made obstetrical care in this state affordable again. With the long tail that you have heard about so often in this discussion, for twenty-six years cut back to eight years and with the resulting premium drop that will come from that one stroke alone, it will allow many of the obstetricians who have already had to leave their practices, come back in. The ladies in the northern part of this state will no longer have to go to Canada to have their babies, and those who were less fortunate will get good prenatal care now rather than having to show up on the doorsteps of the ER with no prenatal care at all and the unwanted, very expensive babies for the state to take care of. I strongly urge you to help us take this step forward and vote for the amendment."

Ms. Niemi: "By voting for this amendment you are, as many people have said, making major changes in the law. You are also saying that you doubt the fairness of the jury system. For whatever reason you are voting for a conglomeration of laws in one amendment, that I believe will be difficult--if not impossible--to apply in the court process. I firmly believe that no malpractice rates will decrease. I also firmly believe that you will be cutting off the rights of injured parties. Lastly, as you may notice, no one spoke of any of the content of the Bristow amendment. Among other things, you are going to be voting for a change in the labor and industry laws which will add approximately one million dollars to our labor and industry costs every year. It will raise rates; it will add to attorney fees, which I'm sure you didn't really intend, but it will. It will dramatically change the labor and industry system. All of this in a law that will also take away peoples' rights. I realize that everyone has made up their minds, but I hope you will think long and hard over what you are doing to the tort system in this state."

Ms. Leonard: "I don't have any answers, but I do have a couple of things I want to say. First of all, through the perfecting of amendments, we have taken care of--in the original amendment--we have taken care of the people in medicine; we've taken care of the people in the cities, the administration of the cities; we've taken care of all those people we want to take care of. My major concern is, if this amendment that we are voting on right now passes, the only people we are not taking care of are the people in our communities. I talked to the mayor of my larger city in my district yesterday, and I had talked to her last week, and she indicated to me that my city council tried seven times to make a motion to support the coalition provision, and she said all seven motions died for lack of a second. When she asked the council, 'Are you telling me that you really don't want to support the coalition position?' and she said it doesn't show in the record, but they all nodded. So, I said to her that one of the major problems is that we are getting all this pressure from people who really don't know what's in any of the things we are being told to support--this position or that position--and I have a lot of concern about this. I'm not an attorney. I'm doing my best to find out from attorneys, including my own daughter who is an attorney, what these various proposals say and I'm getting some good answers and I'm getting some not-so-good answers. I guess at this point what I am trying to do is make the best decision for all the people concerned. It's my understanding that if we vote 'no' on this amendment, we will get almost all the same language, but we will also be protecting the people in our communities by the joint and several language in the perfected amendment from the committee. I urge you to vote 'no' on this amendment and then vote 'yes' on the perfected amendment from the committee."

Mr. Ballard: "I'm supporting the amendment. There are two issues we need to talk about, that's the availability of insurance and the affordability. There's probably not an issue that we are going to talk about this session that affects so many people in the state of Washington in such a dramatic manner--in goods, in costs of services, having doctors available, all kinds of issues. We have worked very hard on bringing together a package that does protect the rights of the people, not only in making sure they are taken care of, but making sure they have insurance, making sure they are covered. Most of you, if not all of you, have received summaries and explanations and comparisons. We have been very careful to try to get those out. Two issues I would like to talk about that I think are important: Joint and several. We're talking about an issue here in which someone who is not at fault, an injured party, does not change anything. The other part of the issue is where the injured party has contributed to their own problem. We always say the city or the county or the insurance company has the deep pocket and it really doesn't cost anybody anything and it's really free money and nobody pays for it. If it's your home and it's worth \$100,000, and you don't have any insurance and you are only liable for a \$10,000 loss and the other pocket which is liable for \$90,000 doesn't have anything, that means that you lose everything you own. That affects people. I think we should be keenly aware of that. The other issue we have talked about is noneconomics. The top of noneconomic is \$573,000. People say that may not be enough. We've talked about the minimum. The minimum is \$117,000. Now what does that mean in the real world? That's happened in the state of Washington in the last two years. The average settlement on noneconomic is \$350,000. In the last two years there has been under a dozen cases--and I think the number is about half that--in which there has been settlements of over \$250,000. A handful in two years, so I don't see the major problem here. We're taking care of people. In fact, the lid is high over. We have talked with a lot of people who are involved in this. It would have been very simple to draft a lot of areas that make sure the rights of people are protected. We think we have a good workable document and we would urge your support."

Mr. Wineberry: "I rise to ask your rejection of the amendment; basically, because of one fundamental reason. Insurance premiums have no direct correlation with joint and several liability. Not one study that has been issued, by any other state for that matter or any entity within this state, has proved otherwise. Washington is certainly not the first state to grapple with this very important issue of joint and several liability that also includes such doctrines as contributory negligence and comparative negligence. As a matter of fact, one of the more recent studies that just came about in North Carolina that grappled with the same issue a few years ago, they appointed a legislative research commission which prepared a comprehensive report on the subject of comparative negligence. This study included a section on the findings of the commission concerning the effects of comparative negligence, for example, on liability insurance costs. Questions were sent to insurance companies. Questionnaires were sent to insurance companies in thirty-five states that had adopted the doctrine and twenty-four states responded. The overwhelming response from the insurance commissioners nationwide to the committee's questionnaire indicated that, in their opinion, comparative negligence had no effect whatsoever on insurance premiums in their states. Commissioners in several other states indicated that they did not have any data upon which to base an estimate or opinion. Thus, the committee was unable to find any strong evidence to support the contention that insurance rates would increase substantially as a result of the adoption of a comparative negligence system. The case that the study concluded with was that there was no correlation, of course, no hard evidence to support the widely held belief that is espoused by supporters of this amendment that the introduction and application of comparative negligence would produce an increase in liability insurance costs. I submit to you that the study conducted by North Carolina and many other states has arrived at the same conclusion that we, too, have in our study and close analysis of this very important issue--there is no correlation. I urge your rejection of this amendment."

Mr. Armstrong: "The average working person in the asbestosis victim case, under the coalition proposal, who does not get his necessary medical and living

expenses because of the joint and several provision, which provides that the Johns-Manville asbestos manufacturer will not have to pay anything, has to get that money from somewhere and you know where the average working person goes when they can't find help or money; they go to medicaid, they go to medicare, they go to public assistance. This is not taking costs off insurers; this is a cost shift, ladies and gentlemen, to the public sector. For the benefit of whom? For the benefit of negligent people. For the benefit of the installer of that asbestos. For the benefit of engineers, for the benefit of lawyers, for the benefit of doctors and those people are well-to-do people. So it is a cost shift from people who don't have much money to people who have quite a bit and can afford to insure. The additional beneficiary is insurance company shareholders and they have the money to take care of themselves. I would urge you to vote against this coalition proposal."

Mr. Padden: "I just want to talk on one issue. We've already heard enough about joint and several and I won't mention my views on that, but with regard to the caps that are on there, I certainly hope that we will see insurance premiums come down if something is passed through here; but I'm not convinced that the caps are really going to result in lessening of insurance premiums. Certainly, there are going to be some big awards that are going to be cut off in noneconomic damages. On the other hand, you are going to have a lot more, numerous, smaller awards that are going to rise up toward that cap level and a major P.O. of an insurance company told me he didn't think it would make any change. Certainly juries, if they feel something has been done, will have a certain amount of discretion to decide what is a noneconomic damage and what is an economic damage, so there, too, there is obviously a chance that the caps won't do quite what they said. While we hope they are beneficial, I don't think there is evidence to substantiate that. For that and other reasons, I am going to have to urge a 'no' vote on this amendment."

Mr. Dellwo: "I, too, urge your opposition of this amendment. I'm sure you recognize, or at least hope you do, that we--in our amendment--tried truly to perfect this document. There is no conspiracy or effort to undercut or effort to eliminate it. We recognized that something was going to be passed. In looking at the document, we found some problems with it, but we tried to correct them, tried to add some other amendments that would, in fact, go somewhere toward the purpose and that was to lower the premiums as well as protect the innocent. You've already heard some of the flaws, the terrible flaws in the insurance section. You can't correct that. If this passes that is how it is going; it is not going to be corrected in the Senate. It will be concurred in; you know that. You also see the other defects that were spoken about in the joint and several as well as in the other changes that we have made. It is a flawed document. We have tried, and I believe succeeded in, perfecting the committee amendment and I would encourage you to support that. The ones that will succeed, the ones that will benefit if we pass this amendment, the one that is before us now, will be the negligent, not the injured."

Mr. McMullen: "Today is the 150th anniversary of the Alamo, and I think I hear the Santa Ana bugle. It only hurts when I laugh because I don't think people have looked at this thing enough to realize what they are going to vote for. We've heard a lot of philosophicals. Look at some of the small things. Don't try to kid yourselves that this is a fair compromise. Ours tried to be fair; we would have worked with anybody to be fair, but this is not fair. One example: We're going to put a cap on damages, but we aren't going to tell the jury about it. We can't tell the jury about it in this version. Why? Do you know why insurance companies want this provision in here? Right now, when three economists testify for the plaintiff and for the defendant, one says economic damages are \$100,000 and one says economic damages are a quarter of a million dollars. The jury can't decide which it will be, the escape is to the nonspecified damages, general damages, they agree on that, they don't have to agree on it, but we are going to pull the wool over their eyes; we're aren't going to tell them that when they do that, tough, the judge is going to cut that out. The second thing in this bill, and I guess this is what hurts as much as any of it, I've heard an awful lot of remarks about trial lawyers the last couple of weeks. I've never had a case that would be affected by this and I never will, but I've heard all the remarks and then we go in here and add a new cause of action. Look at page

3, line 7. It says that the injured party must make an election within ninety days whether or not to waive the physician-patient privilege. Do you know what happens if the plaintiff's attorney forgets to make that election on the ninetieth day? On the ninety-first day they are out of court because it may never be waived again. They are out of court on that action. The only action now is to sue their lawyer, so you are taking a cause of action against trial lawyers. Take another look at this on page 7. You are going to tell the small businessmen that they can't be sued under Title 51--the state industrial--or protected, but under this section they are going to be hauled into court; they are going to be required to testify and going to be assigned a percentage of fault by a judge and jury for all the public to see. They are immune, they can't be sued, but they can be right there in the papers and talked about--their percentage of liability. You know, in the amending process, I talked about the statute of limitations on doctors. This is really a Christmas present. This wasn't part of the coalition package to begin with and then we started talking about the problem with OB/GYNs and to work on it, and all of a sudden all doctors are protected and all the OB/GYNs have an effective three-year statute of limitations. You go home and tell your OB/GYN doctors what a great job you have done for them, more than they ever imagined or hoped for or asked for, and then tell all those people who are pregnant or have just had children--"

The Speaker informed Representative McMullen that his time had expired.

Mr. Appelwick: "Let me highlight some of the defects in here. The committee amendment as it has been perfected and is before you, doesn't have two defects as the Bristow amendment has. Two that are very important. The Bristow amendment provides more protection for me, as a business owner, if somebody interferes with my business relations than it does for me or my wife or my children if they are injured, maimed, crippled in a car accident where I, as the driver, have been one percent, two percent negligent, but less negligent than the other people who caused that accident and that injury. Less protection! That's a fact. That's no exaggeration; that's no story; that's no stringing-out amendment; that's the fact. The other fact is this bill was written very craftily by the drafters. I commend them. What they have done is write a situation so that where you have multiple defendants, no plaintiff in his right mind is ever going to enter a settlement with one of those defendants, because no defendant in his right mind is ever going to enter a settlement. The stakes are too high. If you settle with one party, that defendant won't want to settle because under this bill he is still going to have to be in court to defend himself and be represented by counsel. The plaintiff won't settle because he's still got to be in there and defend not only his own position and make his case and carry the burden of proof against all of the defendants that are in court, but he has also got to bring in the person he settled with and represent that person's interest in court to be sure that he doesn't get double-hit by the way the court assesses the liability. The current system doesn't have those inequities. The committee amendment that is before you does not. You are building in new ways in which you put immense burdens on an injured party to recover. It is a fact and if you are doing that knowingly, I'm embarrassed for you. If you are doing that unknowingly, now is the time to stop, read the bill, think about it and reconsider whether or not you support this amendment. It earnestly will hurt plaintiffs that are injured and will have to rely on this law in the future."

Mr. Barnes: "I think I am, and perhaps a lot of you are, sitting here being somewhat intimidated by the great knowledge from the lawyers on this, but maybe it takes a layman to kind of stand back and look and see just what is fair in this court system. I got involved about eight years ago when I started working on this problem, in that case, on the product liability system, and I learned about joint and several liability. I've been impressed ever since then, but one of our problems is getting worse and worse, and we're going to have to do something about it, and that is the joint and several liability concept, because in that concept it allows one person to be held liable for another person's fault to some extent, and to a great extent if that person has some fault. This is what is going to make insurance difficult to obtain. A person who, perhaps, runs a wholesale shop and accepts things from a manufacturer and sells them to a retailer, maybe will have a little bit of fault because he is in that fault chain, but he could be very careful and safe, but he is

exposed to the liability which could be caused by anyone else in that chain, therefore, an insurance company is going to look at him and say, 'Yes, you are very safe; you're not very much at fault, but I can't insure you because you're standing the risk of the liability from someone else.' It might be quite gray. This, the Bristow/Ballard amendment, does take a sort of compromise step toward starting to correct that joint and several liability problem. The bill as it is written is a compromise on that compromise. I think we had better stick with the Ballard/Bristow amendment."

Representative McMullen was extended additional time.

Mr. McMullen: "In lay terms, if you adopt this amendment, you are going to have to go home and tell all the people that finally get to school and finally tested and find out that there may be something wrong with them, that you have enacted a three-year statute of limitations for wrongful birth. If you are prepared to do that and tell your businessmen they can be hauled into court and have their liability spread in the public record, then I urge you to adopt this. For me, I'm going to vote no."

Mr. Locke: "I think that the committee amendment as perfected this evening is the superior document and I want to thank the proponents of the striking amendment or the Ballard/Bristow amendment for accompanying us and allowing us an opportunity to perfect it, allowing us an opportunity to oppose your particular amendment. Nevertheless, to put up a viable option and also to give us an opportunity to be on record as supporting some of those elements which are in the so-called coalition package that we can, in good conscience, support. It was interesting this evening that one of the coalition amendments that we offered to try and make the committee amendment much more closer to the coalition package, was defeated by this body and that dealt with the statute of limitations as relates to children. What you have done and what is now in the coalition package, is that all lawsuits must be brought within three years after the act occurred or one year after the act was discovered whichever is later, but in no case after eight years. That is really a fundamental change, and what you are asking or what you are saying is that children must give up their rights to a lawsuit later on, and you are saying to the parents that if you didn't exercise your right as a parent within three years or within one year after you discovered the defect, you are forever barred from filing a lawsuit. If that child should later grow up and realize what his or her parents did, she or he is out the window and cannot sue. That's one major difference. The other major difference deals with the waiver of the doctor/patient privilege. Under the committee amendment, it is waived only with respect to the conditions that relate to the lawsuit. However, under the coalition package, once a lawsuit is filed, the doctor/patient privilege is forever waived and as to all conditions, even if they do not relate to the condition being sued. There are a host of differences within--between the committee amendment as perfected and the coalition package, but I don't think anyone really understands these differences, and I really object to the way that this coalition amendment has been put together. I really think it needs more time and study; we do need tort reform, but this is not the way to do it. I urge rejection of the proposed amendment."

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Bristow and Ballard to the committee amendment to Engrossed Substitute Senate Bill No. 4630, and the amendment to the amendment was adopted by the following vote: Yeas, 65; nays, 32; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Basich, Baugher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Kremen, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Valle, Van Luven, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 65.

Voting nay: Representatives Appelwick, Armstrong, Belcher, Brekke, Cole, Crane, Dellwo, Fisher, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Nelson

D, Niemi, Nutley, O'Brien, Padden, Sayan, Schmidt, Sutherland, Todd, Unsoeld, Vekich, Wang, Wineberry, and Mr. Speaker - 32.

Excused: Representative van Dyke - 1.

MOTION

Mr. Appelwick moved that all House debate on Engrossed Substitute Senate Bill No. 4630 be spread on the Journal.

Mr. Barrett spoke against the motion.

A division was called.

ROLL CALL

The Clerk called the roll on the motion to spread debate on Engrossed Substitute Senate Bill No. 4630 on the Journal, and the motion was carried by the following vote: Yeas, 53; nays, 44; excused, 1.

Voting yea: Representatives Addison, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 53.

Voting nay: Representatives Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 44.

Excused: Representative van Dyke - 1.

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

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

"Sec. 913, Section 1, chapter 80, Laws of 1971 as amended by section 1, chapter 56, Laws of 1975-'76 2nd ex. sess. and RCW 4.16.350 are each amended to read as follows:

Any civil action for damages for injury occurring as a result of health care which is provided after June 25, 1976 against:

(1) A person licensed by this state to provide health care or related services, including, but not limited to, a physician, osteopathic physician, dentist, nurse, optometrist, podiatrist, chiropractor, physical therapist, psychologist, pharmacist, optician, physician's assistant, osteopathic physician's assistant, nurse practitioner, or physician's trained mobile intensive care paramedic, including, in the event such person is deceased, his estate or personal representative;

(2) An employee or agent of a person described in subsection (1) of this section, acting in the course and scope of his employment, including, in the event such employee or agent is deceased, his estate or personal representative; or

(3) An entity, whether or not incorporated, facility, or institution employing one or more persons described in subsection (1) of this section, including, but not limited to, a hospital, clinic, health maintenance organization, or nursing home; or an officer, director, employee, or agent thereof acting in the course and scope of his employment, including, in the event such officer, director, employee, or agent is deceased, his estate or personal representative;

based upon alleged professional negligence shall be commenced within three years of the act or omission alleged to have caused the injury or condition, or one year of the time the patient or his representative discovered or reasonably should have discovered that the injury or condition was caused by said act or omission, whichever period expires later, except that in no event shall an action be commenced more than eight years after said act or omission. Any action not commenced in accordance with this section shall be barred (~~PROVIDED, That the limitations in this section shall not apply to persons under a legal disability as defined in RCW 4.16.190~~).

(4)(a) Except as provided in (b) of this subsection, the limitations in this section shall not apply to persons under a legal disability as defined in RCW 4.16.190.

(b) An action based on alleged professional negligence in the treatment of a person during that person's birth or the prenatal treatment relating to the birth shall be commenced within eight years of the act or omission alleged to have caused the injury or condition."

Mr. Appelwick: "Earlier there was an amendment by the gentleman from the 40th District which dealt with the eight-year statute of limitations on birth injuries, and the gentleman from the 21st District pointed out that it also did some other things that confused people. I want there to be no doubt in light of the adoption of the Bristow/Ballard amendment, that we have addressed the obstetric-gynecology problem. I don't read the amendment that has been adopted the way some others

do. I don't think it assures that the eight-year statute is taken care of, and the reason I offer this amendment, nothing else but statute, no other purpose, is to be sure that we have done the rifle shot that takes care of that problem. After all, it was that problem and municipal liability, that brought all of this to us in the first place and I think it's only fair that we address it. To the extent that some of the language is inconsistent, the fact that this comes later will only add to--it will not repeal the more elaborate section that is set out in the bill. I urge your support."

Mr. Bristow: "I ask that you vote no on this amendment. I believe it is inappropriate and unnecessary."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Appelwick to the committee amendment to Engrossed Substitute Senate Bill No. 4630, and the amendment to the amendment was not adopted by the following vote: Yeas, 34; nays, 63; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Belcher, Brekke, Cole, Crane, Dellwo, Fisher, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Sayan, Schmidt, Sutherland, Todd, Unsoeld, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 34.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Basich, Baugher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Kremen, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 63.

Excused: Representative van Dyke - 1.

MOTION FOR RECONSIDERATION

Mr. Grimm, having voted on the prevailing side, moved that the House reconsider the vote by which the amendment by Representatives P. King and Wang to the committee amendment to Engrossed Substitute Senate Bill No. 4630 was not adopted.

Mr. P. King: "Perhaps this one went by us just a little bit fast. I think some people have been taking a look at it and what this amendment will do is it will fit in before the Bristow amendment and it provides that you receive interest from the date of filing. Oftentimes people have to go into lawsuits and other types of action, arbitration, because of the other person delaying and paying or other dilatory action. This would prevent that delay. I urge you to take another look at it and reconsider this, and let's put it on the calendar for consideration."

Ms. Sommers: "Speaking against reconsideration, if you will take up the amendment and look at it, you will see that it is what I would call a flawed amendment. It deals only with government, the state and its political subdivisions, so the interest would be charged only in government suits, against government, against the taxpayer and not in private suits. We think the earlier vote to defeat this amendment was correct and we urge you to vote against reconsideration."

Mr. Locke: "I urge the members to vote for reconsideration because I think the reasons outlined by the previous speaker for voting against it are the very reasons why you should vote for it. If, by this tort reform legislation, we are now saving local governments beaucoup bucks, tons and tons of money, and they ought to have the money to pay prejudgment interest and to try and encourage early settlement so we don't even have to go to court. I think this is a grand idea. I urge your adoption of the motion for reconsideration."

Mr. Tilly: "I'm going to be voting against reconsideration. I thought I was going to be voting for it, but when we have half a package and it's tilted the wrong way, I have to vote no."

Mr. Bond: "This kind of rings a bell with me. I thought I was going to vote no and maybe I will, and yet I just kind of like this. I'm going to give it serious thought."

POINT OF PARLIAMENTARY INQUIRY

Mr. Appelwick: "Mr. Speaker, it is possible, if this motion passes and we reconsider Representative King's amendment, that we could suspend the rules and amend this amendment in order to have it be even-handed and apply to both government and the private sector?"

The Speaker: "Representative Appelwick, if the motion to reconsider carries, then the body could suspend the rules by a two-thirds vote to consider the amendment that you suggested."

Mr. Lux: "I heard the good representative from the 36th District say that this amendment is flawed. I think that's compatible with the rest of the bill that we just adopted. Let me point out, on page 17 it says, '...the presence of a foreign body not intended to have a therapeutic diagnostic purpose or effect.' A foreign body where? Is this the sanctuary movement that we are talking about? Would there be a foreign body in the operating room...."

POINT OF ORDER

Mr. Bond: "Mr. Speaker, I wish you would advise the speaker to speak closely on the line with the motion for reconsideration."

The Speaker: "The motion is to reconsider the amendment, Representative Lux. Would you speak to that motion please?"

Mr. Lux: "Apparently, we are speaking about flawed amendments and I'm speaking about a flawed amendment and I think the two match and I think they ought to be put together; and so I'm supporting this motion for reconsideration and I think that's justified. I would hope that the rest of you would follow me."

ROLL CALL

The Clerk called the roll on the motion to reconsider the vote by which the amendment by Representatives P. King and Wang to Engrossed Substitute Senate Bill No. 4630 was not adopted, and the motion was lost by the following vote: Yeas, 38; nays, 59; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Belcher, Bond, Braddock, Brekke, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Sayan, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 38.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Basich, Baugher, Betzoff, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doty, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Kremen, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 59.

Excused: Representative van Dyke - 1.

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

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

"Sec. 913. Section 51.24.020, chapter 23, Laws of 1961 as last amended by section 2, chapter 218, Laws of 1984 and RCW 51.24.020 are each amended to read as follows:

If injury results to a worker from the deliberate intention of his or her employer to produce such injury or from the act or omission of an employer who, with wilful disregard of the safety of a worker or in knowing disregard of written recommendations by the product supplier or in reckless disregard of an administrative agency's written notice of a violation of an administratively approved safety regulation, recklessly (1) removes, authorizes the removal of, or fails to install safety features or devices, or (2) misuses the product, the worker or beneficiary of the worker shall have the privilege to take under this title and also have cause of action against the employer as if this title had not been enacted, for any damages in excess of compensation and benefits paid or payable under this title."

Mr. Appelwick: "This amendment is a safety in the work place amendment. It truly can be added to the bill as it currently stands without any interference or problem. This says that if an employer removes or, with wilful disregard, doesn't follow the recommendations on the equipment or products that are used there, disregards a notice from OSHA or WISHA and doesn't deal with safety for employees in the work-place, doesn't install, or after installing, removes or fails to use safety

equipment or misuses the product and that results in injury to an employee, that there is the opportunity for the employee to receive workers' comp benefits and also file a first party action. This amendment is projected to have a fiscal impact that is positive for the state. It means that more employees who are injured on the job as a result of the negligence and the safety violations, will have an opportunity to be made whole. This is a good amendment. It has a positive impact. It will offset some of the negative fiscal impact that is in the other workers' comp—that was in the Bristow/Ballard amendment—and I urge you to toughen up on the safety standards and protect workers in the workplace."

Mr. Bristow: "This amendment would pierce our worker's compensation shield and I strongly urge your defeat."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Appelwick to page 30, line 15 of the committee amendment to Engrossed Substitute Senate Bill No. 4630, and the amendment to the amendment was not adopted by the following vote: Yeas, 35; nays, 62; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Belcher, Braddock, Brekke, Cole, Crane, Dellwo, Fisher, Grimm, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Sayan, Schmidt, Sutherland, Todd, Unsoeld, Valle, Vekich, Wang, Wilson K, Wineberry, and Mr. Speaker - 35.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Basich, Baugher, Betzoff, Bond, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Kremen, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson S, Winsley, Zellinsky - 62.

Excused: Representative van Dyke - 1.

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

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

"NEW SECTION, Sec. 913. A new section is added to chapter 4.56 RCW to read as follows:

(1) As used in this section, the following terms have the meanings indicated unless the context clearly requires otherwise.

(a) 'Economic damages' means objectively verifiable monetary losses, including medical expenses, loss of earnings, burial costs, loss of use of property, cost of replacement or repair, cost of obtaining substitute domestic services, loss of employment, and loss of business or employment opportunities.

(b) 'Noneconomic damages' means subjective, nonmonetary losses, including, but not limited to pain, suffering, inconvenience, mental anguish, disability or disfigurement incurred by the injured party, emotional distress, loss of society and companionship, loss of consortium, injury to reputation and humiliation, and destruction of the parent-child relationship.

(c) 'Bodily injury' means physical injury, sickness, or disease, including death.

(d) 'Average annual wage' means the average annual wage in the state of Washington as determined under RCW 50.04.355 as now or hereafter amended.

(2) In any action based on fault seeking damages for personal injury or property damage, the claimant is entitled to recover noneconomic losses.

(3) No defendant shall be liable to any claimant in an action for personal injury or property damage for noneconomic losses exceeding the average annual wage multiplied by forty percent of the life expectancy of the claimant as calculated under subsection (b) of this section. This limitation on liability for noneconomic losses applies to each defendant in an action individually and limits each defendant's joint or several liability for those losses. In applying the limitation of this subsection, claims for loss of consortium, loss of society and companionship, and destruction of the parent-child relationship which are asserted by one who did not actually sustain bodily injury shall be added to any claims for noneconomic damages sustained by a claimant who did incur bodily injury.

(a) For purposes of determining noneconomic losses, no calculation for persons age sixty years or older shall be based on a life expectancy of less than ten years.

(b) The office of the administrator of the courts shall develop and publish annually, the schedule for noneconomic damages utilizing the life expectancy tables adopted by the Washington state insurance commissioner.

(4) The limitation on liability contained in subsection (3) of this section does not apply to a defendant whose intentional act caused the claimant's injury or damage."

Mr. Appelwick: "This amendment approaches the cap on pain and suffering from a different perspective than the Bristow/Ballard amendment did. It says that the limits on recovery using that formula, and there are just minor differences in the percentage factor to multiply these or less, says that instead the plaintiff's pain and suffering is capped at whatever that formula is, it says no defendant shall be liable for more than that. So what this does, in a lawsuit for an injury where the plaintiff has sustained incredible injuries--incredible pain and suffering at the hands of multiple defendants--it says that the cap is equal to that amount for each of the defendants. It really ameliorates one of the hardships that's in the Ballard/Bristow amendment. I'm sure the argument against it will be that it's inconsistent with the other provision, but this was adopted later and the Code Reviser can reconcile the two and it will not be a technical question that will be of any substance to the bill. It is important that you adopt this if you really--in a serious, most serious of accidents--want the plaintiff to have an opportunity to be made whole. I urge your support."

Mr. Bristow: "This amendment, if we look at it, is going to cause people to look for more and more and more and more contingents. I think it inappropriate and I urge that you defeat the amendment."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Appelwick to the committee amendment to Engrossed Substitute Senate Bill No. 4630, and the amendment to the amendment was not adopted by the following vote: Yeas, 34; nays, 63; excused, 1.

Voteing yea: Representatives Appelwick, Armstrong, Belcher, Brekke, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hine, Jacobsen, King J, King P, King R, Leonard, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Sayan, Schmidt, Sutherland, Todd, Unsoeld, Valle, Vekich, Wang, Wineberry, and Mr. Speaker - 34.

Voteing nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Basich, Baugher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doty, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Kremen, Lewis, Locke, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Van Luvén, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 63.

Excused: Representative van Dyke - 1.

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

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

"NEW SECTION, Sec. 913. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Applicant' includes an individual, corporation, government, or governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any legal or commercial entity.

(2) 'Property and casualty insurance' means property insurance as defined in RCW 48.11.040 and casualty insurance as defined in RCW 48.11.070.

(3) 'Association' means the joint underwriting association established pursuant to the provisions of this chapter.

(4) 'Plan' means the market assistance plan established pursuant to the provisions of this chapter.

NEW SECTION, Sec. 914. Upon a finding by the commissioner that an availability problem exists for the types of property and casualty insurance listed in this section, then the commissioner shall approve a reasonable market assistance plan for the placement of property and casualty insurance coverages for applicants who have difficulty in obtaining the type of insurance desired. The plan shall assist in obtaining property and casualty insurance for municipal liability, day care liability, liquor liability, trucking liability and professional liability. In addition, the commissioner shall determine whether availability problems exist for other types of property and casualty insurance and shall require the plan to assist applicants in obtaining such insurance.

NEW SECTION, Sec. 915. All insurers possessing a certificate of authority to write property or casualty insurance within this state shall participate in the plan approved by the commissioner as a condition of its authority to continue to transact business in this state. However, the commissioner may exclude an insurer from membership if the commissioner determines membership would result in a hardship or inequity or would not be of benefit to the plan.

NEW SECTION. Sec. 916. The commissioner may adopt any rules necessary to ensure the effective operation of the plan, including but not limited to, setting limits on the fees the plan may charge to process an applicant's request for assistance. The commissioner shall not require that the plan provide insurance to applicants.

NEW SECTION. Sec. 917. The commissioner shall approve a reasonable design for the establishment of a nonprofit, joint underwriting association for property and casualty insurance, subject to the conditions and limitations contained in this chapter.

NEW SECTION. Sec. 918. The association shall be comprised of all insurers possessing a certificate of authority to write property and casualty insurance within this state on a direct basis. Every such insurer shall be a member of the association and shall remain a member as a condition of its authority to transact business in this state, unless the commissioner excludes an insurer from membership because membership would result in a hardship or inequity.

NEW SECTION. Sec. 919. An applicant may seek property and casualty insurance from the association whenever the commissioner determines that the type of insurance the applicant desires is difficult to obtain in the usual market for such insurance.

NEW SECTION. Sec. 920. The commissioner may adopt all rules necessary to ensure the efficient, equitable operation of the association.

NEW SECTION. Sec. 921. Sections 913 through 920 of this act shall constitute a new chapter in Title 48 RCW.

NEW SECTION. Sec. 922. Sections 913 through 916 of this act shall take effect on June 1, 1986. Sections 917 through 920 of this act shall take effect on January 1, 1987.

NEW SECTION. Sec. 923. (1) If the commissioner finds that the imposition and operation of a market assistance plan under chapter RCW (sections 913 through 920 of this act) has not resulted in the availability of a type of property or casualty insurance, then the commissioner may by rule adopt a reasonable plan or plans for the equitable apportionment, among insurers licensed to write property or casualty insurance in this state, of property or casualty insurance or risks or losses thereunder for applicants for such insurance who are in good faith entitled to but are unable to procure insurance through ordinary methods. When such plan has been adopted, all such insurers shall subscribe thereto and shall participate therein. Any applicant for such insurance and any insurer affected may appeal to the commissioner from any ruling or decision of the manager or committee designated to operate such plan relative to acceptance or eligibility under the plan.

(2) The commissioner may by rule adopt a plan under subsection (1) of this section regarding property and casualty insurance for day-care liability without first imposing a market assistance plan under chapter RCW (sections 913 through 920 of this act).

NEW SECTION. Sec. 924. Section 923 of this act shall constitute a new chapter in Title 48 RCW."

Mr. Appelwick: "One of the things that concerns me about the approach is that we have an insurance problem and all of the concentration on this effort is to cause amelioration of the tort system. This amendment deals with market assistance programs and joint underwriting authority. It does it in an integrated fashion to make some sense. In the course of the negotiation, one of the members of the third house who was sitting with us as an adviser said that if we were going to do it, if we are going to have MAPs or JUAs the way it ought to be done, is to have the Insurance Commissioner make a specific finding that the market is not meeting the needs, after public hearing makes that finding, and then begin the market assistance program. If the market assistance program is not working having public hearings, have a specific finding and then take in the joint underwriting authority. That is precisely what this amendment does and it is better than the bill that has been wavering back and forth here. In fact, which has all been diluted and which has some serious problems. If we are going to step up to the total problem, and this also creates an immediate JUA for day care which we have already passed and affirmed that policy, if we are really going to step up to the breadth of the problem and all the speeches that this bill is intended to be a sincere approach to deal with the problem, I think you can't vote against this amendment either. It is integrated, comprehensive and from somebody who knows this is the way to do it if we are going to do it--we've all voted for those bills that would do an MAP and we've considered a JUA--this is the opportunity to do it right. It certainly does no violence to what else is in the bill. It's a good amendment and I recommend it to you."

Mr. Bristow: "We have addressed the insurance issue in the amendment that recently passed and we have addressed the insurance issue in bills before us now, and I would urge you to defeat this amendment."

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Appelwick to the committee amendment to Engrossed Substitute Senate Bill No. 4630, and the amendment to the amendment was not adopted by the following vote: Yeas, 41; nays, 56; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Baugher, Belcher, Braddock, Brekke, Cole, Crane, Dellwo, Ebersole, Fisher, Grimm, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Sayan, Schmidt, Sutherland, Thomas, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 41.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Basich, Betzoff, Bond, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doty, Fisch, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Kremen, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Rust, Sanders, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Tilly, Van Luven, Vander Stoep, Vekich, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 56.

Excused: Representative van Dyke - 1.

The Speaker stated the question before the House to be adoption of the committee amendment as amended.

Mr. West: "After a long grueling night of dealing with this issue, I would recommend that we pass the committee amendment as amended by the Ballard/Bristow amendment and conclude the business on that."

Mr. Appelwick: "If you vote no on this amendment you will be left with the bill as it came from the Senate, and that bill, frankly, is in much better shape than this bill is with these amendments. I urge you to oppose the committee amendment as amended."

ROLL CALL

The Clerk called the roll on adoption of the committee amendment as amended to Engrossed Substitute Senate Bill No. 4630, and the amendment was adopted by the following vote: Yeas, 65; nays, 32; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Basich, Baugher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Kremen, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Valle, Van Luven, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 65.

Voting nay: Representatives Appelwick, Armstrong, Belcher, Brekke, Cole, Crane, Dellwo, Fisher, Grimm, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Sayan, Schmidt, Sutherland, Todd, Unsoeld, Vekich, Wang, Wineberry, and Mr. Speaker - 32.

Excused: Representative van Dyke - 1.

Mr. Armstrong moved adoption of the committee amendment to the title of the bill.

On motion of Mr. Bristow, the following amendment to the title amendment was adopted:

On page 30, line 21 of the title amendment, beginning with "amending" strike all material down through "date," on page 31, line 6 and insert "amending RCW 5.60.060, 4.22.030, 51.24-.060, 4.16.350, 4.24.115, 4.16.160, 4.16.310, and 4.16.300; adding a new section to chapter 4.22 RCW; adding new sections to chapter 4.24 RCW; adding new sections to chapter 4.56 RCW; adding new sections to chapter 5.40 RCW; adding a new section to chapter 7.70 RCW; adding a new section to chapter 48.19 RCW; adding a new section to chapter 48.22 RCW; creating new sections; repealing RCW 4.56.240; and declaring an emergency."

The committee amendment as amended to the title was adopted.

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

Ms. Sommers: "I want to try to put this bill in a little bit different context. We have been talking about the details of the bill; we've been talking a lot about joint and several and many other aspects, detailed aspects, of this bill. I look at it a little bit differently. I think that there is a clear trend in this country away from so much

litigation. I think our people are beginning to say in this country, 'We have too much litigation; we have too many suits and it is costing us a great deal.' The tort system and the adversarial system is not a good safety net. Not a good safety net all all. It is very expensive and very wasteful and a lot of people slip through the cracks. I look at this as just part of a major trend here in this state and in the country as a whole. Our legislature has taken other steps along this way. We have attempted to expand and have expanded arbitration potential; we worked on mediation and we have begun to discuss and approve other kinds of dispute resolution measures. I look at this as just one step along the way. I am sure we will continue to work on this issue and perhaps, as in most general trends in this country, a couple of steps forward, maybe one step backward for a zig-zag course, but I would ask you to think about the long term trend and place this action in that context."

Mr. D. Nelson: "There is another trend in this society, too, that ought to be mentioned in the context of this bill and that is that we live increasingly in a high-risk society. One that day-after-day sees more new chemicals, more new medicines, more new medical techniques, gene splicing, bio-technology--you name it--it's coming down on us. Recent history would suggest that when those things occur in society, those new procedures or new techniques, chemicals, they bring problems, problems that overwhelmed regulators and have caused damages to people and ultimately have caused withdrawal of many products in our society. The tort system, in my opinion and I have thought about this, if anything is an early warning system, it's a system that says that when we unleash things in society that do damage, we need an early message to the regulators, to the legislators, that there is a problem. The tort system provides that and has provided that very well. We don't do very well to regulate until we are finally forced to react to big problems that we are doing today. Sometimes we overreact. I guess I'd rather--and this is my fear about this bill--I'd rather continue under a system that has served us well especially if we are going to see more and more change, technological change, in this society. That system depends on our peers, juries of individual human beings who make the decisions and send the messages to us and to the regulators that there is something wrong. I think that system ought to be continued and that's why I will not vote for this bill."

Mr. Brooks: "I want to thank everybody for tonight's real struggle. Both sides have put a lot of effort into this and I think you have earnestly tried to come to a solution, and to quote Dr. Derek Bok II, from Harvard University, who is now the president of that organization, we are as what's known to him in his very well-known article, 'The Faulted System.' This is the first attempt in the House to start setting that right. We have made a small step. We may have made some errors on the way, but I think we've made a good positive step in particular for those patients who have been deprived. I think this is one great victory for those people. I want to thank everybody for their assistance."

Ms. Leonard: "I wasn't going to say anything further because I did speak on the other bill, but I did want to let people here know that while I did sign on the original bill for tort reform, I did support and do support--we need some reform in our tort system. We are having problems. I think the amendments that were offered tonight would have met those problems. We would have protected the doctors; we would have protected the cities, the counties. We would have done as much with the bill as it was amended as this bill will do, but we would not have hurt people and like my city, I'm really reluctant to move to support this bill. I think the mayor said, my city said to me, we know it will be good for the cities to support this, but we don't think it will be good for the people. And they didn't tell me to support it and I feel like they do, that maybe it's good for the cities, but I don't think it's good for the people and I do wish I could support this, but I can't. I do think it's going to hurt the people in the long run. I'm afraid I'm going to have to vote no on something I really wanted to support and would have supported if we had had the amended version from the committee. I urge you to vote no on this."

Ms. Miller: "I spent quite a bit of time reading letters from attorneys in my district and in neighboring districts. I spent a lot of time reading letters and talking to

the medical people in my district. In my district we sort of have an Eastside Hill now. We not only have a major hospital, which is a tax-supported hospital, but we also have Mason Clinic East. We have a very large complex of doctors and dentists, therapists and we are going to have further facilities for people with drug problems. I've talked to many, many people in my community. I've gone to special meetings. I've talked to lobbyists on both sides and I don't have any relatives who are lawyers; I don't have any relatives who are insurance people; I don't have any relatives who are doctors, but I have a lot of people in my district who are in trouble on this issue. They can't get insurance or they can't afford to pay the price for insurance. I have people I have talked to who have been victims. They are either bedridden or they are in wheelchairs and much to my surprise, when I talk to them about this issue and try to bring both points of view, they were very clear that they felt that if they could be retributed for their damages, that they also felt that noneconomic damages, pain and suffering, ought to be capped; that is was unrealistic; that we did have some very large awards being given in what we might say is from somebody wanting to have a risk-free-system society. We don't have a risk-free society; we never will have. They also, interestingly enough, felt as if they were not only victimized by the system, but definitely victimized by all of the legal people that they had to work with. One of the things that is not in this bill, but I hope the Supreme Court is going to deal with, is the attorney's fees. It's very interesting to talk to somebody who has been lying flat on their back in a bed for five years, who is trying to work their way through the court system, and find out that one of their largest frustrations is the way the legal fees multiply on them and how much of their award is going to be taken at the end of the whole long struggle by the legal system. I hope the Supreme Court will look at that very seriously. I feel that I have to support this bill. There are a lot of people, just folks, in my district who need to have us move in this direction or we are going to find the victims in a worse situation because there will be no insurance, no coverage, nothing for them to recover when they are injured. I urge a yes vote."

Mr. Lux: "The previous speaker mentioned that her concern was the availability and the affordability of insurance for the folks in her district and that she had read a lot of letters from attorneys and a lot of memos from her constituents. I'd like to ask her if you've read the bill? Do you understand the bill? Let me point out that there's nothing in this bill that's going to make insurance more available. The insurance portion at the back of the bill talks about an MAP. It talks in one point about a voluntary and then it says 'shall' and then it says 'twenty-five companies.' Let me tell you, there's a printout of all the insurance companies that are admitted to the State of Washington--1,350 companies--and you're going to use twenty-five companies? That's all? What kind of an MAP is that? What kind of assurance is that? You know, I see a lot of things in here that restrict the client in regard to his attorney because of caps and various things, and I don't understand all that, but I don't see very much in here about the defense attorney. How are you going to curtail the delays and the appeals and the procrastination of the defense attorneys and the insurance companies? You've taken out the prejudgment interest and there's a section in here you ought to read. It says something about -- on page 4 -- I don't quite understand it, but it says if you can challenge the defense attorney fees--now this is the insurance company's attorney that's defending you in court--who among you is going to challenge your insurance company's attorney and his fees? What kind of sense does that make? How many people will even know they have the ability to do that? Who is going to inform them? You know, I wish I understood more about this, but I feel very insecure about it. All people who have talked said this isn't going to have a darn thing to do with making insurance more available. This didn't come from the folks that wander the gulch out there and represent the insurance companies; this comes from the vice presidents of insurance companies who the commissioner summoned down here for a hearing. None of it guarantees that insurance will be more available or more affordable if we had tort reform."

Mr. Schoon: "In the four years that I've been down here, this is the second time on the second major issue that I've voted with the majority. It's not a very happy evening because it's not been an easy subject. One of the trial attorneys with whom I spoke came into my office and showed me some photographs. One photograph

of a young man, 35 years old, who had a three-inch stub of bone sticking out of the flesh of his left arm. His right arm was horribly burned from an electrical fire. Subsequently, both legs were amputated just above the knees. Not only were his hands amputated, but his arms and shoulders and his clavicle. The attorney showed me that bright colored picture that was used in the jury trial that they had and she asked me, 'How do you feel this man can get by with only \$250,000 for pain and suffering? Don't you think he deserves more?' I don't know how you answer a question like that, but I haven't heard anybody say that this bill is perfect and I know that we will all work next year to try and make it a little bit better. I feel that it is a bill that has taken the first step. We did not like taking a no vote on the Christmas tree amendments that were offered. We know what the intent of the amendments is. We know that the amendments would have benefited a small segment, each and every one of them, but we also know that from the spirit of cooperation we need to get a bill passed and that was our effort. I'm going to vote yes for the bill because I think it is the first step and I think I will vote on the bill next year also and amendments to it of some sort. If the gentleman from the 11th District really feels that there are some things that need to be worked on, I know that we will all be glad to listen to them in Judiciary (Committee) and see if we can accommodate some of his complaints. It is a start and I think that is what we need. I recommend a yes vote on this bill."

Mr. Locke: "I really think this is one shameful way to make such sweeping changes in our legal system which has evolved so carefully over the last several hundred years. We saw this document basically for the first time last night. This morning at about 11 o'clock it was discovered that this document had major flaws and really did away completely with joint and several liability despite the intent of the authors. Then it had to be redrafted and we didn't see it again until about 4 o'clock this afternoon. What other defects does this major legislation have? What other rights are we extinguishing? What are we doing to the people of this state? I agree with Representative Sommers, that changes in the legal system have to be made, that we sue too often and that we are too quick to go to court, but does that justify the wholesale changes in the law that we are making this evening? I am not a defender of the trial lawyers. I am sometimes criticized as being too critical of the legal profession, but I have a very passionate love of the law—jurisprudence—which is the science and philosophy of law. I cannot, given that love, support what we are doing tonight. I oppose the current system of joint and several liability, no secret, and just as we said over ten years ago, that a person who was contributorily negligent should not be completely barred from bringing a lawsuit, so it is unfair that a person who is partially responsible and defendant should have to bear the full burden of the injuries caused by other defendants. But we do go to such an automatic and arbitrary standard, saying that if you are even one percent at fault, as a plaintiff there is no joint and several liability. I think that before such sweeping changes in the law can be made or should be made, we need careful and deliberate study. Not a delaying study, but a study and a commission composed of the consumers, both the injured consumers and the consumers who pay the insurance rates who have to bear the burden and the consequences of our legal system. But also the academician people in labor and business and the attorneys and the doctors. We have not had this tonight and because of this, this is flawed, because there has never ever really been a public hearing on this latest document and because we have seen it such a short time, I really think we all should vote no. I urge you to do so."

Mr. Ballard: "Urging you to support the bill, I won't respond to some of the previous comments made as to why there wasn't public hearing. A lot of us have wondered about that particular issue and we don't need to address that. I would like to say that I think there has been an incredible amount of work put into this bill and I would like to say even the people who are going to vote against it, who opposed it, who worked long hours on it, that there were major changes made and surprising to the good representative across the aisle, there are actually people in this body who know what is in this bill. We have actually read it and actually studied it. Interesting enough, the people at home certainly know what is in the bill. They know the concepts, they know about joint and several, and they know the

problems. Yes, it is a major step that we are addressing, some of these issues. I think it's good that we have enough people who are willing to step up and spend the time and address this major problem. People going out of business simply can no longer employ people, councilmen who can no longer stay on city councils and county commissioners because they can't have any insurance. By doing this we are going to make, I think, significant moves in making insurance, number one, available. I think that is a major move. Yes, I think it is going to be more affordable and so I strongly recommend that we vote yes on this bill."

Mr. Appelwick: "First, I want to commend all fellow members for the very civil way this volatile issue has been handled. It makes it more respectable to the public that it has been brought through and worked out. The lady from the 36th District talked about a safety net and how we are really trying to deal with a safety net for the public out there, and, of course, find a place for that. You know, I happen to agree with her; we need to help people. A tremendous amount of the fabric of the law we pass is trying to keep people out of the courts, to let them enjoy their rights; to be made whole when a wrong has been done to them without having to go through the trauma and expense of the courtroom. So how does this bill help them? It helps them afford insurance. Why do they buy insurance? So they can be made whole when they are injured. What does it do? It puts a lid on whether or not they are made whole. We put a lid on pain and suffering. No factual data whatever that pain and suffering awards are out of hand--none at all. None. No where. We rejected an amendment for itemized verdicts, itemized settlements that would help you gather that data to find out if you are really dealing with the problem or if you are artificially taking money out of the hands of the people who have been injured and hurt. We help them by taking away joint liability, which is the way to insure that when they are honest-to-god hurt by somebody else's negligence that they are made whole--it's stripped away--gone. We help them by undercutting the ability to get settlements from people so that they don't have to stand the full expense of the litigation, the full trauma of testifying, the long, long delay. That's gone, that's undercut and that was the nub of the problem in the joint and several section. We've put a stitch in the fabric of law here and what will the people do, as the Representative from the 30th District has described? What will they do while we wait for another bill to fix this? They are cut off; their change is one--when they are in that courtroom that is their chance. They don't get to come back and amend it after we amend the law later. We tried in good faith, and I think those that I worked with did also, to find a better middle ground that didn't take the excesses that this bill does in its present form. The pendulum has swung too far with this bill and it will swing back and it will validate that I and others have been right on this, but frankly, that will be a very small consolation. I work in the system. I know it. It's kind of like that metaphor on that paper handed out by the gentleman from the 36th about the elephant. I know it, I know where the parts are, you are trying to administer medicine to a sick elephant, but you are putting the medicine in the wrong end. This is a bad bill. You ought to vote it down."

Mr. Tanner: "I'm proud tonight to be a member of this institution, and I want to thank all the members here, every person on the floor. The reason I'm proud is not because I like to deal with this issue, because frankly, no matter what you do on this issue, there's winners and there's losers. I'm proud because we did our job and our job is to take the proposal from wherever it might come, whether that might be the original coalition proposal or a bill from the Senate, and to make it the best bill that we possibly can consistent with getting support from the majority of the people on this floor. I'd like to talk for just a minute about what we did with that original proposal that was filed a long time ago, over there in the Senate, and over here as well. It was done, and particularly needing congratulations here, are all the opponents of this bill, because many, many changes were made. The onerous attorney fees limitations that were in the original bill was stricken. The limits on noneconomic damages which originally were \$250,000 were replaced with a sliding scale that now goes to \$573,000. In the periodic payment section the threshold was raised up to \$100,000 in terms of future damages above that, subject to periodic payment. All noneconomic damages are to be paid up front in a lump sum. That wasn't in the original bill. Very significantly, all future earnings are economic damages

other than medicals that would be paid to the plaintiff, now will continue to the wife, the children, the estate and will not be cut off by that other plaintiff. Actions involving hazardous waste, business torts and market share liability were exempted from this bill and they were certainly included in the original bill that was filed. And the existence of the immunity of the employers in workers' comp suits that was in the Senate bill that came over here was eliminated. There is an insurance provision in this bill, and maybe it doesn't go as far as we would all like, but it goes as far as we can go and get fifty votes. There's immunity in here for the board of directors of nonprofit corporations, hospitals and school directors and superintendents, and that wasn't in any proposal. It certainly wasn't in the proposal that was originally filed and that's a major improvement in this bill that was made by the members on this floor. There are many other changes and they are almost all improvements. I don't know whether any of us like everything in the bill. I certainly don't like everything in the bill, but I'm proud because the members of this body and almost everybody participated in their own way and went through that agonizing procedure."

Mr. Wang: "There are a number of things that we know and don't know about this bill. We know that in effect we--we don't know really whether it be a desired effect on the insurance problem--we know we have an insurance problem. We know we have an insurance problem in availability and affordability. We have a problem with the way in which insurance premiums are calculated because they don't reflect our state experience; they don't reflect the lack of punitive damages here. We don't know what the effects are going to be and maybe it will help. I would like to believe that it will help. We don't know that yet. We do know what the effects are going to be on a number of areas though. We do know that it will restrict the ability of victims of accidents, victims of negligence to receive compensation, whether it's through the caps on damages, whether it's through the joint and several liability provisions, whether it's through the periodic payment provision, it clearly will restrict the ability of victims to be compensated. We know that the document is really expressing a policy statement and the policy statement is that we don't trust juries. We don't trust the juries who consist of the voters. In fact, we don't trust the juries in their ability to decide to award or compensate damages appropriately. We don't trust the court system, we are saying here. I recognize that the court system is a lousy way of compensating people; it is an inefficient system, but that's only one of the functions of the court system.

"The tort system is also designed to provide preventative approaches and protection for people. What we are doing here is we know that we are causing a rush to the courthouse because of the way the bill is structured in terms of implementation dates, requiring filing, in effect, by August. We know that we have created a problem in workers' compensation. I've spent a lot of time this session working on workers' compensation, trying to restrict some of the payments and costs. This just generated an \$8 million more problem for workers' compensation. I'm kind of curious, but despite all the jokes and comments and whatever about attorneys, and I understand that the comments about attorneys and the difficulties with attorneys in the legal system--there are ten people in this body who practice as attorneys--and I'm not going to claim that attorneys know all they are doing whatever, they certainly don't, but the ten attorneys who practice in the system, all voted no on the Bristow amendment. Just take that into consideration."

Ms. Hine: "Often when we have these major issues here before us, it's very clear between the white hats and the black hats, but this evening we are all wearing gray hats. We all want to do something about a problem brought to us with the tort laws and the insurance costs in our state, not just in our state, but in our nation. We all have been attempting to deal with that. Unfortunately, the solution that has come before us is not a beginning, my friends, this is it. A solution that does not do either--help with the high insurance rates nor does it take care of the reasonable kind of a tort system. All of the people--I frankly resent a little bit in referring to this as a coalition bill. The coalition is not a coalition of legislators. If it had been a coalition of legislators, and we had duked it out here on the floor, I would have felt a lot better about that what we had was truly in the public's best interest. We did make a lot of progress. I appreciate the very calm good way everyone has

behaved this session, and this is the first time I've shot off my mouth about it. Some people didn't even know which side I was on. I'm for local governments. I come from local government. I'm for the hospitals and the doctors and I'm for all those people, but when we do something that gives a break to someone who someone else pays, clearly in this the victim of a potential court action is going to get less because these people are going to have to pay more. We have talked at great length to begin doing something in a sixty-day session in major tort reform instead of one hundred five days. Just think what we could do with our good will, and it is here, on both sides of the aisle, if we had another thirty days or another forty-five days that we could have been percolating this idea and not have the final document dropped here at 4 o'clock. I think we could have made a very good document. There are times you win and there are times you lose and you have to take your chances. I don't know that I have ever been in a situation--and this is true of a lot of us--where losing was not a matter of 'Darn it, I didn't win.' I have never felt so sad and yet so angry."

Mr. Sutherland: "As I sat listening to the debate tonight, I put myself in the shoes of those people who were watching the television last night around the state of Washington. I placed myself in probably the shoes of those people who are sitting in the gallery this evening and I thought what they might be saying about what went on this evening. The case that was being discussed, the proceedings of the evening. So I thought very carefully as we considered all those amendments, I prepared myself as many of you have for months now, trying to build up a good basic understanding of the issue, not committing myself on any side of this issue, but wishing to come here this evening and make a good decision as we went through the amendatory process. What I saw instead of a good case or a good discussion here was the proponents of the bill claiming the right to remain silent, the right to remain silent on all the discussion on the amendments that were going on. Instead I heard the proponents stand up and say that the gentleman from the 7th District and the lady from the 35th District, referred a number of times as 'we.' As I was sitting as perhaps a juror would sit or somebody in the gallery or somebody back home watching TV, I thought to myself, 'Who is we?' As the legislator who just spoke mentioned, I think 'we' refers to a coalition and it didn't refer to the members of this body. The case that's being discussed tonight, the coalition versus the 4.3 million people in the state of Washington, and I don't believe there was adequate discussion. I do believe that all of us are interested in tort reform, but I think this decision was made in some arm-wrestling contest that went on hours before we ever hit this floor. I don't think it's appropriate on this kind of an issue. I don't believe the proponents of the bill in their silence proved, as they should have, the burden of proof that this bill is going to do anything in the state of Washington to reduced insurance costs and make more available insurance. I thought to myself as I was going to stand up, 'Sutherland, your discussions likely won't make any difference.' But it will sure make me feel a lot better to know that I had the opportunity to vent a little steam and say that, although, Mr. Speaker, I appreciate the process we went through. As far as the institution goes this evening, I think the case that's being tried this evening has been very, very poorly handled."

Mr. Prince: "We went through an exercise here that leaves everybody a little drained and we're all talking about our inability to amend. We went through a budget and we talked about our inability to amend. We went through water quality and we talked about our inability to amend. I, for a short time, would like to talk to you about the tampering that we have done with our Free Conference system. If we would put our Free Conference system back in shape, we would have a vehicle to compromise our differences, the things that a democracy requires to stay free."

Mr. Bristow: "I certainly appreciate the tremendous amount of work that has been done today by the members and the staff in this body. So often we deal with issues and caseloads and dollars, but this issue was particularly personalized for me when a friend of our family was burned in a tragic accident in a restaurant where they were patrons about four weeks ago. This friend has become a touchstone, if you will, for reference points to consider against the proposed changes and has given me a very different perspective on the issue. Those changes have

been reflected in the major changes that this bill has experienced since it was introduced. I truly believe that this is a fair, just and equitable proposal which is in the best interest of the people of the state of Washington."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4630 as amended by the House, and the bill passed the House by the following vote: Yeas, 66; nays, 31; excused, 1.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Basich, Baugher, Betrozoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Kremen, Lewis, Long, Lundquist, May, McMullen, Miller, Nealey, Nelson G, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Valle, Van Luven, Vander Stoep, Waik, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky - 66.

Voting nay: Representatives Appelwick, Armstrong, Belcher, Brekke, Cole, Crane, Dellwo, Fisher, Grimm, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, Nelson D, Niemi, Nutley, O'Brien, Padden, Schmidt, Sutherland, Todd, Unsoeld, Vekich, Wang, Wineberry, and Mr. Speaker - 31.

Excused: Representative van Dyke - 1.

Engrossed Substitute Senate Bill No. 4630 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

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

ENGROSSED SENATE BILL NO. 4481, by Senators Talmadge, Newhouse, Metcalf, Halsan, Gaspard, Granlund, Bluechel, Garrett and Lee

Modifying provisions detailing reporting of abuse or neglect of children or adult dependents.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

On motion of Mr. Armstrong, the committee amendment was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4481 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Waik, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Fuhrman - 1.

Excused: Representative van Dyke - 1.

Engrossed Senate Bill No. 4481 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4506, by Senator Wojahn

Repealing sunset provisions for state board of health.

The bill was read the second time. Committee on Social & Health Services recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Ms. Brekke moved adoption of the committee amendments. Representatives Brekke and Lewis spoke in favor of the amendments and they were adopted.

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4506 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsold, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Chandler - 1.

Excused: Representative van Dyke - 1.

Senate Bill No. 4506 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4658, by Committee on Human Services & Corrections (originally sponsored by Senators Wojahn, Conner, McDonald and Moore; by request of Department of Social and Health Services)

Changing provisions relating to alternatives to state residential schools for the handicapped.

The bill was read the second time. Committee on Social & Health Services recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

On motion of Ms. Brekke, the committee amendment was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4658 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsold, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Lundquist - 1.

Excused: Representative van Dyke - 1.

Engrossed Substitute Senate Bill No. 4658 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4693, by Senators Thompson, Talmadge and Zimmerman; by request of Office of Financial Management

Transferring filing of claims against the state from OFM to the risk management office.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendments, see Journal, 50th Day, March 3, 1986.)

On motion of Mr. Braddock, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4693 as amended by the House, and the bill passed the House by the following vote: Yeas, 91; nays, 6; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Betzoff, Dobbs, Fuhrman, Nealey, Van Luven, Williams J - 6.
Excused: Representative van Dyke - 1.

Senate Bill No. 4693 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4710, by Committee on Ways & Means (originally sponsored by Senators Talmadge, Newhouse, Deccio, Moore, Hansen, Halsan, DeJarnatt, Conner, Granlund, McManus, Bauer, Gaspard, Garrett, Vognil, Bender, Warnke, Bailey, Rasmussen and Lee)

Establishing the automatic fingerprint information system.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4710, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Engrossed Substitute Senate Bill No. 4710, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4724, by Committee on Ways & Means (originally sponsored by Senators Gaspard, Bender, Saling, Bailey, Patterson, Granlund, DeJarnatt, Bauer, Johnson, McManus, Rinehart, von Reichbauer, Barr, Garrett, Vognil, Conner and Lee; by request of Superintendent of Public Instruction)

Adopting the Washington award for excellence in education program act.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendment, see Journal, 50th Day, March 3, 1986.)

On motion of Mr. Braddock, the committee amendment was adopted.

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

Representatives Ebersole, Betrozoff and Tilly spoke in favor of passage of the bill, and Representative Fuhrman opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4724 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Fuhrman - 1.

Excused: Representative van Dyke - 1.

Engrossed Substitute Senate Bill No. 4724 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4769, by Committee on Agriculture (originally sponsored by Senators Hansen, Bailey, Barr, Goltz, Bauer, Gaspard and Benitz)

Revising the excise taxation of feed.

The bill was read the second time. Committee on Agriculture recommendation: Majority, do pass as amended. (For amendment, see Journal, 43rd Day, February 24, 1986.)

Committee on Ways & Means recommendation: Majority, do pass with amendments by Committee on Agriculture.

On motion of Mr. Vekich, the committee amendment was adopted.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4769 as amended by the House, and the bill passed the House by the following vote: Yeas, 95; nays, 2; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen,

Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Van Luven, Williams J - 2.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 4769 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4783, by Committee on Judiciary (originally sponsored by Senators Thompson, Hayner and Newhouse)

Revising seizure provisions of the uniform controlled substances act.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendments, see Journal, 50th Day, March 3, 1986.)

On motion of Mr. Braddock, the committee amendments were adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4783 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 4783 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4898, by Committee on Natural Resources (originally sponsored by Senators Hansen, Deccio, Bottiger, Goltz, Gaspard, Bauer, Benitz, Bailey and Barr)

Modifying provisions on suppression and compensation for wild fires outside fire district jurisdiction.

The bill was read the second time. Committee on Local Government recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Ms. Haugen moved adoption of the committee amendment.

Ms. Haugen moved adoption of the following amendments by Representatives Haugen and Brough to the committee amendment:

On page 4, line 11 strike "owned, operated, or"

On page 4, line 19 after "land" insert "outside of its jurisdictional boundaries, if such immediate response could prevent the spread of the fire onto lands protected by the district."

Representatives Haugen and Doty spoke in favor of the amendments to the amendment, and they were adopted.

The committee amendment as amended was adopted.

On motion of Ms. Haugen, the committee amendment to the title of the bill was adopted.

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

Representatives Haugen and Doty spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4898 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P., King R., Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D., Nelson G., Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeid, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Engrossed Substitute Senate Bill No. 4898 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5037, by Committee on Education (originally sponsored by Senators Gaspard and Bauer)

Requiring a study of the number of ninth through twelfth grade dropouts.

The bill was read the second time. On motion of Mr. Dellwo, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Ebersole and Betzoff spoke in favor of passage of the bill.

POINT OF ORDER

Mr. Barrett: "Mr. Speaker, I would point out that according to the rules of this body, we are not in session at this time for conducting any business."

MOTION

Mr. Ehlers moved that Rule 14(C) be suspended.

Mr. Barrett spoke against the motion and Mr. J. King spoke in favor of it.

The motion was carried.

The House resumed consideration of Substitute Senate Bill No. 5037 on third reading.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5037, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J., King P., King R., Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D., Nelson G., Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeid, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Brough, Chandler, Dobbs, Lundquist, Nealey - 5.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 5037, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker resumed the Chair.

SENATE BILL NO. 3352, by Senators Gaspard, Bauer, Kiskaddon and Patterson
Providing a state clearinghouse for educational information.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Ebersole spoke in favor of passage of the bill, and Mr. Betzoff opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3352, and the bill passed the House by the following vote: Yeas, 53; nays, 44; excused, 1.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 53.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 44.

Excused: Representative van Dyke - 1.

Senate Bill No. 3352, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4536, by Committee on Transportation (originally sponsored by Senators Bauer, Peterson, Patterson and Granlund)

Prescribing a penalty for initial nonregistration of a vehicle.

The bill was read the second time. Committee on Transportation recommendation: Majority, do pass as amended. (For amendments, see Journal, 44th Day, February 25, 1986.)

On motion of Mr. Wineberry, the committee amendments were adopted.

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

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

POINT OF INQUIRY

Mr. Walk yielded to question by Mr. Sanders.

Mr. Sanders: "Representative Walk, if I had a car and I didn't register it for a year, just kept it in my garage, would I be guilty of a misdemeanor?"

Mr. Walk: "No, Representative Sanders. This does not apply in that kind of a case. This only talks about an initial registration. It is mainly aimed at people who move into state from out of state and do not register their cars as the law requires them to do."

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4536 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R,

Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Dobbs, Lundquist, Nealey, Sanders, Williams B - 5.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 4536 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4537, by Senators Bauer, Peterson, Patterson, Bender and Vognilid

Eliminating mandatory court appearance on a charge of driving with an expired license.

The bill was read the second time.

Ms. Schmidt moved adoption of the following amendment by Representatives Schmidt and Walk:

On page 1, after line 22 insert the following:

*Sec. 2. Section 330, chapter 258, Laws of 1984 and RCW 46.63.110 are each amended to read as follows:

(1) A person found to have committed a traffic infraction shall be assessed a monetary penalty. No penalty may exceed two hundred and fifty dollars for each offense unless authorized by this chapter or title.

(2) The supreme court ((may)) shall prescribe by rule a schedule of monetary penalties for designated traffic infractions. This rule shall also specify the conditions under which local courts may exercise discretion in assessing fines and penalties for traffic infractions. The legislature respectfully requests the supreme court to adjust this schedule every two years for inflation.

(3) There shall be a penalty of twenty-five dollars for failure to respond to a notice of traffic infraction except where the infraction relates to parking as defined by local law, ordinance, regulation, or resolution or failure to pay a monetary penalty imposed pursuant to this chapter. A local legislative body may set a monetary penalty not to exceed twenty-five dollars for failure to respond to a notice of traffic infraction relating to parking as defined by local law, ordinance, regulation, or resolution. The local court, whether a municipal, police, or district court, shall impose the monetary penalty set by the local legislative body.

(4) Monetary penalties provided for in chapter 46.70 RCW which are civil in nature and penalties which may be assessed for violations of chapter 46.44 RCW relating to size, weight, and load of motor vehicles are not subject to the limitation on the amount of monetary penalties which may be imposed pursuant to this chapter.

(5) Whenever a monetary penalty is imposed by a court under this chapter it is immediately payable. If the person is unable to pay at that time the court may, in its discretion, grant an extension of the period in which the penalty may be paid. If the penalty is not paid on or before the time established for payment the court shall notify the department of the failure to pay the penalty, and the department may not renew the person's driver's license until the penalty has been paid and the penalty provided in subsection (3) of this section has been paid.*

Representatives Schmidt and Walk spoke in favor of the amendment and it was adopted.

On motion of Ms. Schmidt, the following amendment to the title of the bill was adopted:

In line 2 of the title, after "46.64.020" and before the period insert "and 46.63.110"

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

Representatives Wineberry and Schmidt spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4537 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Berozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King

P. King R. Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Senate Bill No. 4537 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4544, by Committee on Judiciary (originally sponsored by Senators Moore, Talmadge, Granlund, Newhouse, Wojahn, Conner and Lee)

Requiring specified person to report abuse of vulnerable adults.

The bill was read the second time. Committee on Judiciary recommendation: Majority, do pass with the following amendment:

On page 1, line 17 strike "the person" and insert "((the person))"

On motion of Mr. Armstrong, the committee amendment was adopted.

On motion of Mr. Day, the following amendment by Representatives Day, Sayan, Tilly, Barrett, Rayburn, Van Luven, Brooks, Thomas, Scott, Tanner and R. King was adopted:

On page 2, after line 24, insert the following:

NEW SECTION. Sec. 4. The legislature finds that vulnerable adults, who are physically or emotionally abused or financially exploited may need the protection of the courts. The legislature further finds that many of these elderly persons may be homebound or otherwise may be unable to represent themselves in court or to retain legal counsel in order to obtain the relief available to them under this chapter.

NEW SECTION. Sec. 5. An action known as a petition for an order for protection of a vulnerable adult in cases of abuse or exploitation is created.

(1) A vulnerable adult may seek relief from abuse or exploitation, or the threat thereof, by filing a petition for an order for protection in superior court.

(2) A petition shall allege that the petitioner is a vulnerable adult and that the petitioner has been abused or exploited or is threatened with abuse or exploitation by respondent.

(3) A petition shall be accompanied by affidavit made under oath stating the specific facts and circumstances which demonstrate the need for the relief sought.

(4) A petition for an order may be made whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

(5) A petitioner is not required to post bond to obtain relief in any proceeding under this section.

(6) An action under this section shall be filed in the county where the petitioner resides; except that if the petitioner has left the residence as a result of abuse or exploitation, or in order to avoid abuse or exploitation, the petitioner may bring an action in the county of either the previous or new residence.

NEW SECTION. Sec. 6. The court shall order a hearing on a petition under section 5 of this act not later than fourteen days from the date of filing the petition. Personal service shall be made upon the respondent not less than five court days before the hearing. If timely service cannot be made, the court may set a new hearing date. A petitioner may move for temporary relief under chapter 7.40 RCW.

NEW SECTION. Sec. 7. The court may order relief as it deems necessary for the protection of the petitioner, including, but not limited to the following:

(1) Restraining respondent from committing acts of abuse or exploitation;

(2) Excluding the respondent from petitioner's residence for a specified period or until further order of the court;

(3) Prohibiting contact by respondent for a specified period or until further order of the court;

(4) Requiring an accounting by respondent of the disposition of petitioner's income or other resources;

(5) Restraining the transfer of property for a specified period not exceeding ninety days;

(6) Requiring the respondent to pay the filing fee and court costs, including service fees, and to reimburse the petitioner for costs incurred in bringing the action, including a reasonable attorney's fee.

Any relief granted by an order for protection, other than a judgment for costs, shall be for a fixed period not to exceed one year.

NEW SECTION. Sec. 8. When an order for protection under section 7 of this act is issued upon request of the petitioner, the court may order a peace officer to assist in the execution of the order of protection.

NEW SECTION. Sec. 9. The department of social and health services, in its discretion, may seek relief under sections 5 through 8 of this act on behalf of and with the consent of any vulnerable adult. Neither the department of social and health services nor the state of Washington shall be liable for failure to seek relief on behalf of any persons under this section.

NEW SECTION. Sec. 10. The provision of services under RCW 74.34.030, 74.34.040, 74.34.050, and sections 4 through 11 of this act are discretionary and the department shall not be required to expend additional funds beyond those appropriated.

NEW SECTION. Sec. 11. Any proceeding under sections 5 through 9 of this act is in addition to any other civil or criminal remedies.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 13. Sections 4 through 11 of this act are added to chapter 74.34 RCW.*

On motion of Mr. Day, the following amendments to the title were adopted:

On page 1, line 1 of the title, strike "and"

On page 1, line 2 of the title, after "74.34.050" insert "; and adding new sections to chapter 74.34 RCW"

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

Representatives Armstrong and Sayan spoke in favor of passage of the bill, and Mr. Braddock opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4544 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P. King R. Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D. Nelson G. Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Waik, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Bond, Braddock, Fuhrman, Nealey, Sanders - 5.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 4544 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. Appelwick, the House adjourned until 9:00 a.m., Friday, March 7, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FIFTY-FOURTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, March 7, 1986

The House was called to order at 9:00 a.m. by the Speaker (Mr. O'Brien presiding). The Clerk called the roll and all members were present except Representatives McMullen, Schoon, van Dyke and Wineberry. Representative van Dyke was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jai Honna German and Colin Sexton. Prayer was offered by Reverend Peter Mans of the Evergreen Christian Reformed Church of Olympia.

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

MESSAGE FROM THE SENATE

March 5, 1986

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 1518,
HOUSE BILL NO. 1519,
SUBSTITUTE HOUSE BILL NO. 1540,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 1802,
HOUSE BILL NO. 1868,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-93, by Representative Fisch

WHEREAS, Frank Feeley, Sr., a long-time political leader in Clallam County, passed away on Wednesday, June fifth, nineteen hundred eighty-five at the age of seventy-four; and

WHEREAS, Frank Feeley, Sr. served as president of the Clallam County Democratic Club and was a Democratic Precinct Committeeman; and

WHEREAS, Frank Feeley, Sr. was elected Mayor of Port Angeles in nineteen hundred forty-six, served a two-year term and was elected County Assessor in nineteen hundred fifty-five, serving in that office until nineteen hundred seventy-two when he was elected County Commissioner; and

WHEREAS, Frank Feeley, Sr. left public office in nineteen hundred seventy-seven, but continued to be a source of advice and knowledge as a Democratic leader in the community; and

WHEREAS, Frank Feeley, Sr. was a Past Master of the Masonic Lodge and a member of several other organizations, including the Nile Temple of the Shrine, Moose, Elks, Eagles, Society of Real Estate Appraisers and the American Right of Way Association; and

WHEREAS, Frank Feeley, Sr. was born October fourth, nineteen hundred ten, in Bowdle, South Dakota and moved to Port Angeles with his parents at the age of seventeen. After studying engineering at the University of Washington, he worked for several mills during the nineteen thirties and for the Internal Revenue Service from nineteen hundred forty-two through nineteen hundred forty-six; and

WHEREAS, Frank Feeley, Sr. is survived by his wife Ruth Ann, two sons, two daughters, a brother, a cousin and twelve grandchildren;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives of this Forty-Ninth Legislature honors the life and public service of Frank Feeley, Sr. and his dedication to the citizens of Clallam County and the State of Washington.

BE IT FURTHER RESOLVED. That copies of this Resolution be prepared by the Chief Clerk of the House of Representatives and be transmitted to Mrs. Ruth Ann Feeley.

On motion of Mr. Fisch, the resolution was adopted.

The House reverted to the sixth order of business.

SECOND READING

ENGROSSED SENATE BILL NO. 3636, by Senator Moore

Relating to insurance.

The House resumed consideration of the bill on second reading. (For previous action, see Journal, 51st Day, March 4, 1986.)

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the amendment by Representatives Hargrove, P. King and Sanders to page 11, line 5.

With the consent of the House, Mr. Hargrove withdrew the amendment.

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

MOTION

On motion of Mr. J. King, further consideration of the bill was deferred, and it was ordered placed on the third reading calendar.

SENATE BILL NO. 4708, by Senators Talmadge, Bluechel, Garrett, Gaspard, Bender, Peterson and Granlund

Revising provisions relating to competence of witnesses.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Armstrong and Padden spoke in favor of passage of the bill.

POINT OF INQUIRY

Mr. Armstrong yielded to question by Mr. Isaacson.

Mr. Isaacson: "Representative Armstrong, we have a case in the tri-cities where a children's home or a nursery school had some problems and one of the people there was charged with child molestation. We're talking about preschoolers, and the question is whether or not their testimony could be taken. I was wondering how this might affect a case such as that where you could have some very young children that might have some emotional problems in responding to questions in a court of law."

Mr. Armstrong: "The court will examine the child and determine whether the child tells the truth, and if the child tells the truth, the child will be accepted as a witness."

Mr. Isaacson: "I think that is my point. How do we know whether or not a child is telling the truth?"

Mr. Armstrong: "The court measures on a case-by-case basis."

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4708, and the bill passed the House by the following vote: Yeas, 92; absent, 5; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King, J. Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker,

Wang, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 92.

Absent: Representatives King P, King R, McMullen, Schoon, Wineberry - 5.

Excused: Representative van Dyke - 1.

Senate Bill No. 4708, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Schoon appeared at the bar of the House.

SUBSTITUTE SENATE BILL NO. 4425, by Committee on Agriculture (originally sponsored by Senator Hansen)

Exempting livestock sold for personal consumption from sales and use tax.

The bill was read the second time. On motion of Mr. Smitherman, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Smitherman, Nealey and Chandler spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4425, and the bill passed the House by the following vote: Yeas, 95; absent, 2; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Winsley, Zellinsky, and Mr. Speaker - 95.

Absent: Representatives McMullen, Wineberry - 2.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 4425, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Wineberry appeared at the bar of the House.

ENGROSSED SENATE BILL NO. 4738, by Senators Talmadge and Halsan

Revising provisions relating to juvenile offenders.

The bill was read the second time.

On motion of Mr. Armstrong, the following amendments were adopted:

On page 3, after line 31, insert the following:

*Sec. 3. Section 61, chapter 291, Laws of 1977 ex. sess. as last amended by section 18, chapter 191, Laws of 1983 and RCW 13.40.070 are each amended to read as follows:

(1) Complaints referred to the juvenile court alleging the commission of an offense shall be referred directly to the prosecutor. The prosecutor, upon receipt of a complaint, shall screen the complaint to determine whether:

(a) The alleged facts bring the case within the jurisdiction of the court; and

(b) On a basis of available evidence there is probable cause to believe that the juvenile did commit the offense.

(2) If the identical alleged acts constitute an offense under both the law of this state and an ordinance of any city or county of this state, state law shall govern the prosecutor's screening and charging decision for both filed and diverted cases.

(3) If the requirements of subsections (1) (a) and (b) of this section are met, the prosecutor shall either file an information in juvenile court or divert the case, as set forth in subsections (5), (6), and (7) of this section. If the prosecutor neither files nor diverts the case, he shall maintain a record, for one year, of such decision and the reasons therefor. In lieu of filing an information or diverting an offense a prosecutor may file a motion to modify community supervision where such offense constitutes a violation of community supervision.

(4) An information shall be a plain, concise, and definite written statement of the essential facts constituting the offense charged. It shall be signed by the prosecuting attorney and conform to chapter 10.37 RCW.

(5) Where a case is legally sufficient, the prosecutor shall file an information with the juvenile court if:

(a) An alleged offender is accused of a class A felony, a class B felony, an attempt to commit a class B felony, assault in the third degree, rape in the third degree, or any other offense listed in RCW 13.40.020(1) (b) or (c); or

(b) An alleged offender is accused of a felony and has a criminal history of at least one class A or class B felony, or two class C felonies, or at least two gross misdemeanors, or at least two misdemeanors and one additional misdemeanor or gross misdemeanor, or at least one class C felony and one misdemeanor or gross misdemeanor; or

(c) An alleged offender has been referred by a diversion unit for prosecution or desires prosecution instead of diversion; or

(d) An alleged offender is accused of a misdemeanor or gross misdemeanor and has previously entered into a total of three diversion agreements for separate offenses, not in the same course of conduct.

(6) Where a case is legally sufficient the prosecutor shall divert the case if the alleged offense is a misdemeanor or gross misdemeanor or violation and the alleged offense(s) in combination with the alleged offender's criminal history do not exceed three offenses or violations and do not include any felonies: PROVIDED, That if the alleged offender is charged with a related offense that must or may be filed under subsections (5) and (7) of this section, a case under this subsection may also be filed: PROVIDED FURTHER, That an alleged misdemeanor or gross misdemeanor shall be filed pursuant to subsection (5)(d) of this section.

(7) Where a case is legally sufficient and falls into neither subsection (5) nor (6) of this section, it may be filed or diverted. In deciding whether to file or divert an offense under this section the prosecutor shall be guided only by the length, seriousness, and recency of the alleged offender's criminal history and the circumstances surrounding the commission of the alleged offense.

(8) Whenever a juvenile is placed in custody or, where not placed in custody, referred to a diversionary interview, the parent or legal guardian of the juvenile shall be notified as soon as possible concerning the allegation made against the juvenile and the current status of the juvenile.

(9) The responsibilities of the prosecutor under subsections (1) through (8) of this section may be performed by a juvenile court probation counselor for any complaint referred to the court alleging the commission of an offense which would not be a felony if committed by an adult, if the prosecutor has given sufficient written notice to the juvenile court that the prosecutor will not review such complaints.

Sec. 4, Section 70, chapter 291, Laws of 1977 ex. sess. as last amended by section 8, chapter 191, Laws of 1983 and RCW 13.40.160 are each amended to read as follows:

(1) When the respondent is found to be a serious offender, the court shall commit the offender to the department for the standard range of disposition for the offense.

If the court concludes, and enters reasons for its conclusion, that disposition within the standard range would effectuate a manifest injustice the court shall impose a disposition outside the standard range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition outside the standard range shall be determinate and shall be comprised of confinement or community supervision, or a combination thereof. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. A disposition outside the standard range is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition within the standard range is not appealable under RCW 13.40.230 as now or hereafter amended.

~~(2) Where the respondent is found to be a minor or first offender, the court shall order that the respondent serve a term of community supervision. If the court determines that a disposition of community supervision would effectuate a manifest injustice the court may impose another disposition. A disposition other than a community supervision may be imposed only after the court enters reasons upon which it bases its conclusions that imposition of community supervision would effectuate a manifest injustice. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.~~

~~Any disposition other than community supervision may be appealed as provided in RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition of community supervision may not be appealed under RCW 13.40.230 as now or hereafter amended;~~

(a) The court shall order that the respondent serve a term of community supervision; and

(b) If the minor or first offender has a criminal history of two or more offenses, the court may impose a term of confinement not to exceed seven days in addition to a term of community supervision. If confinement has been imposed, the court shall state aggravating factors as set forth in RCW 13.40.150.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition under (a) or (b) of this subsection would cause a manifest injustice, the court may impose a disposition other than community supervision and/or up to seven days' confinement. When a judge finds a manifest injustice and imposes a sentence of confinement exceeding thirty days, the court shall sentence the juvenile to a maximum term, and the range shall be determined under RCW 13.40.030(5). The court's finding of manifest injustice shall be supported by clear and convincing evidence.

A disposition under (c) of this subsection is appealable under RCW 13.40.230. A disposition under (a) or (b) of this subsection is not appealable under RCW 13.40.230.

(3) Where a respondent is found to have committed an offense for which the respondent declined to enter into a diversion agreement, the court shall impose a term of community supervision limited to the conditions allowed in a diversion agreement as provided in RCW 13.40.080(2) as now or hereafter amended.

(4) If a respondent is found to be a middle offender:

(a) The court shall impose a determinate disposition within the standard range(s) for such offense: PROVIDED, That if the standard range includes a term of confinement exceeding thirty days, commitment shall be to the department for the standard range of confinement; or

(b) The court shall impose a determinate disposition of community supervision and/or up to thirty days confinement in which case, if confinement has been imposed, the court shall state either aggravating or mitigating factors as set forth in RCW 13.40.150 as now or hereafter amended.

(c) Only if the court concludes, and enters reasons for its conclusions, that disposition as provided in subsection (4) (a) or (b) of this section would effectuate a manifest injustice, the court shall sentence the juvenile to a maximum term, and the provisions of RCW 13.40.030(5), as now or hereafter amended, shall be used to determine the range. The court's finding of manifest injustice shall be supported by clear and convincing evidence.

(d) A disposition pursuant to subsection (4)(c) of this section is appealable under RCW 13.40.230, as now or hereafter amended, by the state or the respondent. A disposition pursuant to subsection (4) (a) or (b) of this section is not appealable under RCW 13.40.230 as now or hereafter amended.

(5) Whenever a juvenile offender is entitled to credit for time spent in detention prior to a dispositional order, the dispositional order shall specifically state the number of days of credit for time served.

(6) In its dispositional order, the court shall not suspend or defer the imposition or the execution of the disposition.

(7) In no case shall the term of confinement imposed by the court at disposition exceed that to which an adult could be subjected for the same offense.

NEW SECTION, Sec. 5. The legislature finds that children who are dependent or in conflict with their families and who violate court-ordered placements or other terms of a court order which may detrimentally affect their emotional or physical well-being should face the consequences of their actions. The legislature further finds that use of the power of contempt of court can accomplish this while maintaining the distinction between these children and juveniles who have violated the criminal laws. It is the intent of the legislature to broaden the court's contempt powers and emphasize that contempt is the appropriate tool for punishing violations of court orders.

Sec. 6, Section 14, chapter 298, Laws of 1981 and RCW 13.32A.250 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is punishable as contempt.

(2) Contempt under this section is punishable by a fine of up to one hundred dollars and imprisonment for up to ~~((seven))~~ fourteen days, or both.

(3) A child found in contempt under this section shall be imprisoned only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) The procedure in a contempt proceeding held under this section is governed by RCW 7.20.040 through 7.20.080, as now law or hereafter amended.

(5) A motion for contempt may be made by a parent, a child, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order adopted pursuant to this chapter.

Sec. 7, Section 1, chapter 257, Laws of 1985 and RCW 13.34.165 are each amended to read as follows:

(1) Failure by a party to comply with an order entered under this chapter is punishable as contempt.

(2) Contempt under this section is punishable by confinement for up to ~~((seven))~~ fourteen days.

(3) A child found in contempt under this section shall be confined only in a secure juvenile detention facility operated by or pursuant to a contract with a county.

(4) The procedure in a contempt proceeding under this section is governed by RCW 7.20-.040 through 7.20.080.

(5) A motion for contempt may be made by a parent, juvenile court personnel, or by any public agency, organization, or person having custody of the child under a court order entered pursuant to this chapter."

On page 1, line 1 of the title after "juveniles;" strike the remainder of the title and insert "amending 13.40.200, 13.40.300, 13.40.070, 13.40.160, 13.32A.250 and 13.34.165; creating a new section; and prescribing penalties".

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4738 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative McMullen - 1.

Excused: Representative van Dyke - 1.

Engrossed Senate Bill No. 4738 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 4891, by Senators Vognild and Cantu

Permitting certain requirements for motor vehicle dealers to be waived.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For amendment, see Journal, 46th Day, February 27, 1986.)

On motion of Mr. Wang, the committee amendment was adopted.

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

Representatives Wang and Patrick spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4891 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative McMullen - 1.

Excused: Representative van Dyke - 1.

Senate Bill No. 4891 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4926, by Committee on Governmental Operations (originally sponsored by Senators Thompson, McDonald, Rinehart and Cantu)

Revising provisions relating to agency reporting of fiscal data under the budget and accounting act.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Braddock and B. Williams spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4926, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative McMullen - 1.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 4926, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4933, by Committee on Governmental Operations (originally sponsored by Senators Fleming, Zimmerman, Rinehart, Deccio and Garrett)

Authorizing counties and cities to assist in low-income housing.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Haugen and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4933, and the bill passed the House by the following vote: Yeas, 80; nays, 16; absent, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 80.

Voting nay: Representatives Barnes, Betzoff, Bond, Chandler, Dobbs, Fuhrman, Hastings, Isaacson, Lundquist, Nealey, Padden, Patrick, Sanders, Silver, Van Luven, Williams J - 16.

Absent: Representative McMullen - 1.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 4933, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 5005, by Committee on Financial Institutions (originally sponsored by Senators Talmadge and Moore)

Providing consumer buyer protection in credit service transactions.

The bill was read the second time. Committee on Financial Institutions & Insurance recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

Mr. Lux moved adoption of the committee amendment.

On motion of Mr. Vekich, the following amendment by Representatives Vekich and Madsen to the committee amendment was adopted:

On page 10, after line 14 of the amendment insert:

"NEW SECTION, Sec. 11. There is added to chapter 19.86 RCW a new section to read as follows:

It is a violation of RCW 19.86.020 for a consumer reporting agency, as defined in the federal Fair Credit Reporting Act, 15 U.S.C. Secs 1681 through 1681t, to violate any provisions of the federal Fair Credit Reporting Act."

The committee amendment as amended was adopted.

On motion of Mr. Vekich, the following amendment to the title of the bill was adopted:

On page 1, line 2 of the title after "RCW;" insert "adding a new section to chapter 19.86 RCW;"

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

Representatives Lux and Winsley spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5005 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsold, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representative McMullen - 1.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 5005 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 5068, by Senator Moore

Modifying the office of the state actuary.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendment, see Journal, 50th Day, March 3, 1986.)

On motion of Ms. Sommers, the committee amendment was adopted.

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

Representatives Sommers and Tilly spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5068 as amended by the House, and the bill passed the House by the following vote: Yeas, 93; nays, 3; absent, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, Miller, Nealey, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Betzoff, Nelson D, Walk - 3.

Absent: Representative McMullen - 1.

Excused: Representative van Dyke - 1.

Senate Bill No. 5068 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative McMullen appeared at the bar of the House.

SENATE JOINT MEMORIAL NO. 113, by Senators McManus, Bailey, DeJarnatt, Garrett and Pullen

Requesting Congress to retain the Small Business Administration.

The memorial was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Representatives Kremen and Schoon spoke in favor of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 113, and the memorial passed the House by the following vote: Yeas, 78; nays, 19; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson G, Nutley, O'Brien, Padden, Peery, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 78.

Voting nay: Representatives Barnes, Betzoff, Bond, Braddock, Chandler, Dobbs, Fisher, Fuhrman, Hastings, Holland, Isaacson, Nealey, Nelson D, Niemi, Patrick, Prince, Sanders, Van Luven, Williams J - 19.

Excused: Representative van Dyke - 1.

Senate Joint Memorial No. 113, having received the constitutional majority, was declared passed.

SUBSTITUTE SENATE BILL NO. 4664, by Committee on Energy & Utilities (originally sponsored by Senator Williams)

Requiring liability insurance for low-level radioactive waste operations.

The bill was read the second time. On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives D. Nelson and Isaacson spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4664, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman,

Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 4664, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL, NO. 4681, by Senators Kreidler, Kiskaddon, Granlund and Deccio; by request of Department of Corrections

Revising provisions relating to inmates assigned to work/training release facilities.

The bill was read the second time. Committee on Social & Health Services recommendation: Majority, do pass with the following amendment:

On page 1, line 24 after "his" insert "or her"

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4681 as amended by the House, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Isaacson - 1.

Excused: Representative van Dyke - 1.

Senate Bill No. 4681 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4682, by Committee on Human Services & Corrections (originally sponsored by Senators Kreidler, Kiskaddon, McDonald and Granlund; by request of Department of Corrections)

Revising provisions relating to offenders performing community services.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4682, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 4682, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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

ENGROSSED SENATE BILL NO. 4620, by Senators Halsan, Johnson, Peterson, Bender, Bottiger, McManus, Warnke, Deccio and Lee; by request of Select Committee on Petroleum Marketing Practices

Modifying provisions on the retail sale of motor vehicle fuel.

The bill was read the second time. Committee on Trade & Economic Development recommendation: Majority, do pass as amended. (For amendment, see Journal, 47th Day, February 28, 1986.)

Mr. J. King moved adoption of the committee amendment.

Mr. Braddock spoke against the motion, and the amendment was not adopted.

Mr. Braddock moved adoption of the following amendment by Representatives Braddock and B. Williams:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Advertisement' means any written or printed communication or any communication by means of recorded telephone messages or spoken on radio, television, or similar communication media published in connection with an offer or sale of a franchise.

(2) 'Affiliate' means any person, firm, or corporation who controls or is controlled by any motor fuel refiner-supplier, and includes any subsidiary or affiliated corporation in which the motor fuel refiner-supplier or its shareholders, officers, agents, or employees hold or control more than twenty-five percent of the voting shares.

(3) 'Community interest' means a continuing financial interest between the motor fuel refiner-supplier and motor fuel retailer in the operation of the franchise business.

(4) 'Marketing area' means an area five miles or less in any direction from a motor fuel retailer selling products of any trademark of the motor fuel refiner-supplier.

(5) 'Motor fuel' means gasoline or diesel fuel of a type distributed for use in self-propelled motor vehicles and includes gasohol.

(6) 'Motor fuel franchise' means any oral or written contract, either expressed or implied, between a motor fuel refiner-supplier and motor fuel retailer under which the motor fuel retailer is supplied motor fuel for resale to the public under a trademark owned or controlled by the motor fuel refiner-supplier or for sale on commission or for a fee to the public, or any agreements between a motor fuel refiner-supplier and motor fuel retailer under which the retailer is permitted to occupy premises owned, leased, or controlled by the refiner-supplier for the purpose of engaging in the retail sale of motor fuel under a trademark owned or controlled by the motor fuel refiner-supplier supplied by the motor fuel refiner-supplier.

(7) 'Motor fuel refiner-supplier' means any person, firm, or corporation, including any affiliate of the person, firm, or corporation, engaged in the refining of crude oil into petroleum who supplies motor fuel for sale, consignment, or distribution through retail outlets and has an operable refinery capacity of three hundred twenty-five thousand barrels a day or more as reported to the federal department of energy.

(8) 'Motor fuel retailer' means a person, firm, or corporation that resells motor fuel entirely at one or more retail motor fuel outlets pursuant to a motor fuel franchise entered into with a refiner-supplier.

(9) 'Offer or offer to sell' includes every attempt or offer to dispose of or solicitation of an offer to buy a franchise or an interest in a franchise.

(10) 'Person' means a natural person, corporation, partnership, trust, or other entity and in the case of an entity, it shall include any other entity which has a majority interest in such an entity or effectively controls such other entity as well as the individual officers, directors, and other persons in act of control of the activities of each such entity.

(11) 'Price' means the net purchase price, after adjustment for commission, brokerage, rebate, discount, services or facilities furnished, or other such adjustment.

(12) 'Publish' means publicly to issue or circulate by newspaper, mail, radio, or television or otherwise to disseminate to the public.

(13) 'Retail motor fuel outlet' means any location where motor fuel is distributed for purposes other than resale.

(14) 'Sale or sell' includes every contract of sale, contract to sell, or disposition of a franchise.

(15) 'Trademark' means any trademark, trade name, service mark, or other identifying symbol or name.

NEW SECTION. Sec. 2. It is unlawful for any motor fuel refiner-supplier to discriminate in price between motor fuel retailers in the same marketing area for purchases of motor fuel of like grade and quality, where the effect of the discrimination may be substantially to injure, destroy, or prevent competition with any motor fuel retailer who receives the benefit of the discrimination, or with the customers of either motor fuel retailer. Nothing in this section prevents differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the fuel is sold to motor fuel retailers. Upon proof being made of discrimination under this section, the burden of rebutting the prima facie case thus made by showing justification is upon the refiner-supplier. A refiner-supplier may show justification by establishing that a differential price was only made in good faith to meet an equally low price of a competitor if the price was also offered to all other motor fuel retailers under any trademark of the refiner-supplier within the same marketing area as the motor fuel retailer receiving the lower price.

NEW SECTION. Sec. 3. Notwithstanding the terms of any motor fuel franchise, a motor fuel refiner-supplier shall not absolutely prohibit or unreasonably withhold its consent to any sale, assignment, or other transfer of the motor fuel franchise by a motor fuel retailer to a third party without fairly compensating the motor fuel retailer for the fair market value, at the time of expiration of the franchise, of the motor fuel retailer's inventory, supplies, equipment, and furnishings purchased from the motor fuel refiner-supplier, and good will, exclusive of personalized materials which have no value to the motor fuel refiner-supplier, and inventory, supplies, equipment, and furnishings not reasonably required in the conduct of the franchise business. A motor fuel refiner-supplier may offset against amounts owed to a motor fuel retailer under this section any amounts owed by the motor fuel retailer to the motor fuel refiner-supplier.

NEW SECTION. Sec. 4. Notwithstanding the terms of any motor fuel franchise, no motor fuel refiner-supplier may prohibit or prevent the sale, assignment, or other transfer of the motor fuel franchise to a corporation in which the motor fuel retailer has and maintains a controlling interest if the motor fuel retailer offers in writing personally to guarantee the performance of the obligations under the motor fuel franchise.

NEW SECTION. Sec. 5. Notwithstanding the terms of any motor fuel franchise, the interest of a motor fuel retailer under such an agreement shall be considered personal property and shall devolve on the death of the motor fuel retailer to a designated successor in interest of the retailer, limited to the retailer's spouse, adult child, or adult stepchild or, if no successor in interest is designated, to the retailer's spouse, if any. The designation shall be made, witnessed in writing by at least two persons, and delivered to the motor fuel refiner-supplier during the term of the franchise. The designation may be revised at any time by the motor fuel retailer and shall be substantially in the following form:

I (motor fuel retailer name) at the service station located at in the City of Washington, designate as my successor in interest under section 4 of this act and as my alternate successor if the originally designated successor is unable or unwilling so to act.

I so specify this day of, 19.....

The motor fuel refiner-supplier shall assist the designated successor in interest temporarily in the day-to-day operation of the service station to insure continued operation of the service station.

NEW SECTION. Sec. 6. Notwithstanding the terms of any motor fuel franchise, the motor fuel retailer shall be given the right of first refusal to purchase the real estate and/or improvements owned by the refiner-supplier at the franchise location, and at least thirty days' advance notice within which to exercise this right, prior to any sale thereof to any other buyer.

NEW SECTION. Sec. 7. Notwithstanding the terms of any motor fuel franchise, no motor fuel refiner-supplier may:

(1) Require any motor fuel retailer to meet mandatory minimum sales volume requirements for fuel or other products unless the refiner-supplier proves that its price to the motor fuel retailer has been sufficiently low to enable the motor fuel retailer reasonably to meet the mandatory minimum;

(2) Alter, or require the motor fuel retailer to consent to the alteration of, any provision of the motor fuel franchise during its effective term without mutual consent of the motor fuel retailer;

(3) Interfere with any motor fuel retailer's right to assistance of counsel on any matter or to join or be active in any trade association; and

(4) Set or compel, directly or indirectly, the retail price at which the motor fuel retailer sells motor fuel or other products to the public.

NEW SECTION. Sec. 8. It is unlawful for any person in connection with the offer, sale, or purchase of any motor fuel franchise directly or indirectly:

(1) To sell or offer to sell a motor fuel franchise in this state by means of any written or oral communication which includes an untrue statement of a material fact or omits to state a material fact necessary in order to make the statements made in light of the circumstances under which they were made not misleading.

(2) To employ any device, scheme, or artifice to defraud.

(3) To engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any person..

NEW SECTION. Sec. 9. Without limiting the other provisions of this chapter, the following specific rights and prohibitions shall govern the relation between the motor fuel refiner-supplier and the motor fuel retailers:

(1) The parties shall deal with each other in good faith.

(2) For the purposes of this chapter and without limiting its general application, it shall be an unfair or deceptive act or practice or an unfair method of competition and therefore unlawful and a violation of this chapter for any person to:

(a) Require a motor fuel retailer to purchase or lease goods or services of the motor fuel refiner-supplier or from approved sources of supply unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that such restrictive purchasing agreements are reasonably necessary for a lawful purpose justified on business grounds, and do not substantially affect competition: PROVIDED, That this provision shall not apply to the initial inventory of the motor fuel franchise. In determining whether a requirement to purchase or lease goods or services constitutes an unfair or deceptive act or practice or an unfair method of competition the courts shall be guided by the decisions of the courts of the United States interpreting and applying the anti-trust laws of the United States.

(b) Discriminate between motor fuel retailers in the charges offered or made for royalties, goods, services, equipment, rentals, advertising services, or in any other business dealing, unless and to the extent that the motor fuel refiner-supplier satisfies the burden of proving that any classification of or discrimination between motor fuel retailers is reasonable, is based on motor fuel franchises granted at materially different times and such discrimination is reasonably related to such difference in time or on other proper and justifiable distinctions considering the purposes of this chapter, and is not arbitrary.

(c) Sell, rent, or offer to sell to a motor fuel retailer any product or service for more than a fair and reasonable price.

(d) Require motor fuel retailer to assent to a release, assignment, novation, or waiver which would relieve any person from liability imposed by this chapter.

NEW SECTION. Sec. 10. (1) Any person who sells or offers to sell a motor fuel franchise in violation of this chapter shall be liable to the motor fuel retailer or motor fuel refiner-supplier who may sue at law or in equity for damages caused thereby for rescission or other relief as the court may deem appropriate. In the case of a violation of section 8 of this act rescission is not available to the plaintiff if the defendant proves that the plaintiff knew the facts concerning the untruth or omission or that the defendant exercised reasonable care and did not know or if he had exercised reasonable care would not have known of the untruth or omission.

(2) The suit authorized under subsection (1) of this section may be brought to recover the actual damages sustained by the plaintiff: PROVIDED, That the prevailing party may in the discretion of the court recover the costs of said action including a reasonable attorneys' fee.

(3) Any person who becomes liable to make payments under this section may recover contributions as in cases of contracts from any persons who, if sued separately, would have been liable to make the same payment.

(4) A final judgment, order, or decree heretofore or hereafter rendered against a person in any civil, criminal, or administrative proceedings under the United States anti-trust laws, under the Federal Trade Commission Act, or this chapter shall be regarded as evidence against such persons in any action brought by any party against such person under subsection (1) of this section as to all matters which said judgment or decree would be an estoppel between the parties thereto.

NEW SECTION. Sec. 11. The pendency of any civil, criminal, or administrative proceedings against a person brought by the federal or Washington state governments or any of their agencies under the anti-trust laws, the Federal Trade Commission Act, or any federal or state act related to anti-trust laws or to franchising, or under this chapter shall toll the limitation of this action if the action is then instituted within one year after the final judgment or order in such proceedings: PROVIDED, That said limitation of actions shall in any case toll the law so long as there is actual concealment on the part of the person.

NEW SECTION. Sec. 12. Any motor fuel retailer who is injured in his or her business by the commission of any act prohibited by this chapter, or any motor fuel retailer injured because of his or her refusal to accede to a proposal for an arrangement which, if consummated, would be in violation of this chapter may bring a civil action in superior court to enjoin further violations, to recover the actual damages sustained by him or her, or both, together with the costs of the suit, including reasonable attorney's fees.

NEW SECTION. Sec. 13. (1) The attorney general may bring an action in the name of the state against any person to restrain and prevent the doing of any act herein prohibited or

declared to be unlawful. The prevailing party may in the discretion of the court recover the costs of such action including a reasonable attorneys' fee.

(2) Nothing in this chapter limits the power of the state to punish any person for any conduct which constitutes a crime by statute or at common law.

NEW SECTION. Sec. 14. In any proceeding under this chapter, the burden of proving an exception or an exemption from definition is upon the person claiming it. Any condition, stipulation or provision purporting to bind any person acquiring a motor fuel franchise at the time of entering into a motor fuel franchise or other agreement to waive compliance with any provision of this chapter or any rule or order hereunder is void.

NEW SECTION. Sec. 15. The provisions of this chapter apply to any motor fuel franchise or contract entered into or renewed on or after the effective date of this act between a motor fuel refiner-supplier and a motor fuel retailer.

NEW SECTION. Sec. 16. The Administrative Procedure Act, chapter 34.04 RCW, shall wherever applicable herein govern the rights, remedies, and procedures respecting the administration of this chapter.

NEW SECTION. Sec. 17. It is the intent of the legislature that this chapter be interpreted consistent with chapter 19.100 RCW.

NEW SECTION. Sec. 18. This chapter shall be liberally construed to effectuate its beneficial purposes.

NEW SECTION. Sec. 19. This chapter shall be known as the 'Gasoline Dealer Bill of Rights Act.'

NEW SECTION. Sec. 20. The Washington state attorney general shall conduct a study to determine whether motor fuel refiner-suppliers are injuring competition from motor fuel retailers, by charging retailers that sell products under their trademark, prices for motor fuel which equal or exceed the prices charged for motor fuel in the same geographic market to retail customers at retail motor fuel outlets operated by company personnel, a subsidiary company, or commissioned or contract agents. The attorney general shall report his findings and recommendations to the legislature by December 1, 1986. Periodic reports shall be submitted to the legislative transportation committee. For the purposes of this study, the attorney general is authorized to use all of the civil investigative demand powers enumerated in RCW 19.86.110, subject to the procedures and requirements specified in RCW 19.86.110: PROVIDED, That disclosure of documentary material, answers to written interrogatories, or transcripts of oral testimony produced pursuant to a demand, or the contents thereof, to members of the legislature and legislative staff shall not require a court order unless the documentary material, answers to written interrogatories, or transcripts of oral testimony are identified at the time they are furnished as containing trade secrets. When seeking a court order allowing disclosure of material containing trade secrets, the attorney general shall give reasonable notice of such proceeding to the party furnishing the material.

NEW SECTION. Sec. 21. To carry out this act, the sum of forty-nine thousand dollars, or as much thereof as may be necessary, is appropriated to the office of attorney general from the motor vehicle fund for the biennium ending June 30, 1987.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. Sections 1 through 19 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION. Sec. 24. (1) Sections 20 and 21 are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions and shall take effect immediately.

(2) Sections 1 through 19, 22 and 23 of this act shall take effect June 30, 1986.*

Representatives Braddock and B. Williams spoke in favor of the amendment, and it was adopted.

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

Representatives Barnes, Braddock, Vekich, Rayburn, B. Williams, Miller and Ebersole spoke in favor of passage of the bill, and Representative Schoon opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4620 as amended by the House, and the bill passed the House by the following vote: Yeas, 92; nays, 5; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R,

Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives Bond, Dobbs, Prince, Schoon, Williams J - 5.
Excused: Representative van Dyke - 1.

Engrossed Senate Bill No. 4620 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4674, by Committee on Governmental Operations (originally sponsored by Senators Thompson and Warnke)

Providing adjustments to salaries of elective state officials.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendments, see Journal, 50th Day, March 3, 1986.)

Mr. Smitherman moved adoption of the committee amendment.

Mr. Tilly moved adoption of the following amendment by Representatives Tilly, Chandler and Armstrong to the committee amendment:

On page 5, following line 2 insert:

*Sec. 4. Section 22, chapter 299, Laws of 1961 as last amended by section 302, chapter 258, Laws of 1984 and RCW 3.34.130 are each amended to read as follows:

(1) Each district court shall designate one or more persons as judge pro tempore who shall serve during the temporary absence, disqualification, or incapacity of a district judge. The qualifications of a judge pro tempore shall be the same as for a district judge, except that with respect to RCW 3.34.060(1), the person appointed need only be a registered voter of the state. A judge pro tempore may sit in any district of the county for which he or she is appointed. A judge pro tempore shall be paid ~~((for each day he or she holds a session one-two hundred fiftieth of the annual salary of a full time district judge))~~ the salary authorized by the county legislative authority. For each day that a judge pro tempore serves in excess of thirty days during any calendar year, the annual salary of the judge in whose place he or she serves shall be reduced by an amount equal to one-two hundred fiftieth of such salary; PROVIDED, That each full time district judge shall have up to fifteen days annual leave without reduction for service on judicial commissions established by the legislature or the chief justice of the supreme court. No reduction in salary shall occur when a judge pro tempore serves while a district judge is using sick leave granted in accordance with RCW 3.34.100.

(2) The legislature may appropriate money for the purpose of reimbursing counties for the salaries of judges pro tempore for certain days in excess of thirty worked per year that the judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (1) of this section. No later than September 1 of each year, each county treasurer shall certify to the administrator for the courts for the year ending the preceding June 30, the number of days in excess of thirty that any judge pro tempore was required to work as the result of service by a judge on a commission as authorized under subsection (1) of this section. Upon receipt of the certification, the administrator for the courts shall reimburse the county from money appropriated for that purpose.

NEW SECTION. Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Renumber the remaining sections consecutively.

Representatives Tilly and Chandler spoke in favor of the amendment to the amendment, and it was adopted.

The committee amendment as amended was adopted.

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

On motion of Mr. Tilly, the following amendment to the title was adopted:

On page 1, line 2 after "RCW" insert "3.34.130"

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

Representatives Grimm and Tilly spoke in favor of passage of the bill.

Mr. J. King demanded an oral roll call vote and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4674 as amended by the House, and the bill passed the House by the following vote: Yeas, 56; nays, 41; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Belcher, Betzoff, Braddock, Brekke, Chandler, Cole, Crane, Day, Dellwo, Ebersole, Fisher, Gallagher, Grimm, Haugen, Hine, Isaacson, Jacobsen, King J, King R, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Miller, Nealey, Nelson D, Niemi, Nutley, O'Brien, Patrick, Rust, Sayan, Scott, Smith C, Sommers, Sutherland, Tilly, Unsoeld, Vander Stoep, Vekich, Walk, Walker, Wang, West, Wilson S, Wineberry, Winsley, and Mr. Speaker - 56.

Voting nay: Representatives Addison, Barnes, Baugher, Bond, Bristow, Brooks, Brough, Dobbs, Doty, Fisch, Fuhrman, Hankins, Hargrove, Hastings, Holland, King P, Kremen, Long, Lundquist, May, Nelson G, Padden, Peery, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith L, Smitherman, Tanner, Taylor, Thomas, Todd, Valle, Van Luven, Williams B, Williams J, Wilson K, Zellinsky - 41.

Excused: Representative van Dyke - 1.

Engrossed Substitute Senate Bill No. 4674 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

ENGROSSED SENATE BILL NO. 3636, by Senator Moore

Relating to insurance.

The bill was read the third time and placed on final passage.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 3636, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Engrossed Senate Bill No. 3636, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House reverted to the sixth order of business.

SECOND READING

SUBSTITUTE SENATE BILL NO. 4547, by Committee on Agriculture (originally sponsored by Senators Hansen, Newhouse, Goltz, Barr, Bauer, Gaspard, Benitz and Bailey)

Providing for crop liens.

The bill was read the second time. Committee on Agriculture recommendation: Majority, do pass as amended. (For amendments, see Journal, 40th Day, February 21, 1986.)

On motion of Mr. Vekich, the committee amendments were adopted.

On motion of Ms. Hine, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4547 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 4547 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4553, by Committee on Agriculture (originally sponsored by Senators Hansen, Barr, Goltz, Newhouse, Bailey and Benitz)

Authorizing beef commission to levy assessments for promotion and research.

The bill was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Representatives Vekich and Nealey spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4553, and the bill passed the House by the following vote: Yeas, 96; absent, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 96.

Absent: Mr. Speaker - 1.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 4553, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1518,
HOUSE BILL NO. 1519,
SUBSTITUTE HOUSE BILL NO. 1540,
SUBSTITUTE HOUSE BILL NO. 1802,
HOUSE BILL NO. 1868.

MOTION

On motion of Mr. J. King, SUBSTITUTE SENATE BILL NO. 3842 and ENGROSSED SUBSTITUTE SENATE BILL NO. 4557 were referred from the second reading calendar to Committee on Rules.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4503, by Committee on Commerce & Labor (originally sponsored by Senator Warnke)

Revising provisions on the taxation of mobile homes, travel trailers, and campers.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended. (For amendment, see Journal, 50th Day, March 3, 1986.)

Mr. Braddock moved adoption of the committee amendment.

On motion of Mr. Appelwick, the following amendment to the committee amendment was adopted:

On page 1, line 29 after "unit" insert "at the time of sale"

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

On page 5, after line 9 insert the following new sections:

"NEW SECTION, Sec. 5. A new section is added to chapter 46.04 RCW to read as follows:

"Travel trailer" means a vehicle designed for human habitation and without motive power that does not require an oversized permit when being drawn by a motor vehicle upon the public highways.

Sec. 6. Section 73, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.625 are each amended to read as follows:

No person or persons shall occupy ~~((any))~~ a trailer while it is being moved upon a public highway, except ~~((a))~~ when the person is:

(1) Occupying a proper position for steering a trailer designed to be steered from a rear-end position,

(2) Riding in a travel trailer that is connected to a towing unit with a fifth-wheel coupling device if the trailer is equipped with:

(a) Safety glazing materials as defined in RCW 46.37.430, in all window and door glass;

(b) An auditory signaling device for communication between the fifth-wheel connected trailer and the towing unit; and

(c) At least one unobstructed exit capable of being opened from both the interior and exterior of the vehicle.

It is unlawful for any person to tow a fifth-wheel travel trailer in which (i) a child under the age of five is riding unless the child is secured in a child restraint system in compliance with RCW 46.61.687, and (ii) a child under the age of twelve is riding unless the child is accompanied by a person sixteen years of age or older.

A fifth-wheel for a travel trailer is a coupling device that is secured to the frame of a towing unit and mounted in such a manner to ensure proper distribution of the gross weight of the towed trailer on the front and rear axles of the towing unit. The king pin on the trailer shall be permanently attached. The fifth-wheel locking device shall apply automatically upon coupling of the king pin with the fifth-wheel. Every fifth-wheel assembly shall be equipped with a locking mechanism that prevents separation of the lower half and king pin unless a positive manual release is activated.

POINT OF ORDER

Mr. Walk: "Mr. Speaker, would you rule on the scope and object of this amendment?"

SPEAKER'S RULING

The Speaker: "The Speaker has examined ESSB 4503 and the committee amendment. I have also examined the amendment by Representative Doty. The bill is an act relating to the taxation of mobile homes, travel trailers and campers. The amendment deals with the motor vehicle code. It amends the Rules of the Road provisions on riding in trailers. Having examined both, the Speaker finds that the amendment expands the scope and object of the committee amendment and the bill. Therefore, your point is well taken, Representative Walk, the amendment is ruled out of order."

The committee amendment as amended was adopted.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4503 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Waik, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Engrossed Substitute Senate Bill No. 4503 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 1:00 p.m.

AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker.

MESSAGE FROM THE SENATE

March 6, 1986

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 1218,
 SUBSTITUTE HOUSE BILL NO. 1391,
 SUBSTITUTE HOUSE BILL NO. 1401,
 SUBSTITUTE HOUSE BILL NO. 1403,
 HOUSE BILL NO. 1407,
 SUBSTITUTE HOUSE BILL NO. 1408,
 HOUSE BILL NO. 1415,
 HOUSE BILL NO. 1441,
 HOUSE BILL NO. 1450,
 SUBSTITUTE HOUSE BILL NO. 1458,
 SUBSTITUTE HOUSE BILL NO. 1580,
 HOUSE BILL NO. 1635,
 ENGROSSED HOUSE BILL NO. 1656,
 SUBSTITUTE HOUSE BILL NO. 1669,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1678,
 HOUSE BILL NO. 1720,
 SUBSTITUTE HOUSE BILL NO. 1815.

and the same are herewith transmitted.

Bill Gleason, Assistant Secretary.

The House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HCR 27 by Representatives Bond, Van Luven, J. Williams, Tanner, C. Smith, Haugen, Zellinsky, Nealey, Baugher, S. Wilson, Hargrove, Smitherman, Padden, Kremen, B. Williams, Silver, Braddock, L. Smith and Sanders

Adopting Taiwan/Republic of China as sister state.

Referred to Committee on State Government.

SECOND READING

SENATE JOINT MEMORIAL NO. 143, by Senator Williams

Petitioning for a regional approach to regulation of the transportation of radioactive materials.

The memorial was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Mr. D. Nelson spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 143, and the memorial passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Senate Joint Memorial No. 143, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 126, by Senators Bender, Rasmussen, Moore, McDermott, DeJarnatt, Warnke and Garrett

Petitioning Congress to prevent reductions in benefits to disabled veterans.

The memorial was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the memorial was placed on final passage.

Ms. Brekke spoke in favor of passage of the memorial.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Memorial No. 126, and the memorial passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Senate Joint Memorial No. 126, having received the constitutional majority, was declared passed.

The Speaker called on Ms. Hine to preside.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-150, by Representatives McMullen, Lundquist, Vekich and Basich

WHEREAS, It is the policy of the Legislature to recognize outstanding accomplishments in the performing arts; and

WHEREAS, The Vela Luka Croatian Dancers of Anacortes is an especially talented group of people whose cultural exhibitions are symbolic of the Croatian area of Yugoslavia and help forge a cross-cultural link between citizens of that country and of Washington State; and

WHEREAS, Nearly all sixty-five members of the Vela Luka Dancers have a heritage of Croatian ancestry and came to settle in Skagit County, sharing the toils of labor and fruits of freedom and adding significantly to the great cultural melting pot of America; and

WHEREAS, This remarkable folk dance troupe has performed for years to the pleasure and delight of thousands across the state; and

WHEREAS, The Vela Luka Croatian Dancers have been invited to exhibit their talents at the rededication celebration of the Statue of Liberty on July 4, 5 and 6 in New York City, thus representing all of Washington State in the ceremony to mark the 100th anniversary of the statue; and

WHEREAS, The newly renovated Statue of Liberty will continue to stand as a beacon of freedom and democracy for the entire world;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the Vela Luka Croatian Folklore Ensemble as an official emissary of this state to the forthcoming centennial rededication of the Statue of Liberty and commend the continued educational, cultural and artistic endeavors in bringing entertainment and heritage to the people of the State of Washington; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Maria Petrish, founder and director of the Vela Luka Dance Company.

Mr. McMullen moved adoption of the resolution. Representatives McMullen, Basich, Lundquist and Vekich spoke in favor of the resolution and it was adopted.

The House reverted to the sixth order of business.

SECOND READING

REENGROSSED SUBSTITUTE SENATE BILL NO. 3498, by Committee on Commerce & Labor (originally sponsored by Senators Warnke, Bender, Vognild and Stratton)

Regulating recreational water contact facilities.

The bill was read the second time. Committee on Social & Health Services recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

Ms. Brekke moved adoption of the committee amendment.

Mr. Day moved adoption of the following amendments by Representatives Day, Ballard, Padden, Tanner, Dobbs, P. King, Miller, Lewis and Bristow to the committee amendment:

On page 1 of the amendment, line 25, after "means" strike all material down to and including "purposes." on page 2, line 27 and insert "an artificial water contact facility with design and operational features that provide patron recreational activity which is different from that associated with a conventional swimming pool and purposefully involves immersion of the body partially or totally in the water, including but not limited to, water slides, wave pools, and water amusement lagoons which bring water in contact with patrons. It shall also include 'public bath houses' as defined in this section."

On page 3 of the amendment, after line 8, insert the following:

"(7) 'Public bath house' means any place open to the public for a fee where Russian, Turkish, Swedish, hot air, vapor, electric cabinet, or other baths of any kind are given or furnished, except an ordinary tub bath where an attendant is not required, or baths given in any hospital or by licensed physical therapists treating a patient under a written prescription of a licensed physician or by any health practitioner authorized to treat the sick, injured, or infirm."

On page 8 of the amendment, line 13, after "affect," strike all material down to and including "requirements" on line 25 and insert "local health ordinances existing as of the effective date of this act which regulate water contact facilities"

On page 8 of the amendment, line 26, after "Sec. 14." strike all material down to and including "patrons" on page 9, line 13 and insert "The board may require a recreational water contact facility to purchase insurance in an amount not less than five hundred thousand dollars against liability for bodily injury to or death of one or more persons in any one accident arising out of the use of the facility"

On page 9 of the amendment, beginning on line 23, strike all material down to and including "70.90.900." on page 10, line 3

Renumber the sections consecutively and correct all internal references accordingly.

POINT OF ORDER

Ms. Brekke: "I request a ruling on scope and object."

SPEAKER'S RULING (MS. HINE PRESIDING)

The Speaker (Ms. Hine presiding): "Representative Brekke, the Speaker has examined the bill. The bill deals with water contact within the bill and some of the subjects that are discussed in the amendment are also considered in the bill. Therefore, the Speaker finds your point is not well taken."

Representatives Day, Ballard, Lewis and Dobbs spoke in favor of the amendments to the committee amendment, and Representatives Brekke and Leonard opposed them.

Mr. Day spoke again in favor of the amendments, and they were adopted.

The committee amendment as amended was adopted.

On motion of Ms. Brekke, the committee amendment to the title of the bill was adopted.

On motion of Mr. Day, the following amendment to the title of the bill was adopted:

On page 1, line 2 after "70.90 RCW;" strike the remainder of the title and insert "and prescribing penalties."

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

Representatives Brekke, Day and Lux spoke in favor of passage of the bill, and Representative Brough opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute Senate Bill No. 3498 as amended by the House, and the bill passed the House by the following vote: Yeas, 72; nays, 25; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Basich, Baugher, Braddock, Brekke, Bristow, Brooks, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Gallagher, Grimm, Hankins, Hargrove, Hastings, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Schoon, Smith L, Smitherman, Sommers, Sutherland, Tanner, Thomas, Tilly, Todd, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wineberry, Winsley, and Mr. Speaker - 72.

Voting nay: Representatives Barnes, Barrett, Belcher, Betrozoff, Bond, Brough, Chandler, Cole, Dobbs, Fisher, Fuhrman, Haugen, Nealey, Padden, Prince, Sanders, Scott, Silver, Smith C, Taylor, Unsoeld, Van Luven, Williams J, Wilson S, Zellinsky - 25.

Excused: Representative van Dyke - 1.

Reengrossed Substitute Senate Bill No. 3498 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE JOINT RESOLUTION NO. 136, by Senators Talmadge and Metcalf

Revising the membership of the judicial qualifications commission.

The resolution was read the second time. Committee on Judiciary recommendation: Majority, do pass as amended. (For amendments, see Journal, 47th Day, February 28, 1986.)

On motion of Mr. Armstrong, the committee amendments were adopted.

Mr. Padden moved adoption of the following amendment by Representatives B. Williams, Walker, Thomas and Brough:

On page 1, after line 29 insert the following paragraphs:

"Whenever the commission receives a complaint against a judge or justice, it shall first conduct proceedings for the purpose of determining whether sufficient reason exists for conducting a hearing or hearings to deal with the accusations. These initial proceedings shall be confidential, unless confidentiality is waived by the judge or justice, but all subsequent hearings conducted by the commission shall be open to members of the public.

Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court."

Mr. Padden spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Padden yielded to question by Mr. Armstrong.

Mr. Armstrong: "Representative Padden, how does this procedure that you recommend differ from the current procedure?"

Mr. Padden: "Representative Armstrong, as I understand it, right now we are waiting on the disciplinary action with a certain judge. We are waiting for the Supreme Court to act and it's my understanding that judge is still hearing cases. There's some question of public confidence here. Secondly, with regard to the area of opening up the commission hearings, the commission is only open to hearings when they do it on their own motion and they have only done it, I believe, on one occasion. This was a matter that was discussed in the Judicial Administration Commission gatherings and it's something I think will be supported by the public."

Representatives Armstrong and Niemi opposed the amendment, and Representatives Lewis, B. Williams and Tilly spoke in favor of it.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative B. Williams and others to page 1, line 29 of Senate Joint Resolution No. 136, and the amendment was adopted by the following vote: Yeas, 76; nays, 21; excused, 1.

Voting yea: Representatives Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Baugher, Belcher, Betrozoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Day, Dellwo, Dobbs, Doty, Ebersole, Fisher, Fuhrman, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, King P, Kremen, Lewis, Long, Lundquist, Madsen, May, Miller, Nealey, Nelson G, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Valle, Van Luven, Vander Stoep, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 76.

Voting nay: Representatives Appelwick, Basich, Brekke, Crane, Fisch, Gallagher, Jacobsen, King J, King R, Leonard, Locke, Lux, McMullen, Nelson D, Niemi, Nutley, Rust, Scott, Todd, Unsoeld, Vekich - 21.

Excused: Representative van Dyke - 1.

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

Mr. Armstrong spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Senate Joint Resolution No. 136 as amended by the House, and the resolution passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Senate Joint Resolution No. 136 as amended by the House, having received the constitutional majority, was declared passed.

ENGROSSED SENATE BILL NO. 4725, by Senators Warnke, Hayner and Bottiger; by request of Board of Accountancy

Revising provisions of the accountancy act.

The bill was read the second time. Committee on Commerce & Labor recommendation: Majority, do pass as amended. (For amendments, see Journal, 45th Day, February 26, 1986.)

Mr. Wang moved adoption of the committee amendment.

On motion of Ms. Belcher, the following amendment by Representatives Belcher and Wang to the committee amendment was adopted:

On page 1, after line 6, strike the remainder of the amendment and insert the following:

'Sec. 1, Section 3, chapter 234, Laws of 1983 and RCW 18.04.025 are each amended to read as follows:

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

(1) 'Board' means the board of accountancy created by RCW 18.04.035.

(2) 'Certified public accountant' or 'CPA' means a person holding a certified public accountant certificate issued under this chapter or the accountancy act of any state.

(3) 'Department' means the department of licensing.

(4) 'Director' means the director of the department of licensing or the director's designee.

(5) 'State' includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

((4)) (6) 'Opinions on financial statements' are any reports prepared by certified public accountants, based on examinations in accordance with generally accepted auditing standards as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting.

((5)) (7) The 'practice of public accounting' means performing services as one skilled in the knowledge and practice of public accounting and preparing reports designated as 'audit reports,' 'review reports,' and 'compilation reports.'

(8) 'Firm' means a sole proprietorship, a corporation, or a partnership.

(9) 'CPE' means continuing professional education.

(10) 'Certificate' means a certificate as a certified public accountant issued under this chapter, or a corresponding certificate issued by another state.

(11) 'Licensee' means the holder of a certificate who also holds a valid license issued under this chapter.

(12) 'License' means a biennial license issued to an individual or firm under this chapter.

(13) 'Quality assurance review' means a study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

Sec. 2, Section 4, chapter 234, Laws of 1983 and RCW 18.04.035 are each amended to read as follows:

(1) There is created a board of accountancy for the state of Washington to be known as the Washington board of accountancy. The board shall consist of five members appointed by the governor. Members of the board shall include four persons who hold certified public accountant certificates and have been in public practice as certified public accountants in this state continuously for the previous ten years. The fifth member shall be the public member and shall be a person who is qualified to judge whether the qualifications, activities, and professional practice of those regulated under this chapter conform with standards to protect the public interest.

(2) The members of the board of accountancy (~~existing immediately prior to July 1, 1983, shall serve out their existing terms as members of the board created under this act. Thereafter, each member of the board~~) shall be appointed by the governor to a term of three years. (~~Their successors shall be appointed for terms of three years.~~) Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of a member's term of office, the member shall continue to serve until a successor has been appointed and has assumed office. The governor shall remove from the board any member whose certificate or (~~permit~~) license to practice has been revoked or suspended and may, after hearing, remove any member of the board for neglect of duty or other just cause. No person who has served two successive complete terms is eligible for reappointment. Appointment to fill an unexpired term is not considered a complete term.

Sec. 3, Section 5, chapter 234, Laws of 1983 and RCW 18.04.045 are each amended to read as follows:

(1) The board shall annually elect a chairman, a vice chairman, and a secretary from its members.

(2) The board may adopt and amend rules under chapter 34.04 RCW for the orderly conduct of its affairs ~~((and for the administration of this chapter)).~~

(3) A majority of the board constitutes a quorum for the transaction of business.

(4) The board shall have a seal which shall be judicially noticed.

(5) The board shall keep records of its proceedings, and of any proceeding in court arising from or founded upon this chapter. Copies of these records certified as correct under the seal of the board are admissible in evidence as tending to prove the content of the records.

~~((The board may employ personnel and arrange for assistance as it requires to perform its duties.~~

~~((2))~~ (6) Each member of the board shall receive compensation as provided under RCW 18.04.080.

~~((3))~~ (7) The board shall file an annual report of its activities with the governor. ~~((The report shall include but not be limited to a statement of all receipts and disbursements and a listing of all certified public accountants who are registered, or who have offices registered, or permits to practice issued under this chapter.))~~ Upon request, the ~~((board))~~ department shall mail a copy of each annual report ~~((to any person, office, partnership, or corporation listed, or))~~ to any member of the public.

Sec. 4. Section 6, chapter 234, Laws of 1983 and RCW 18.04.055 are each amended to read as follows:

The board shall prescribe rules consistent with this chapter as necessary to implement this chapter. Included may be:

(1) Rules of procedure to govern the conduct of matters before the board;

(2) Rules of professional conduct to establish and maintain high standards of competence and integrity in the profession;

(3) Educational requirements to set for an examination or for the issuance of the certificate or license of certified public accountant;

(4) Rules designed to ensure that certified public accountants' 'opinions on financial statements' meet the definitional requirements for that term as specified in RCW 18.04.025;

(5) Requirements for continuing professional education to maintain or improve the professional competence of ~~((permit))~~ certificate and license holders ~~((to practice under RCW 18.04.215))~~ as a condition to maintaining their ~~((continuing in the practice of public accounting))~~ certificate or license to practice under RCW 18.04.215;

(6) Regulations governing sole proprietors, partnerships, and corporations practicing public accounting including, but not limited to, rules concerning their style, name, title, and affiliation with any other organization, and establishing reasonable practice standards to protect the public interest;~~((and))~~

(7) The board may by rule implement a quality assurance review program as a means to monitor licensees' quality of practice and compliance with professional standards. The board may exempt from such program, licensees who undergo periodic peer reviews in programs of the American Institute of Certified Public Accountants, National Association of State Boards of Accountancy, or other programs recognized and approved by the board by rule.

(8) The board may by rule require firms to obtain professional liability insurance if in the board's discretion such insurance provides additional and necessary protection for the public; and

(9) Any other rule which the board finds necessary or appropriate to implement this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 18.04 RCW to read as follows:

The director may employ persons to administer this chapter.

NEW SECTION. Sec. 6. A new section is added to chapter 18.04 RCW to read as follows:

The director shall establish fees in accordance with RCW 43.24.086.

Sec. 7. Section 7, chapter 234, Laws of 1983 as amended by section 3, chapter 57, Laws of 1985 and RCW 18.04.105 are each amended to read as follows:

(1) The certificate of 'certified public accountant' shall be ~~((granted))~~ issued by the ~~((board))~~ department to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The department may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee and if the finding by the department of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the department shall furnish the applicant a statement containing the findings of the department and a notice of the applicant's right of appeal:

(b) Who has ~~((a baccalaureate degree conferred by a college or university recognized by the board, and whose educational program included an accounting concentration or its equivalent, and related subjects))~~ met such educational standards established by rule as the board determines to be appropriate; and

(c) Who has passed a written examination in accounting, auditing, and related subjects the board determines to be appropriate.

~~(2) ((The board may, in its discretion, waive the educational requirement for any person if it is satisfied, by appropriate means of evaluation, that the person's educational qualifications are an acceptable substitute for the requirements of subsection (1)(b) of this section.~~

~~(3)) The examination described in subsection (1)(c) of this section shall be held by the ((board)) department and shall take place as often as the board determines to be desirable, but at least once a year. The board may use all or any part of the examination ((and)) or grading service of the American Institute of Certified Public Accountants or National Association of State Boards of Accountancy to assist it in performing its duties under this chapter.~~

~~((4) A person who has met the educational requirements of subsection (1)(b) of this section, or who expects to meet it within one hundred twenty days following the examination, or with respect to whom it has been waived under subsection (2) of this section, is eligible to take the examination if the person also meets the requirements of subsection (1)(a) of this section. If a person is admitted to the examination on the expectation that he or she will complete the educational requirement within one hundred twenty days, no certificate may be issued, nor credit for the examination or any part of it be given, unless this requirement is in fact completed within that time or within such time as the board in its discretion may determine upon application.~~

~~(5)) (3) The board may, by rule, provide for granting credit to a person for satisfactory completion of a written examination in any one or more of the subjects specified in subsection (1)(c) of this section given by the licensing authority in any other state. These rules shall include requirements the board determines to be appropriate in order that any examination approved as a basis for any credit shall, in the judgment of the board, be at least as thorough as the most recent examination given by the board at the time credit is granted.~~

~~(4) The board may, by rule, prescribe the terms and conditions under which a person who passes the examination in one or more of the subjects indicated in subsection (1)(c) of this section may be reexamined in only the remaining subjects, giving credit for the subjects previously passed. It may also provide by rule for a reasonable waiting period for a person's reexamination in a subject he or she has failed. A person is entitled to any number of reexaminations, subject to this subsection and any other rules adopted by the board.~~

~~(5) A person passing the examination in any one or more subjects specified in subsection (1)(c) of this section shall meet the educational requirements of subsection (1)(b) of this section in effect on the date the person successfully completes the requirements of subsection (1)(c) of this section. The board may provide, by rule, for exceptions to prevent what it determines to be undue hardship to applicants.~~

~~(6) The ((board)) department shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection ~~((5)) (4)~~ of this section for each subject in which the applicant is reexamined~~((or for evaluation of a person's educational qualifications under subsection (2) of this section))~~. The application fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the ((board)) director under ~~((chapter 18.04))~~ RCW 43.24.086. There is established in the state treasury an account to be known as the certified public accountants' ~~((examination))~~ account. All fees received from candidates to take any or all sections of the certified public accountant examination ~~((shall be deposited by the board into this account, and funds appropriated from the account))~~ shall be used only for costs ~~((directly))~~ related to the examination. All earnings of investments of balances in the certified public accountants' ~~((examination))~~ account shall be credited to the general fund.~~

~~(7) Persons who on ((July 1, 1983)) June 30, 1986, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.~~

~~(8)((a) Persons who on July 1, 1983, hold registrations as licensed public accountants and annual permits to practice previously issued under the laws of this state shall be entitled to practice public accounting and be known as certified public accountants and to use the designation "CPA" provided that these persons continue to hold permits to practice under this chapter.~~

~~((b)) Persons who held qualifications as licensed public accountants but who do not hold annual permits to practice on July 1, 1983, are not entitled to engage in the practice of public accounting under this chapter ((unless they meet the requirements imposed by this chapter for certified public accountants)). ((These)) No person((s)) shall ((not)) use the term 'licensed public accountant((s))' or the designation 'LPA.'~~

~~(9) A certificate of a 'certified public accountant' under this chapter is issued on a biennial basis with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.~~

(10) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant holding a certificate on the effective date of this act shall verify to the board that he or she has completed at least ten days or an accumulation of eighty hours of continuing professional education during the last two-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; and

(d) Establish proceedings for revocation, suspension, and reinstatement of certificates for failure to meet the continuing professional education requirement.

(11) Failure to furnish verification of the completion of the continuing professional education requirement constitutes grounds for revocation, suspension, or failure to renew the certificate, unless the board determines that the failure was due to reasonable cause or excusable neglect.

Sec. 8. Section 8, chapter 234, Laws of 1983 and RCW 18.04.185 are each amended to read as follows:

(1) Application for certification as certified public accountants by persons who are not residents of this state constitutes appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicants arising from any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.

(2) Application for a biennial ~~((permit))~~ license to practice public accounting in this state by a certified public accountant or CPA firm who holds a license or permit to practice issued by another state constitutes the appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicant arising from any transaction or operation connected with or incidental to the practice of public accounting in this state by the holder of the biennial ~~((permit))~~ license to practice.

Sec. 9. Section 9, chapter 234, Laws of 1983 and RCW 18.04.195 are each amended to read as follows:

(1) A sole proprietorship engaged in this state in the practice of public accounting shall license biennially with the department as a firm.

(a) The principal purpose and business of the firm shall be to furnish services to the public which are consistent with this chapter and the rules of the board.

(b) The person shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(c) Each resident licensee in charge of an office of the sole proprietorship engaged in this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(2) A partnership engaged in this state in the practice of public accounting shall ~~((register))~~ license biennially with the ~~((board))~~ department as a partnership of certified public accountants, and shall meet the following requirements:

(a) The principal purpose and business of the partnership shall be to furnish services to the public which are consistent with this chapter and the rules of the board;

(b) At least one general partner of the partnership shall be a certified public accountant holding a ~~((permit))~~ license to practice under RCW 18.04.215;

(c) Each resident ~~((manager))~~ licensee in charge of an office of the partnership in this state and each resident partner personally engaged within this state in the practice of public accounting ~~((as a member in the office))~~ shall be a certified public accountant holding a ~~((permit))~~ license to practice under RCW 18.04.215.

~~((#))~~ (3) A corporation organized for the practice of public accounting and engaged in this state in the practice of public accounting shall ~~((register))~~ license biennially with the ~~((board))~~ department as a corporation of certified public accountants and shall meet the following requirements:

(a) The principal purpose and business of the corporation shall be to furnish services to the public which are consistent with this chapter and the rules of the board; and

(b) Each shareholder of the corporation shall be a certified public accountant of some state holding a ~~((permit))~~ license to practice and shall be principally employed by the corporation or actively engaged in its business. No other person may have any interest in the stock of the corporation. The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation shall be a certified public accountant of some state holding a ~~((permit))~~ license to practice;

(c) At least one shareholder of the corporation shall be a certified public accountant holding a ~~((permit))~~ license to practice under RCW 18.04.215;

(d) Each resident ~~((manager))~~ licensee in charge of an office of the corporation in this state and each shareholder or director personally engaged within this state in the practice of public accounting shall be a certified public accountant holding a ~~((permit))~~ license to practice under RCW 18.04.215;

(e) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding; and

(f) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe.

~~((3))~~ (4) Application for ~~(registration of)~~ a license as a ~~((partnership or corporation))~~ firm shall be made upon the affidavit of ~~((a general))~~ the proprietor or person designated as managing partner or shareholder ~~((who is))~~ for Washington. This person shall be a certified public accountant holding a ~~((permit))~~ license to practice under RCW 18.04.215. The ~~((board))~~ department shall determine in each case whether the applicant is eligible for ~~((registration))~~ a license. A partnership or corporation which is ~~((so registered and which holds a permit))~~ licensed to practice under RCW 18.04.215 may use the designation 'certified public accountants' or 'CPAs' in connection with its partnership or corporate name. The ~~((board))~~ department shall be given notification within ~~((thirty))~~ ninety days after the admission or withdrawal of a partner or shareholder engaged in this state in the practice of public accounting from any partnership or corporation so ~~((registered))~~ licensed.

~~((4))~~ (5) Fees for the ~~((registration of partnerships or corporations))~~ license as a firm and for notification of the ~~((board))~~ department of the admission or withdrawal of a partner or shareholder shall be determined by the ~~((board))~~ director under RCW 43.24.086. Fees shall be paid by the ~~((applicant))~~ firm at the time the ~~((registration))~~ license application form or notice of admission or withdrawal of a partner or shareholder is filed with the ~~((board))~~ department.

Sec. 10. Section 10, chapter 234, Laws of 1983 and RCW 18.04.205 are each amended to read as follows:

(1) Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or a partnership or corporation of certified public accountants, shall register with the ~~((board))~~ department under this chapter biennially.

(2) Each office shall be under the direct supervision of a resident ~~((manager))~~ licensee holding a ~~((permit))~~ license to practice under RCW 18.04.215 who may be ~~((either))~~ a sole proprietor, partner, principal shareholder, or a staff employee.

~~((2))~~ (3) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the practice of public accounting.

~~((3))~~ (4) Fees for the registration of offices shall be determined by the ~~((board))~~ director under RCW 43.24.086. Fees shall be paid by the applicant at the time the registration form is filed with the ~~((board))~~ department.

Sec. 11. Section 11, chapter 234, Laws of 1983 and RCW 18.04.215 are each amended to read as follows:

(1) Biennial ~~((permits))~~ licenses to engage in the practice of public accounting in this state shall be issued by the ~~((board))~~ department:

(a) To holders of certificates as certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent;

(b) To ~~((partnerships and corporations registered))~~ firms under RCW 18.04.195, if all offices of the ~~((partnerships and corporations))~~ firm in this state are maintained and registered as required under RCW 18.04.205.

(2) All ~~((permits))~~ licenses to practice ~~((for))~~ issued to persons born in an even-numbered year expire on the last day of June ~~((1984 shall be for one year and may be renewed for a period of two years))~~ of each even-numbered year. All ~~((permits))~~ licenses to practice ~~((for))~~ issued to persons born in an odd-numbered year expire on the last day of June ~~((1985 shall be for two years and may be renewed for a period of two years))~~ of each odd-numbered year. Renewals of ~~((permits))~~ licenses to practice issued to individuals under subsection (1) (a) ~~((or b))~~ of this section shall be issued in accordance with subsection ~~((3))~~ (4) of this section. Applicants for issuance or renewal of ~~((permits))~~ licenses shall, at the time of filing their applications, list with the ~~((board))~~ department all states in which they hold or have applied for permits or licenses to practice.

~~((2))~~ (3) A certified public accountant who holds a permit or license issued by another state, and applies for a ~~((permit))~~ license in this state, may practice ~~((accounting))~~ in this state from the date of filing a completed application with the ~~((board))~~ department, until the board has acted upon the application.

~~((3))~~ (4) As a prerequisite to renewal of a ~~((permit))~~ license, a person practicing public accounting shall submit to the ~~((Washington state board of accountancy))~~ department satisfactory proof of having completed ten days or an accumulation of eighty hours of continuing education recognized and approved by the board during the preceding two years. Failure to furnish this evidence as required constitutes grounds for revocation, suspension, or refusal to

renew the ~~((permit))~~ license in a proceeding under RCW 18.04.295, unless the board determines the failure to have been due to reasonable cause or excusable neglect.

The board~~((:))~~ in its discretion~~((:))~~ may renew a biennial ~~((permit))~~ license to practice despite failure to furnish evidence of compliance with requirements of continuing professional education upon condition that the applicant follow a particular program of continuing professional education. In issuing rules and individual orders with respect to continuing professional education requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and ~~((shall))~~ may take into account the accessibility of continuing education to applicants and instances of individual hardship.

~~((4))~~ (5) Fees for biennial ((permits)) licenses to engage in the practice of public accounting in this state shall be determined by the ((board)) director under ((chapter 18.04)) RCW 43.24.086. Fees shall be paid by the applicant at the time the ((registration)) application form is filed with the ((board)) department. The department, by rule, may provide for proration of fees for licenses issued between normal renewal dates.

Sec. 12. Section 12, chapter 234, Laws of 1983 and RCW 18.04.295 are each amended to read as follows:

~~((After notice and hearing as provided in RCW 18.04.320, the board may revoke or suspend any certificate issued under RCW 18.04.105, or may revoke, suspend, or refuse to renew any permit to practice, or may censure the holder of a permit for one or a combination))~~ The board of accountancy shall have the power to revoke, suspend, or refuse to renew the license of any certified public accountant for any of the following causes:

(1) Fraud or deceit in obtaining a certificate as a certified public accountant, ~~((or in obtaining registration under this act,))~~ or in obtaining a ~~((permit))~~ license to practice public accounting under RCW 18.04.215;

(2) Dishonesty, fraud, or ~~((gross))~~ negligence in the practice of public accounting;

(3) A violation of any provision of this ~~((act))~~ chapter;

(4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this ~~((act))~~ chapter;

(5) Conviction of a crime or an act constituting a crime under:

(a) The laws of this state;

(b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or

(c) Federal law;

(6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state;

(7) Suspension or revocation of the right to practice before any state or federal agency~~((or))~~.

Sec. 13. Section 13, chapter 234, Laws of 1983 and RCW 18.04.305 are each amended to read as follows:

~~((After notice and hearing under RCW 18.04.320, the board shall revoke the registration issued to a partnership or corporation under RCW 18.04.195 and permit to practice issued to a partnership or corporation under RCW 18.04.215 if at any time the partnership or corporation does not have all the qualifications prescribed under this chapter for registration. After notice and hearing as provided in RCW 18.04.320, the board may revoke or suspend the registration of a partnership or corporation, may revoke, suspend, or refuse to renew its permit to practice))~~ The board of accountancy may revoke, suspend, or refuse to renew the license issued to a firm if at any time the firm does not meet the requirements of this chapter for licensing, or for any of the causes enumerated in RCW 18.04.295, or for any of the following additional causes:

(1) The revocation or suspension of the certificate as a certified public accountant or the revocation or suspension or refusal to renew the ~~((permit))~~ license of any partner or shareholder; or

(2) The ~~((cancellation,))~~ revocation, suspension, or refusal to renew the ~~((authority))~~ license or permit of the ~~((partnership or corporation))~~ firm, or any partner or shareholder thereof, to practice public accounting in any other state for any cause other than failure to pay a fee or to meet the requirements of continuing professional education in the other state.

Sec. 14. Section 31, chapter 226, Laws of 1949 as amended by section 14, chapter 234, Laws of 1983 and RCW 18.04.320 are each amended to read as follows:

~~((1) Proceedings for) In the case of the refusal, revocation, or suspension of ((the certificate, permit, or registration of any person, partnership, or corporation may be initiated)) a certificate or a license by the board ((on its own motion, on the complaint of any person, or on receiving notification from another state board of accountancy of its decision to:~~

(a) Revoke or suspend practice privileges granted in that state to a holder of a certified public accountant certificate or a public accountant registrant of that state; or

(b) Revoke, suspend, refuse to renew, or censure the holder of a permit to practice in that state who holds a permit to practice under RCW 18.04.215;

(2) Unless the charge or charges are dismissed by the board as unfounded or trivial, the board shall set a date for hearing not later than ninety days after formal charges are filed. A copy of the charge or charges, together with a notice of the time and place of hearing before the board shall be served not less than thirty days prior to the date set for hearing on the accused either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the board;

(3) If after having been so served with a notice of hearing, the accused fails to appear at the hearing, the board may proceed to hear evidence against him and may enter such order as may be justified by the evidence, which shall be final unless the accused petitions for a review thereof. Within thirty days from the date of any such order upon a showing of good cause for failing to appear, the board may reopen the proceedings and may permit the accused to submit evidence in his or her behalf;

(4) At any hearing the accused may appear in person and by counsel, may produce evidence and witnesses on his or her own behalf, and may cross-examine such witnesses as may appear against him. A partnership may be represented before the board by counsel or by a partner. A corporation may be represented before the board by counsel or by a shareholder. The accused shall be entitled on application to the board to the issuance of subpoenas to compel the attendance of witnesses and the production of evidence on his or her behalf;

(5) The board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with or upon hearing under this chapter. To compel obedience to a subpoena the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence;

(6) The board shall not be bound by technical rules of evidence;

(9) The decision of the board shall be by majority vote;

(10) Any person adversely affected by any action of the board may obtain a review thereof by filing a written petition for review in the superior court of the county in which he resides within thirty days after the entry of such order. A copy of the petition shall be served upon any member of the board and thereupon the board shall certify and file in the court a transcript of the record upon which the order complained of was entered. The court will hear the matter de novo, and may sustain, modify, or set aside the board's order in whole or in part, or may remand the matter to the board for further action, and may, in its discretion, stay the effect of the board's order pending its determination of the case. The court's decision has the force and effect of a decree in equity; and

(11) On rendering a decision to: (a) Revoke or suspend a certificate issued under RCW 18.04.105; (b) revoke or suspend a registration issued under RCW 18.04.195; or (c) revoke, suspend, refuse to renew, or ensure the holder of a permit to practice under RCW 18.04.215, the board shall examine its records to determine whether the accused holds a certificate, a registration, or a permit or annual limited permit to practice in any other state. If the board determines that the accused holds a certificate, or a registration in any other state, the board shall notify the board of accountancy of the other state of its decision by mail within thirty days of rendering the decision)) under the provisions of this chapter, such proceedings and any appeal therefrom shall be taken in accordance with the administrative procedure act, chapter 34.04 RCW.

Sec. 15. Section 15, chapter 234, Laws of 1983 and RCW 18.04.335 are each amended to read as follows:

Upon application in writing and after hearing pursuant to notice, the board may, if adequate justification is provided by the applicant, direct the department to:

(1) Reissue a certificate to a certified public accountant whose certificate has been revoked or suspended; or

(2) Modify the suspension of or reissue any ((permit)) license to practice which has been revoked, suspended, or which the board has refused to renew.

Sec. 16. Section 16, chapter 234, Laws of 1983 and RCW 18.04.345 are each amended to read as follows:

(1) No person may hold himself or herself out to the public, or assume or use the designation 'certified public accountant' or 'CPA' or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or CPA unless the person has received a certificate as a certified public accountant, holds a valid ((permit)) license to practice under RCW 18.04.215, and all of the person's offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(2) No ((partnership or corporation)) firm may hold itself out to the public, or assume or use the designation 'certified public accountant' or 'CPA' or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the ((partnership or corporation)) firm is composed of certified public accountants or CPAs, unless the ((partnership or corporation)) firm is ((registered as a partnership or corporation of certified public accountants)) licensed under RCW 18.04.195, holds a valid ((permit)) license to practice under RCW

18.04.215, and all offices of the (~~(partnership or corporation)~~) firm in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(3) No person, partnership, or corporation may hold himself, herself, or itself out to the public, or assume or use along, or in connection with his, hers, or its name, or any other name the title or designation 'certified accountant,' 'chartered accountant,' (~~'enrolled accountant,')~~ 'licensed accountant,' (~~'registered accountant,' 'accredited accountant,')~~ 'public accountant,' or any other title or designation likely to be confused with 'certified public accountant' or any of the abbreviations 'CA,' (~~'EA,' 'RA,')~~ 'LA,' (~~'AA,')~~ or 'PA,' or similar abbreviations likely to be confused with 'CPA.' However, nothing in this chapter prohibits use of the title 'accountant' by any person regardless of whether the person has been granted a certificate or holds a (~~(permit)~~) license under this chapter.

(4) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an 'audit,' 'review,' or 'compilation,' unless the person holds a biennial (~~(permit)~~) license to practice under RCW 18.04.215 and all of the person's offices in this state for the practice of public accounting are maintained and (~~(registered)~~) licensed under RCW 18.04.205.

(5) No person may sign, affix, or associate a (~~(partnership or corporate)~~) firm name to any report designated as an 'audit,' 'review,' or 'compilation,' unless the (~~(partnership or corporation)~~) firm is (~~(registered)~~) licensed under RCW 18.04.195(~~(-holds a permit to practice under RCW)~~) and 18.04.215, and all of its offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(6) No person, partnership, or corporation not holding a (~~(permit)~~) license to practice under RCW 18.04.215 may hold himself, herself, or itself out to the public as an 'auditor' with or without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

(7) Nothing contained in this chapter prohibits any person who is the holder of a valid certified public accountant certificate from assuming or using the designation 'certified public accountant' or 'CPA' or any other title, designation, words, letters, sign, card, or device tending to indicate that the person is a certified public accountant.

(8) No person may assume or use the designation 'certified public accountant' or 'CPA' in conjunction with names indicating or implying that there is a partnership or corporation, (~~(or in conjunction with the designation "and Company" or "and Co." or a similar designation,))~~ if there is in fact no bona fide partnership or corporation registered under RCW 18.04.195.

(9) No person, partnership, or corporation holding a (~~(permit)~~) license under RCW 18.04.215 may hold himself, herself, or itself out to the public in conjunction with the designation 'and Associates' or 'and Assoc.' unless he or she has in fact a partner or employee who holds a (~~(permit)~~) license under RCW 18.04.215.

(10) No person, partnership, or corporation may hold himself, herself, or itself out to the public for the practice of public accounting unless the person, partnership, or corporation holds a (~~(permit)~~) license to practice under RCW 18.04.215 and all of his or its offices in this state are maintained and registered under RCW 18.04.205.

Sec. 17. Section 34, chapter 226, Laws of 1949 as last amended by section 17, chapter 234, Laws of 1983 and RCW 18.04.350 are each amended to read as follows:

(1) Nothing in this chapter prohibits any person not a certified public accountant from serving as an employee of, or as assistant to, a certified public accountant or partnership composed of certified public accountants or corporation of certified public accountants holding a valid (~~(permit)~~) license under RCW 18.04.215. However, the employee or assistant shall not issue any accounting or financial statement over his or her name.

(2) Nothing in this chapter prohibits a certified public accountant registered in another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein from temporarily practicing in this state on professional business incident to his regular practice.

(3) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to other certified public accountants, peer review teams, partnerships, or corporations of public accountants engaged in conducting peer reviews, or any one of their employees in connection with peer reviews of that accountant's accounting and auditing practice conducted under the auspices of recognized professional associations.

(4) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to any employee, representative, officer, or committee member of a recognized professional association, or to the board of accountancy, or (~~(any of its employees or committees)~~) the department in connection with a professional (~~(ethics)~~) investigation held under the auspices of recognized professional associations or the board of accountancy.

(5) Nothing in this chapter prohibits any officer, employee, partner, or principal of any organization:

(a) From affixing his or her signature to any statement or report in reference to the affairs of the organization with any wording designating the position, title, or office which he or she holds in the organization; or

(b) From describing himself or herself by the position, title, or office he or she holds in such organization.

(6) Nothing in this chapter prohibits any person, or partnership or corporation composed of persons not holding a ((permit)) license under RCW 18.04.215 from offering or rendering to the public bookkeeping, accounting, and tax services, including devising and installing systems, financial information or data, or preparing financial statements, written statements describing how such financial statements were prepared, or similar services, provided that persons, partnerships, or corporations not holding a ((permit)) license under RCW 18.04.215 who offer or render these services do not designate any written statement as an 'audit report,' 'review report,' or 'compilation report,' do not issue any written statement which purports to express or disclaim an opinion on financial statements which have been audited, and do not issue any written statement which expresses assurance on financial statements which have been reviewed.

(7) Nothing in this chapter prohibits any act of or the use of any words by a public official or a public employee in the performance of his or her duties.

Sec. 18. Section 37, chapter 226, Laws of 1949 as amended by section 20, chapter 234, Laws of 1983 and RCW 18.04.380 are each amended to read as follows:

The display or presentation by a person of a card, sign, advertisement, or other printed, engraved or written instrument or device, bearing a person's name in conjunction with the words 'certified public accountant' or any abbreviation thereof, or 'licensed public accountant' or any abbreviation thereof, or 'public accountant' or any abbreviation thereof, shall be prima facie evidence in any action brought under this chapter that the person whose name is so displayed, caused or procured the display or presentation of the card, sign, advertisement, or other printed, engraved, or written instrument or device, and that the person is holding himself or herself out to be a certified public accountant or a public accountant holding a ((permit)) license to practice under this chapter. In any such action, evidence of the commission of a single act prohibited by this chapter is sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

Sec. 19. Section 38, chapter 226, Laws of 1949 as amended by section 21, chapter 234, Laws of 1983 and RCW 18.04.390 are each amended to read as follows:

(1) In the absence of an express agreement between the certified public accountant and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a certified public accountant incident to or in the course of professional service to clients, except reports submitted by a certified public accountant to a client, are the property of the certified public accountant.

(2) No statement, record, schedule, working paper, or memorandum may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the accountant or corporation, or any combined or merged partnership or corporation, or successor in interest ((~~to the partnership or corporation~~)).

(3) A licensee shall furnish to his or her client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers, to the extent that such working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account; the licensee may make and retain copies of such documents of the client when they form the basis for work done by him or her.

Sec. 20. Section 23, chapter 234, Laws of 1983 and RCW 18.04.405 are each amended to read as follows:

(1) A certified public accountant, a partnership or corporation of certified public accountants, or any of their employees shall not disclose any confidential information obtained in the course of a professional transaction except with the consent of the client or former client or as disclosure may be required by law, legal process, the standards of the profession, or as disclosure of confidential information is permitted by RCW 18.04.350 ((~~(2)~~)) (3) and ((~~(3)~~)) (4) in connection with peer reviews and ((~~ethics~~)) investigations.

(2) This section shall not be construed as limiting the authority of this state or of the United States or an agency of this state or of the United States to subpoena and use such information in connection with any investigation, public hearing, or other proceeding, nor shall this section be construed as prohibiting a certified public accountant whose professional competence has been challenged in a court of law or before an administrative agency from disclosing confidential information as a part of a defense to the court action or administrative proceeding.

Sec. 21. Section 34, chapter 234, Laws of 1983 and RCW 18.04.901 are each amended to read as follows:

If any provision of this ~~((act))~~ chapter or its application to any person or circumstance is held invalid, the remainder of the ~~((act))~~ chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 22. The following acts or parts of acts are each repealed:

- (1) Section 30, chapter 234, Laws of 1983 and RCW 43.131.311;
- (2) Section 31, chapter 234, Laws of 1983 and RCW 43.131.312; and
- (3) Section 24, chapter 234, Laws of 1983 and RCW 18.04.065.

Sec. 23. Section 1, chapter 234, Laws of 1983 and RCW 18.04.920 are each amended to read as follows:

This chapter may be cited as the public accountancy act ~~((of 1983))~~.

NEW SECTION. Sec. 24. RCW 18.04.930, 18.04.931, 18.04.932, 18.04.933, and 18.04.934 are each decodified.

NEW SECTION. Sec. 25. All administrative powers, administrative duties, and administrative functions of the board of accountancy pertaining to (1) the examination of applicants for, (2) the issuance of certificates, permits, and registrations relating to, and (3) the discipline of persons engaged in the practice of accountancy under chapter 18.04 RCW are transferred to the department of licensing.

NEW SECTION. Sec. 26. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the board of accountancy and pertaining to the powers, functions, and duties transferred by section 25 of this act shall be delivered to the custody of the department of licensing. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the board of accountancy in carrying out the powers, functions, and duties transferred by section 25 of this act shall be made available to the department of licensing. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred by section 25 of this act shall be assigned to the department of licensing.

Any appropriations made to the board of accountancy for carrying out the powers, functions, and duties transferred by section 25 of this act shall, on the effective date of this act, be transferred and credited to the department of licensing.

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

NEW SECTION. Sec. 27. All employees of the board of accountancy engaged in performing the powers, functions, and duties transferred by section 25 of this act are transferred to the jurisdiction of the department of licensing. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of licensing to perform duties within their classifications without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 28. All rules and all pending business before the board of accountancy pertaining to the powers, functions, and duties transferred by section 25 of this act shall be continued and acted upon by the department of licensing. All existing contracts and obligations shall remain in full force and shall be performed by the department of licensing.

NEW SECTION. Sec. 29. The transfer of the powers, duties, functions, and personnel of the board of accountancy shall not affect the validity of any act performed prior to the effective date of this act.

NEW SECTION. Sec. 30. If apportionments of budgeted funds are required because of the transfers directed by sections 26 through 29 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 31. Nothing contained in sections 25 through 30 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 32. For the purposes of RCW 1.12.025(2), sections 1 through 24 of this act are intended to reflect and be consistent with the amendments to chapter 18.04 RCW by chapter ... (ESHB 1758), Laws of 1986.

NEW SECTION. Sec. 33. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1986."

The Speaker (Ms. Hine presiding) stated the question before the House to be the committee amendment as amended.

Representatives Wang and Patrick spoke in favor of the amendment as amended, and it was adopted.

Mr. Wang moved adoption of the committee amendment to the title of the bill.

On motion of Mr. Wang, the following amendment to the title amendment was adopted:

On page 41 of the amendment, beginning on line 5 strike the title amendment and insert the following:

"On page 1, line 1 of the title, after "accountancy," strike the remainder of the title and insert "amending RCW 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.105, 18.04.185, 18.04.195, 18.04.205, 18.04.215, 18.04.295, 18.04.305, 18.04.320, 18.04.335, 18.04.345, 18.04.350, 18.04.380, 18.04.390, 18.04.405, 18.04.901, and 18.04.920; adding new sections to chapter 18.04 RCW; decodifying RCW 18.04.930, 18.04.931, 18.04.932, 18.04.933, and 18.04.934; repealing RCW 43.131.311, 43.131.312, and 18.04.065; declaring an emergency; and providing an effective date."

The committee amendment to the title as amended was adopted.

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

Representatives Wang and O'Brien spoke in favor of passage of the bill, and Representatives Taylor and Patrick opposed it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4725 as amended by the House, and the bill passed the House by the following vote: Yeas, 60; nays, 37; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Krømen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Silver, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 60.

Voting nay: Representatives Bailard, Barnes, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Fuhrman, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Zellinsky - 37.

Excused: Representative van Dyke - 1.

Engrossed Senate Bill No. 4725 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker resumed the Chair.

SENATE BILL NO. 4452, by Senators McDermott, Zimmerman, Gaspard, Barr, Rasmussen and Conner; by request of Legislative Budget Committee

Modifying LBC oversight assignments.

The bill was read the second time.

Mr. Vekich moved adoption of the following amendment by Representatives Vekich, Schmidt, Zellinsky, Van Luven, Fisher, Walk, Thomas, Sutherland, Baugher, Tanner, Jacobsen and S. Wilson:

On page 15, following line 34 insert the following:

"Sec. 20. Section 1, chapter 197, Laws of 1973 1st ex. sess. and RCW 44.28.086 are each amended to read as follows:

The legislative budget committee authority for management surveys contained in RCW 44.28.085 shall include reviews of program goals and objectives of public bodies, officers or employees to determine conformity with legislative intent and shall include comprehensive performance audits to ensure that legislative programs are being conducted in accordance with legislative intent and program goals and objectives. Surveys and performance audits involving agencies or programs under the jurisdiction of another statutory legislative committee shall be conducted only with the express approval of that committee."

Renumber the remaining sections consecutively.

POINT OF ORDER

Ms. Sommers: "Mr. Speaker, I would like you to rule on the scope and object of this amendment. I notice that when the Clerk read the title it seems to be a reasonably precise and tight title."

SPEAKER'S RULING

The Speaker: "Representative Sommers, the Speaker has examined the floor amendment and the bill. The Speaker would like to note that the title is 'An Act Relating to deleting of statutory duties of the Legislative Budget Committee....' In fact, the Speaker would like to note that the bill itself deals with the reduction of duties, and in addition, it eliminates a report of the Secretary of State by responsibility of submitting a report to the Legislative Budget Committee, while the amendment only reduces or diminishes the responsibilities or duties of the Legislative Budget Committee. The Speaker, after examining both, finds that it is within the scope and object of the bill and your point is not well taken."

Mr. Vekich spoke in favor of the amendment, and Ms. Belcher spoke against it.

POINT OF ORDER

Mr. Vekich: "Mr. Speaker, I think my motives are being impugned. This amendment has nothing to do with salary surveys."

SPEAKER'S RULING

The Speaker: "Representative Belcher, I was distracted talking about a technical matter so I wasn't able to hear your remarks, so I cannot judge as to whether or not you were straying from the issue and impugning the remarks. I'm sure you would not, now or in the future do so, so please continue on the issue before us."

Ms. Belcher continued her remarks in opposition to the amendment. Representatives Vander Stoep, Holland, Tilly, J. King, R. King, Sommers and Prince spoke against the amendment, and Representatives Sutherland, Schmidt and Walk spoke in favor of it.

With the consent of the House, Mr. Vekich withdrew the amendment.

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

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

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4452, and the bill passed the House by the following vote: Yeas, 85; nays, 12; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Berozoff, Bond, Chandler, Dobbs, Fuhrman, Lundquist, Nealey, Patrick, Prince, Schmidt, Van Loven, Williams J - 12.

Excused: Representative van Dyke - 1.

Senate Bill No. 4452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 4814, by Committee on Ways & Means (originally sponsored by Senators McDermott and Bailey)

Providing education for children on abuse and neglect and creating a pilot project on educating and training young mothers.

The bill was read the second time. Committee on Ways & Means recommendation: Majority, do pass as amended by Committee on Ways & Means and without Committee on Education amendments. (For amendments, see Journal 50th Day, March 3, 1986.)

Mr. Braddock moved adoption of the committee amendment.

On motion of Mr. Schoon, the following amendment to the committee amendment was adopted:

On page 1, line 21 after "Any" strike "assault" and insert "use of force"

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

On page 1, line 18 following "parent" insert ", teacher"

Representatives Schoon, Locke, Taylor, Fuhrman and Barnes spoke in favor of the amendment to the amendment, and Representatives Cole and K. Wilson opposed it.

Representatives Schoon and Locke spoke again in favor of the amendment to the amendment.

The amendment to the committee amendment was adopted.

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

On page 1, line 27 strike "never reasonable" and insert "presumed unreasonable"

Representatives Hargrove, Dellwo and Padden spoke in favor of the amendment to the amendment and it was adopted.

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

On page 1, line 13 following "use" strike "more effective and less dangerous"

On page 1, line 15 following "children" insert "that are not dangerous to the children"

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

Mr. Dellwo moved adoption of the following amendment by Representatives Dellwo, K. Wilson, Long, Locke, G. Nelson and Lewis to the committee amendment:

On page 2, line 3 after "pain" strike all material through "child" on line 7 and insert "or minor temporary marks. The age, size, and condition of the child and the location of the injury shall be considered when determining whether the bodily harm is reasonable or moderate."

Mr. Dellwo spoke in favor of the amendment.

POINT OF INQUIRY

Mr. Dellwo yielded to question by Mr. Hargrove.

Mr. Hargrove: "Representative Dellwo, is the phrase 'minor temporary marks' intended to include minor temporary bruises, redness and welts?"

Mr. Dellwo: "Yes, it is."

Mr. Hargrove spoke in favor of the amendment to the amendment, and it was adopted.

The Clerk read the following amendment by Representative West to the committee amendment:

On page 2, following line 9 insert:

"Sec. 2. Section 4, chapter 262, Laws of 1984 and RCW 9.68A.050 are each amended to read as follows:

A person who:

(1) Knowingly develops, duplicates, publishes, prints, disseminates, exchanges, finances, attempts to finance, or sells any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct; ((or))

(2) Possesses with intent to develop, duplicate, publish, print, disseminate, exchange, or sell any visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct; or

(3) Knowingly exposes a minor to visual or printed matter that depicts a minor engaged in an act of sexually explicit conduct is guilty of a class C felony punishable under chapter 9A.20 RCW.

((3)) (4) As used in this section, 'minor' means a person under ~~((sixteen))~~ eighteen years of age."

With the consent of the House, Mr. West withdrew the amendment.

The Clerk read the following amendment by Representatives West and Scott to the committee amendment:

On page 2, following line 9 insert:

NEW SECTION. Sec. 2. A new chapter is added to Title 9A RCW to read as follows: As used in this chapter:

- (1) 'Basic necessities of life' means food, shelter, clothing, and health care.
- (2)(a) 'Bodily injury,' 'physical injury,' or 'bodily harm' means physical pain or injury, illness, or an impairment of physical condition;
- (b) 'Substantial bodily harm' means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;
- (c) 'Great bodily harm' means bodily injury which creates a probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily part or organ.
- (3) 'Child' means a person under eighteen years of age.
- (4) 'Dependent person' means a person who, because of physical or mental disability, is dependent upon another person to provide the basic necessities of life.
- (5) 'Parent' has its ordinary meaning and also includes a guardian and the authorized agent of a parent or guardian.

NEW SECTION. Sec. 3. (1) A parent of a child or the person entrusted with the physical custody of a child or dependent person is guilty of criminal mistreatment in the first degree if he or she recklessly causes substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the first degree is a class B felony.

NEW SECTION. Sec. 4. (1) A parent of a child or the person entrusted with the physical custody of a child or dependent person is guilty of criminal mistreatment in the second degree if he or she recklessly either (a) creates an imminent and substantial risk of death or substantial bodily harm, or (b) causes bodily harm by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the second degree is a gross misdemeanor.

NEW SECTION. Sec. 5. Sections 3 and 4 of this act do not apply to a decision to withdraw life support systems made in accordance with law by a health care professional and family members or others with a legal duty to care for the patient.

NEW SECTION. Sec. 6. In any prosecution for criminal mistreatment because of a parent's failure to provide medical treatment for his or her child, it is a defense that the parent relied on treatment by spiritual means alone through prayer for healing in accordance with religious beliefs which were genuinely held by such parent, unless the parent had reasonable cause to believe that the life of the child was substantially and seriously threatened or that permanent physical damage could result to such child for failure to provide medical treatment."

With the consent of the House, Mr. West withdrew the amendment to the committee amendment.

Ms. Cole moved adoption of the following amendment by Representatives Cole, Rust, Belcher, Leonard, Ebersole and D. Nelson to the committee amendment:

On page 4, after line 12 insert the following new section:

NEW SECTION. Sec. 3. A new section is added to chapter 28A.04 to read as follows:

School districts shall monitor the use of corporal punishment within each school within the district as follows:

- (1) On a monthly basis, each building principal shall report to the school district superintendent the number of incidents of the use of corporal punishment for that month including the age, sex and race of the children who received corporal punishment.
- (2) Annually, the superintendent of each school district shall compile the reports from all schools within the school district and report the number of incidents of the use of corporal punishment for the year within the school district including the age, sex and race of children who received corporal punishment to the superintendent of public instruction by August 1 of each year.
- (3) The superintendent of public instruction shall report to the house and senate education committee on the statewide use of corporal punishment by December 31 of each year.

For the purpose of this section, corporal punishment includes hitting, spanking, slapping or striking a student."

Ms. Cole spoke in favor of the amendment to the amendment.

With the consent of the House, Ms. Cole withdrew the amendment to the amendment.

Mr. G. Nelson moved adoption of the following amendment by Representatives G. Nelson and Ebersole to the committee amendment:

On page 4, following line 12 insert:

*Sec. 3. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 40, Laws of 1984 and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

(10) By rule or regulation promulgated upon the advice of the state fire marshal, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(11) Hear and decide appeals as otherwise provided by law.

The state board of education is given the authority to promulgate information and rules dealing with the prevention of child abuse for purposes of curriculum use in the common schools.

Sec. 4. Section 28A.05.010, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 71, Laws of 1969 and RCW 28A.05.010 are each amended to read as follows:

All common schools shall give instruction in reading, penmanship, orthography, written and mental arithmetic, geography, English grammar, physiology and hygiene with special reference to the effects of alcoholic stimulants and narcotics on the human system, the history of the United States, and such other studies as may be prescribed by rule or regulation of the state board of education. All teachers shall stress the importance of the cultivation of manners, the fundamental principles of honesty, honor, industry and economy, the minimum requisites for good health including the beneficial effect of physical exercise, and the worth of kindness to all living creatures. The prevention of child abuse may be offered as part of the curriculum in the common schools.

Representatives G. Nelson, Locke and Ebersole spoke in favor of the amendment to the amendment, and Representatives Fuhrman, L. Smith and Taylor opposed it.

The amendment to the amendment was adopted.

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

On page 4, after line 12 insert the following:

"Sec. 3. Section 28A.87.010, chapter 223, Laws of 1969 ex. sess. as last amended by section 314, chapter 258, Laws of 1984 and RCW 28A.87.010 are each amended to read as follows:

(1) Any person who shall ~~((insult or abuse))~~ use language which inflicts injury or tends to incite an immediate breach of peace against a teacher anywhere on the school premises while such teacher is carrying out his official duties, shall be guilty of a misdemeanor(;;).

(2) The penalty for ~~((which))~~ violating this section shall be a fine of not less than ten dollars nor more than one hundred dollars."

POINT OF ORDER

Mr. Locke: "Mr. Speaker, I would challenge this amendment as being beyond the scope and object of the committee amendment."

SPEAKER'S RULING

The Speaker: "The Speaker, after looking at the amendment, and the underlying bill and the committee amendment, finds that the amendment goes beyond the subject of child abuse education programs. Therefore, your point is well taken."

The Clerk read the following amendment by Representatives Hargrove, Sutherland and L. Smith to the committee amendment:

On page 4, following line 12 insert:

"Sec. 3. Section 2, chapter 13, Laws of 1965 as last amended by section 2, chapter 97, Laws of 1984 and RCW 26.44.020 are each amended to read as follows:

For the purpose of and as used in this chapter:

(1) 'Court' means the superior court of the state of Washington, juvenile department.

(2) 'Law enforcement agency' means the police department, the prosecuting attorney, the state patrol, the director of public safety, or the office of the sheriff.

(3) 'Practitioner of the healing arts' or 'practitioner' means a person licensed by this state to practice podiatry, optometry, chiropractic, nursing, dentistry, osteopathy and surgery, or medicine and surgery. The term 'practitioner' shall include a duly accredited Christian Science practitioner: PROVIDED, HOWEVER, That a person who is being furnished Christian Science treatment by a duly accredited Christian Science practitioner shall not be considered, for that reason alone, a neglected person for the purposes of this chapter.

(4) 'Institution' means a private or public hospital or any other facility providing medical diagnosis, treatment or care.

(5) 'Department' means the state department of social and health services.

(6) 'Child' or 'children' means any person under the age of eighteen years of age and from conception.

(7) 'Professional school personnel' shall include, but not be limited to, teachers, counselors, administrators, child care facility personnel, and school nurses.

(8) 'Social worker' shall mean anyone engaged in a professional capacity during the regular course of employment in encouraging or promoting the health, welfare, support or education of children, or providing social services to adults or families, whether in an individual capacity, or as an employee or agent of any public or private organization or institution.

(9) 'Psychologist' shall mean any person licensed to practice psychology under chapter 18.83 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(10) 'Pharmacist' shall mean any registered pharmacist under the provisions of chapter 18.64 RCW, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(11) 'Clergy' shall mean any regularly licensed or ordained minister, priest or rabbi of any church or religious denomination, whether acting in an individual capacity or as an employee or agent of any public or private organization or institution.

(12) 'Child abuse or neglect' shall mean the injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under circumstances which indicate that the child's life, health, welfare, and safety is harmed thereby. An abused child is a child who has been subjected to child abuse or neglect as defined herein: PROVIDED, That this

subsection shall not be construed to authorize interference with child-raising practices, including reasonable parental discipline with a device, instrument or article commonly or traditionally used to correct or restrain a child, which are not proved to be injurious to the child's health, welfare, and safety.

(13) 'Child protective services section' shall mean the child protective services section of the department.

(14) 'Adult dependent persons not able to provide for their own protection through the criminal justice system' shall be defined as those persons over the age of eighteen years who have been found legally incompetent pursuant to chapter 11.88 RCW or found disabled to such a degree pursuant to said chapter, that such protection is indicated: PROVIDED, That no persons reporting injury, abuse, or neglect to an adult dependent person as defined herein shall suffer negative consequences if such a judicial determination of incompetency or disability has not taken place and the person reporting believes in good faith that the adult dependent person has been found legally incompetent pursuant to chapter 11.88 RCW.

(15) 'Sexual exploitation' includes: (a) Allowing, permitting, or encouraging a child to engage in prostitution by any person; or (b) allowing, permitting, encouraging, or engaging in the obscene or pornographic photographing, filming, or depicting of a child for commercial purposes as those acts are defined by state law by any person.

(16) 'Negligent treatment or maltreatment' means an act or omission which evidences a serious disregard of consequences of such magnitude as to constitute a clear and present danger to the child's life, health, welfare, and safety."

With the consent of the House, Mr. Hargrove withdrew the amendment to the committee amendment.

The committee amendment as amended was adopted.

Mr. Braddock moved adoption of the committee amendment to the title of the bill.

On motion of Mr. Braddock, the following amendment to the title amendment was adopted:

On page 4, line 19 of the committee amendment to the title after "9A.16.020" insert ", RCW 28A.04.120, and 28A.05.010"

The committee amendment to the title as amended was adopted.

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

Representatives K. Wilson, G. Nelson, Hargrove, Schoon, L. Smith and Miller spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4814 as amended by the House, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative van Dyke - 1.

Substitute Senate Bill No. 4814 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Winsley was excused.

ENGROSSED SUBSTITUTE SENATE BILL NO. 4872, by Committee on Education (originally sponsored by Senators Gaspard, Talmadge and Conner; by request of Governor)

Revising school governance.

The bill was read the second time.

Mr. J. King demanded a Call of the House and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Dobbs, Lewis, Nealey, Sanders, van Dyke, Van Luven, J. Williams and Winsley.

On motion of Mr. J. King, the absent members were excused and the House proceeded with business under the Call of the House.

Mr. Todd moved adoption of the following amendments by Representatives Todd and Crane:

On page 1, line 11 strike "~~two~~ one" and insert "two"

On page 2, line 29 strike "an individual" and insert "two individuals"

Mr. Todd spoke in favor of the amendments, and Mr. Ebersole opposed them.

The amendments were not adopted.

On motion of Mr. Ebersole, the following amendments by Representative Fuhrman were adopted:

On page 1, line 12 following "state" insert ", three members at large"

On page 1, line 27 strike "Three" and insert "Four"

On page 2, line 1 strike "three" and insert "four"

On page 2, line 3 strike "three" and insert "four"

On page 2, line 11 following "districts" insert ", one member at large"

On page 2, line 15 following "districts" insert "and one member at large"

On page 2, line 18 following "districts" insert "and one member at large"

On page 5, line 24 following "state" insert ", the members at large"

Committee on Education recommendation: Majority, do pass with the following amendments:

On page 1, line 15 before "member" strike "~~(nonvoting)~~ voting" and insert "nonvoting"

On page 5, line 24 after "state" and before "shall" on page 5, line 26 strike "and the member appointed to represent private schools meeting the requirements of RCW 28A.02.201"

Representatives Ebersole and Wang spoke in favor of the committee amendments, and Representatives Padden, Smitherman, L. Smith, O'Brien and Holland opposed them.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the committee amendments to Engrossed Substitute Senate Bill No. 4872, and the amendments were not adopted by the following vote: Yeas, 35; nays, 55; excused, 8.

Voting yea: Representatives Appelwick, Armstrong, Baugher, Belcher, Brekke, Bristow, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hine, Jacobsen, King J, King R, Leonard, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, Peery, Rayburn, Rust, Sayan, Scott, Sommers, Unsoeld, Waik, Wang, Wilson K, and Mr. Speaker - 35.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Basich, Betrozoff, Bond, Braddock, Brooks, Brough, Chandler, Day, Doty, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, King P, Kremen, Locke, Long, Lundquist, May, Miller, Nelson G, O'Brien, Padden, Patrick, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Valle, Vander Stoep, Vekich, Walker, West, Williams B, Wilson S, Wineberry, Zellinsky - 55.

Excused: Representatives Dobbs, Lewis, Nealey, Sanders, van Dyke, Van Luven, Williams J, Winsley - 8.

On motion of Mr. J. King, Representative Patrick was excused.

Mr. Padden moved adoption of the following amendments by Representatives Padden and West:

On page 1, line 14 strike "one (~~nonvoting~~) voting member" and insert "~~(one)~~ two (~~nonvoting~~) voting members"

On page 1, line 27 strike "Three" and insert "Four"

On page 2, line 11 strike "member" and insert "members"

On page 3, line 36 strike "person" and insert "persons"

On page 5, line 24 strike "member" and insert "members"

Mr. Padden spoke in favor of the amendments, and Mr. Ebersole opposed them.

The amendments were not adopted.

Mr. Lux moved adoption of the following amendments:

On page 1, line 14 after ";" strike "one" and insert "~~((one))~~"

On page 1, line 15 after "~~((nonvoting))~~" strike voting member and insert "~~((member))~~"

On page 1, line 17 strike everything beginning with "to" through ";" and before "as" on line 18 and insert "~~((all private schools in the state meeting the requirements of RCW 28A.02.201))~~"

On page 2, line 11 after "districts" strike everything through "RCW 28A.02.201" on line 13

On page 3, line 36 after "appointed" strike everything through "RCW 28A.02.201" on page 4, line 1.

Representatives Lux and Rust spoke in favor of the amendments, and Representatives Padden and Ebersole opposed them.

Mr. Lux spoke again in favor of the amendments.

The amendments were not adopted.

The Clerk read the following amendments by Representatives Holland and May:

On page 1, line 18 following "amended" insert "two nonvoting student members"

On page 3, following line 15 insert "The two nonvoting student members shall be appointed annually and shall serve a term of only one year. The term shall run from July 1 through June 30."

With the consent of the House, Mr. Holland withdrew the amendments.

Mr. Taylor moved adoption of the following amendments by Representatives Taylor and Lundquist:

On page 1, line 18 following "amended" insert "one voting member from a school district having 250 or fewer students"

On page 1, line 27 strike "Three" and insert "Four"

On page 2, line 11 following "districts" insert "the member from a school district having 250 or fewer students"

On page 5, line 24 following "state" insert "the member from a school district having 250 or fewer students"

Representatives Taylor and Lundquist spoke in favor of the amendments, and Representative Ebersole opposed them.

Mr. Taylor spoke again in favor of the amendments.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendments by Representatives Taylor and Lundquist to Engrossed Substitute Senate Bill No. 4872, and the amendments were not adopted by the following vote: Yeas, 40; nays, 49; excused, 9.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Crane, Doty, Fuhrman, Hankins, Hastings, Haugen, Holland, Isaacson, Kremen, Lundquist, May, Miller, Nelson G, Padden, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Sutherland, Taylor, Thomas, Tilly, Todd, Vander Stoep, Walker, West, Williams B, Wilson S - 40.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristol, Cole, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Long, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Tanner, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 49.

Excused: Representatives Dobbs, Lewis, Nealey, Patrick, Sanders, van Dyke, Van Luven, Williams J, Winsley - 9.

The Clerk read the following amendments by Representative Betzoff:

On page 1, line 23 strike all of section 2 and renumber the following sections consecutively.

On page 4, line 9 strike "terms for which they have been" and insert "~~((terms for which they have been))~~ time they remain"

On page 4, line 22 strike all material through line 26 and insert "He or she shall hold office ~~((for the term for which he was elected))~~ until his or her successor is ~~((elected and qualified))~~ appointed. ((Except as otherwise provided in RCW 28A.04.030, each member of the same board of education shall be elected for a term of six years.))"

On page 5, line 5 after "~~vacated~~")" strike all material through line 7 and insert "until a successor is appointed."

On page 8, following line 17 insert:

"(2) Section 28A.04.030, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 7, Laws of 1982 1st ex. sess. and RCW 28A.04.030."

Renumber the remaining subsections accordingly.

With the consent of the House, Mr. Betrozoff withdrew the amendments.

The Clerk read the following amendment by Representative Vander Stoep:

On page 1, line 21 following "instruction" insert "and with other educational leaders and personnel including officers of educational associations and parent teacher student associations, local school district superintendents, local school board members, school principals and teachers"

With the consent of the House, Mr. Vander Stoep withdrew the amendment.

Mr. Taylor moved adoption of the following amendment by Representatives Taylor and Walker:

On page 3, line 28 following "~~September~~:" insert "All candidates for membership on the state board of education shall have had at least one year's experience on a local school governing board."

Representatives Taylor, Betrozoff, Walker and Schoon spoke in favor of the amendment, and Representatives Ebersole and Hargrove opposed it.

Mr. Taylor spoke again in favor of the amendment.

The amendment was not adopted.

Mr. Fuhrman moved adoption of the following amendment by Representatives Fuhrman, Cole, Betrozoff, Haugen, L. Smith, Holland, Brough and Ebersole:

On page 3, line 31 after "public instruction," insert "or any officer or employee of any education association or organization that represents school employees, or any school directors"

Representatives Fuhrman and Ebersole spoke in favor of the amendment, and it was adopted.

Mr. Betrozoff moved adoption of the following amendment:

On page 3, line 28 after "~~September~~:" strike all material through "RCW 28A.02.201" on page 4, line 1 and insert "Any person whose appointment to the state board of education would create a conflict of interest shall not be appointed to the board unless the reason for the potential conflict of interest is removed. (1) ~~(No)~~ Any person employed in any school, college, university, or other educational institution or any educational service district superintendent's office or in the office of superintendent of public instruction; (2) Any person receiving over fifty percent of his or her gross income from moneys paid under contract with any school, college, university, or other educational institution or any educational service district; or (3) The spouse of any person described in (1) and (2) above, shall not be ~~(eligible for membership)~~ appointed as a member on the state board of education. ~~(and)~~ Each member ~~(elected who is not representative of the private schools in this state and thus not running at large)~~ appointed must be a resident of the congressional district from which he or she was ~~(elected)~~ appointed, except the person appointed to represent private schools meeting the requirements of RCW 28A.02.201."

Representatives Betrozoff and Barnes spoke in favor of the amendment, and Representatives Ebersole and L. Smith opposed it.

The amendment was not adopted.

The Clerk read the following amendment by Representative Vander Stoep:

On page 4, following line 4 insert:

"(2) There shall be an equal number of appointed members on the state board from each of the two political parties having the largest number of registered voters in the last general election."

Renumber the remaining subsections consecutively.

With the consent of the House, Mr. Vander Stoep withdrew the amendment.

Mr. Taylor moved adoption of the following amendment by Representatives Taylor, B. Williams, Betrozoff, Holland, Brooks, Zellinsky, Schmidt and Vander Stoep:

On page 5, line 11 strike all material through line 22 and insert:

"(1) The state board of education shall ~~(annually)~~ elect annually a president and vice president. Only an appointed member may be elected as president or vice president. The

superintendent of public instruction shall be an ex officio member (~~((and the chief executive officer))~~) of the board. As such ex officio member the superintendent shall have the right to vote only when there is a question before the board upon which no majority opinion has been reached among the board members present (~~((and voting thereon and the superintendent's vote is essential for action thereon))~~). The superintendent (~~((as chief executive officer of the board))~~) shall furnish all necessary record books, (~~((and))~~) forms, and support staff for its use, and shall represent the board in directing the work of school inspection.

Representatives Taylor and G. Nelson spoke in favor of the amendment, and Representative Ebersole opposed it.

Mr. Taylor spoke again in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Taylor and others to page 5, line 11 of Engrossed Substitute Senate Bill No. 4872, and the amendment was not adopted by the following vote: Yeas, 42; nays, 47; excused, 9.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Cole, Day, Doty, Fuhrman, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Long, Lundquist, May, Miller, Nelson G, Padden, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Vander Stoep, Vekich, Walker, West, Williams B, Wilson S, Zellinsky - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 47.

Excused: Representatives Dobbs, Lewis, Nealey, Patrick, Sanders, van Dyke, Van Luven, Williams J, Winsley - 9.

On motion of Mr. Ebersole, the following amendments were adopted:

On page 5, line 12 after "a" strike "~~((president and))~~" and insert "president and"

On page 5, line 13 after "the" strike "~~((chief executive officer))~~ president" and insert "chief executive officer"

On page 5, line 17 after "present" strike "~~((and voting thereon and the superintendent's vote is essential for action thereon))~~" and insert "and voting thereon and the superintendent's vote is essential for action thereon"

On page 5, line 19 after "as" strike "~~((chief executive officer))~~ president" and insert "chief executive officer"

Mr. Vander Stoep moved adoption of the following amendment:

On page 7, following line 10 insert:

"(7) Prepare a report to be submitted biennially to the legislature which will specify (a) current short term, midrange and long term goals and objectives of the state public school system; (b) current plans and processes instituted to achieve the goals and objectives; (c) current progress being made to achieve the goals and objectives; and (d) recommendations for legislation necessary to achieve the goals and objectives."

Re-number the remaining subsections consecutively.

Representatives Vander Stoep, Barnes and Ebersole spoke in favor of the amendment.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Vander Stoep to page 7, line 10 of Engrossed Substitute Senate Bill No. 4872, and the amendment was adopted by the following vote: Yeas, 57; nays, 32; excused, 9.

Voting yea: Representatives Addison, Allen, Appelwick, Ballard, Barnes, Barrett, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Day, Doty, Ebersole, Gallagher, Hankins, Hargrove, Hastings, Hine, Holland, Isaacson, King J, Kremen, Leonard, Long, Lundquist, May, Miller, Nelson D, Nelson G, Nutley, O'Brien, Padden, Peery, Prince, Rust, Schmidt, Schoon, Silver, Smith C, Smith L, Sutherland, Tanner, Taylor, Thomas, Tilly, Valle, Vander Stoep, Walker, Williams B, Wilson K, Wilson S, Wineberry, Zellinsky - 57.

Voting nay: Representatives Armstrong, Basich, Baugher, Belcher, Cole, Crane, Dellwo, Fisch, Fisher, Fuhrman, Grimm, Haugen, Jacobsen, King P, King R, Locke, Lux, Madsen, McMullen, Niemi, Rayburn, Sayan, Scott, Smitherman, Sommers, Todd, Unsoeld, Vekich, Walk, Wang, West, and Mr. Speaker - 32.

Excused: Representatives Dobbs, Lewis, Nealey, Patrick, Sanders, van Dyke, Van Luven, Williams J, Winsley - 9.

Mr. Addison moved adoption of the following amendment:

On page 7, following line 10 insert:

"(7) Make a study and prepare a report on mandatory busing for desegregation in the state of Washington to include the financial costs of mandatory busing for desegregation, its impact on student morale and academic achievement, its impact on student enrollment and race relations in the common schools and on the efficient and effective operation of the schools and the educational process. The report shall be submitted to the legislature by July 1, 1987."

Renumber the remaining subsections consecutively.

Mr. Addison spoke in favor of the amendment, and Representatives Ebersole and May opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Addison to page 7, line 10 of Engrossed Substitute Senate Bill No. 4872, and the amendment was not adopted by the following vote: Yeas, 20; nays, 69; excused, 9.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Bond, Brough, Chandler, Fuhrman, Hastings, Isaacson, Jacobsen, Nelson G. Padden, Schoon, Silver, Smith C. Valle, West, Williams B. Wilson S - 20.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Scott, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Vander Stoep, Vekich, Walk, Walker, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 69.

Excused: Representatives Dobbs, Lewis, Nealey, Patrick, Sanders, van Dyke, Van Luven, Williams J, Winsley - 9.

Mr. Padden moved adoption of the following amendment:

On page 7, following line 35 insert:

"(11) Make rules and regulations requiring public secondary schools which grant an offer to or opportunity for one or more noncurriculum related student groups to meet on school premises to not discriminate or deny equal access or opportunity on the basis of the religious, political, philosophical, or other content of the speech.

This requirement shall not be construed to limit the authority of the school to maintain order and discipline on school premises."

Representatives Padden and Fuhrman spoke in favor of the amendment, and Representatives Wang and Ebersole opposed it.

The amendment was not adopted.

Mr. Holland moved adoption of the following amendment by Representatives Holland, Long, Schoon, Betrozoff, L. Smith, Walker, Patrick, Nealey, Taylor, J. Williams, Chandler and Haugen:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 28A.04.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 179, Laws of 1980 and RCW 28A.04.010 are each amended to read as follows:

The state board of education shall be comprised of ~~((two))~~ one member~~(s))~~ from each congressional district of the state, not including any congressional district at large, elected by the members of the boards of directors of school districts thereof, as hereinafter in this chapter provided, ~~((and))~~ one nonvoting member elected at large, as hereinafter in this chapter provided, by the members of the boards of directors of all private schools in the state meeting the requirements of RCW 28A.02.201, as now or hereafter amended, the governor or the governor's designee as a voting member, one appointed voting member from western Washington, and one appointed voting member from eastern Washington.

The appointed members shall be appointed by the governor upon consultation with the superintendent of public instruction and with the advice and consent of the senate of the state of Washington.

Sec. 2. Section 28A.04.030, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 7, Laws of 1982 1st ex. sess. and RCW 28A.04.030 are each amended to read as follows:

(1) The terms of the initial members appointed by the governor shall be for six years commencing with the second Monday in January, 1987.

(2) Whenever any new and additional congressional district is created, except a congressional district at large, the superintendent of public instruction shall call an election in such district at the time of making the call provided for in RCW 28A.04.020. Such election shall be

conducted as other elections provided for in this chapter. At the first such election two members of the state board of education shall be elected, one for a term of three years and one for a term of six years. At the expiration of the term of each, a member shall be elected for a term of six years.

((2)) (3) The terms of office of members of the state board of education who are elected from the various congressional districts shall not be affected by the creation of either new or new and additional districts. In such an event, each board member may continue to serve in office for the balance of the term for which he or she was elected or appointed: PROVIDED, That the board member continues to reside within the boundaries of the congressional district as they existed at the time of his or her election or appointment. Vacancies which occur in a board member position during the balance of any such term shall be filled pursuant to RCW 28A.04.080, as now or hereafter amended, by a successor who resides within the boundaries of the congressional district from which the member whose office was vacated was elected as they existed at the time of his or her election. At the election immediately preceding expiration of the term of office of each board member provided for in this subsection following the creation of either new or new and additional congressional districts, and thereafter, a successor shall be elected from the congressional district which corresponds in number with the congressional district from which the incumbent was appointed or elected.

NEW SECTION. Sec. 3. The term of the first elected member from each congressional district which expires after January 1, 1987, shall not be filled and the position shall be dissolved. The remaining member's seat shall become the one elected member from each congressional district as required by section 1 of this act.

Sec. 4. Section 28A.04.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 7, Laws of 1982 1st ex. sess. and RCW 28A.04.040 are each amended to read as follows:

(1) Candidates for membership on the state board of education shall file declarations of candidacy with the superintendent of public instruction on forms prepared by the superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, or later than the sixteenth day of September. The superintendent of public instruction may not accept any declaration of candidacy that is not on file in his office or is not postmarked before the seventeenth day of September, or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of September. No person employed in any school, college, university, or other educational institution or any educational service district superintendent's office or in the office of superintendent of public instruction shall be eligible for membership on the state board of education and each member (~~electd who is not representative of the private schools in this state and thus not running at large~~) must be a resident of the congressional district from which he or she was elected or appointed, except the person elected to represent private schools meeting the requirements of RCW 28A.02.201, the governor as his or her designee, and the members from eastern and western Washington appointed by the governor. No member of a board of directors of a local school district or private school shall continue to serve in that capacity after having been elected or appointed to the state board.

(2) The prohibitions against membership upon the board of directors of a school district or school and against employment, as well as the residence requirement, established by this section, are conditions to the eligibility of state board members to serve as such which apply throughout the terms for which they have been elected or appointed. Any state board member who hereafter fails to meet one or more of the conditions to eligibility shall be deemed to have immediately forfeited his or her membership upon the board for the balance of his or her term: PROVIDED, That such a forfeiture of office shall not affect the validity of board actions taken prior to the date of notification to the board during an open public meeting of the violation.

Sec. 5. Section 28A.04.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.070 are each amended to read as follows:

The term of office of each member of the state board of education shall begin on the second Monday in January next following the election or time at which he or she was elected or appointed, and he or she shall hold office for the term for which he or she was elected or appointed and until his or her successor is elected and qualified or is appointed. Except as otherwise provided in RCW 28A.04.030, each member of the state board of education shall be elected or appointed for a term of six years.

Sec. 6. Section 28A.04.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.080 are each amended to read as follows:

Whenever there shall be a vacancy upon the state board of education for an elected member, from any cause whatever, it shall be the duty of the remaining members of the board to fill such vacancy by appointment, and the person so appointed shall continue in office until his successor has been specially elected, as hereinafter in this section provided, and has qualified. Whenever a vacancy occurs, the superintendent of public instruction shall call, in the month of August next following the date of the occurrence of such vacancy, a special election to be held in the same manner as other elections provided for in this chapter, at which election a successor shall be elected to hold office for the unexpired term of the member whose office was vacated. For vacancies for appointed members, the governor shall appoint an individual

who shall fill the vacant position for the duration of the term of the position vacated at which time he or she is reappointed or a successor is appointed.

Sec. 7. Section 28A.04.090, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 160, Laws of 1982 and RCW 28A.04.090 are each amended to read as follows:

(1) The state board of education shall ~~((annually))~~ elect ~~annually~~ a ~~((president and))~~ vice president. The superintendent of public instruction shall be an ex officio member and the ~~((chief executive officer))~~ ~~president~~ of the board. As such ex officio member the superintendent shall have the right to vote only when there is a question before the board upon which no majority opinion has been reached among the board members present ~~((and voting thereon and the superintendent's vote is essential for action thereon))~~. The superintendent, as ~~((chief executive officer))~~ ~~president~~ of the board, shall furnish all necessary record books ~~((and))~~, forms, and support staff for its use, and shall represent the board in directing the work of school inspection.

(2) All members elected to the state board of education to represent the congressional districts of the state, the members appointed to represent eastern and western Washington, and the governor or his or her designee shall have full voting privileges on all matters that come before the board.

Sec. 8. Section 28A.04.100, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 160, Laws of 1982 and RCW 28A.04.100 are each amended to read as follows:

The state board of education ~~((shall appoint))~~ may employ some person to be ~~((ex officio secretary))~~ executive director of said board ~~((who shall not be entitled to a vote in its proceedings))~~. The ~~((secretary))~~ executive director shall keep a correct record of board proceedings, which shall be kept in the office of the superintendent of public instruction. He or she shall also, upon request, furnish to interested school officials a copy of such proceedings. The board may employ such clerical staff as it may determine to be necessary.

Sec. 9. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 40, Laws of 1984 and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Accredit, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

~~((7))~~ (7) ((Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations:

~~((8))~~ Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

~~((9))~~ (8) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

~~((10))~~ (9) By rule or regulation promulgated upon the advice of the state fire marshal, provide for instruction of pupils in the public and private schools carrying out a K through 12

program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

((++)) (10) Hear and decide appeals as otherwise provided by law.

NEW SECTION, Sec. 10. A new section is added to chapter 28A.24 RCW to read as follows:

In addition to other powers and duties, the superintendent of public instruction shall adopt rules and regulations governing the training and qualifications of school bus drivers. Such rules and regulations shall be designed to ensure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to operate school buses safely: PROVIDED, That such rules and regulations shall ensure that school bus drivers are provided a due process hearing before any certification required by such rules and regulations is cancelled: PROVIDED FURTHER, That such rules and regulations shall not conflict with the authority of the department of licensing to license school bus drivers in accordance with RCW 46.20.440 through 46.20.470.

NEW SECTION, Sec. 11. Section 4, chapter 153, Laws of 1969 ex. sess., section 89, chapter 158, Laws of 1979, section 1, chapter 200, Laws of 1981 and RCW 28A.04.131 are each repealed.

NEW SECTION, Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Representatives Holland, Betzoff and Long spoke in favor of the amendment, and Representative Ebersole opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Holland and others to Engrossed Substitute Senate Bill No. 4872, and the amendment was not adopted by the following vote: Yeas, 42; nays, 47; excused, 9.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Cole, Doty, Fuhrman, Hankins, Hastings, Haugen, Holland, Isaacson, Leonard, Long, Lundquist, Lux, May, Miller, Nelson D, Nelson G, Padden, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Todd, Vander Stoep, Walker, West, Williams B, Wilson S - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Locke, Madsen, McMullen, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 47.

Excused: Representatives Dobbs, Lewis, Nealey, Patrick, Sanders, van Dyke, Van Luver, Williams J, Winsley - 9.

On motion of Ms. Hine, the rules were suspended, the second reading considered the third, and the bill was placed on final passage.

Mr. Padden demanded an oral roll call and the demand was sustained.

Representatives Ebersole, Todd and Fisch spoke in favor of passage of the bill, and Representatives Betzoff, Taylor, L. Smith, Haugen, Schoon and Barnes spoke against it.

Mr. Crane demanded the previous question, and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4872 as amended by the House, and the bill passed the House by the following vote: Yeas, 51; nays, 38; excused, 9.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 51.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Doty, Fuhrman, Hankins, Hastings, Haugen, Holland, Isaacson, Long, Lundquist, Madsen, May, Miller, Nelson G, Padden, Prince, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Vander Stoep, Walker, West, Williams B, Wilson S - 38.

Excused: Representatives Dobbs, Lewis, Nealey, Patrick, Sanders, van Dyke, Van Luven, Williams J. Winsley - 9.

Engrossed Substitute Senate Bill No. 4872 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTIONS

On motion of Mr. J. King, the House dispensed with further business under the Call of the House.

On motion of Mr. J. King, the House adjourned until 11:00 a.m., Saturday, March 8, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FIFTY-FIFTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Saturday, March 8, 1986

The House was called to order at 11:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Lewis, Patrick and Winsley, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Petrina Hastings and Karen Horlacher. Prayer was offered by Reverend Roy Starkey of the Evangelical Methodist Church of Port Townsend.

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

MESSAGES FROM THE SENATE

March 7, 1986

Mr. Speaker:

The Senate has passed:

SUBSTITUTE HOUSE BILL NO. 686,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1148,
 HOUSE BILL NO. 1374,
 HOUSE BILL NO. 1419,
 SUBSTITUTE HOUSE BILL NO. 1839,
 SUBSTITUTE HOUSE BILL NO. 1865,
 ENGROSSED HOUSE BILL NO. 1900,
 ENGROSSED HOUSE BILL NO. 2055,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 7, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 308,
 SUBSTITUTE HOUSE BILL NO. 1368,
 SUBSTITUTE HOUSE BILL NO. 1413,
 HOUSE BILL NO. 1483,
 SUBSTITUTE HOUSE BILL NO. 1493,
 HOUSE BILL NO. 1504,
 HOUSE BILL NO. 1511,
 HOUSE BILL NO. 1518,
 HOUSE BILL NO. 1519,
 SUBSTITUTE HOUSE BILL NO. 1540,
 SUBSTITUTE HOUSE BILL NO. 1564,
 SUBSTITUTE HOUSE BILL NO. 1802,
 HOUSE BILL NO. 1868,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1986

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 136 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 6, chapter 448, Laws of 1985 and RCW 70.105.220 are each amended to read as follows:

(1) Each local government, or combination of contiguous local governments, is directed to prepare a local hazardous waste plan which shall be based on state guidelines and include the following elements:

(a) A plan or program to manage moderate-risk wastes that are generated or otherwise present within the jurisdiction. This element shall include an assessment of the quantities, types, generators, and fate of moderate-risk wastes in the jurisdiction. The purpose of this element is to develop a system of managing moderate-risk waste, appropriate to each local area, to ensure protection of the environment and public health;

(b) A plan or program to provide for ongoing public involvement and public education in regard to the management of moderate-risk waste. This element shall provide information regarding:

(i) The potential hazards to human health and the environment resulting from improper use and disposal of the waste; and

(ii) Proper methods of handling, reducing, recycling, and disposing of the waste;

(c) An inventory of all existing generators of hazardous waste and facilities managing hazardous waste within the jurisdiction. This inventory shall be based on data provided by the department;

(d) A description of the public involvement process used in developing the plan;

(e) A description of the eligible zones designated in accordance with RCW 70.105.225. However, the requirement to designate eligible zones shall not be considered part of the local hazardous waste planning requirements; and

(f) Other elements as deemed appropriate by local government.

(2) To the maximum extent practicable, the local hazardous waste plan shall be coordinated with other hazardous materials-related plans and policies in the jurisdiction.

(3) In recognition of the role of the private sector in providing hazardous and moderate-risk waste management facilities and transportation services, and in addition to other public involvement activities that may be required, local governments shall coordinate with those persons involved in providing such facilities and services.

(4) (a) The department shall prepare guidelines for the development of local hazardous waste plans. The guidelines shall be prepared in consultation with local governments and shall be completed by December 31, 1986. The guidelines shall include a list of substances identified as hazardous household substances.

(b) In preparing the guidelines under (a) of this subsection, the department shall review and assess information on pilot projects that have been conducted for moderate-risk waste management. The department shall encourage additional pilot projects as needed to provide information to improve and update the guidelines.

(5) The department shall consult with retailers, trade associations, public interest groups, and appropriate units of local government to encourage the development of voluntary public education programs on the proper handling of hazardous household substances.

(6) Local hazardous waste plans shall be completed and submitted to the department no later than June 30, 1990. Local governments may from time to time amend the local plan.

((f6)) (7) Each local government, or combination of contiguous local governments, shall submit its local hazardous waste plan or amendments thereto to the department. The department shall approve or disapprove local hazardous waste plans or amendments by December 31, 1990, or within ninety days of submission, whichever is later. The department shall approve a local hazardous waste plan if it determines that the plan is consistent with this chapter and the guidelines under subsection (4) of this section. If approval is denied, the department shall submit its objections to the local government within ninety days of submission. However, for plans submitted between January 1, 1990, and June 30, 1990, the department shall have one hundred eighty days to submit its objections. No local government is eligible for grants under RCW 70.105.235 for implementing a local hazardous waste plan unless the plan for that jurisdiction has been approved by the department.

((f7)) (8) Each local government, or combination of contiguous local governments, shall implement the local hazardous waste plan for its jurisdiction by December 31, 1991.

((f8)) (9) The department may waive the specific requirements of this section for any local government if such local government demonstrates to the satisfaction of the department that the objectives of the planning requirements ~~(has have))~~ have been met.

Sec. 2. Section 9, chapter 448, Laws of 1985 and RCW 70.105.235 are each amended to read as follows:

(1) Subject to legislative appropriations, the department may make and administer grants to local governments for (a) preparing and updating local hazardous waste plans, (b) implementing approved local hazardous waste plans, and (c) designating eligible zones for designated zone facilities as required under this chapter.

(2) Local governments shall match the funds provided by the department for planning or designating zones with an amount not less than twenty-five percent of the estimated cost of the

work to be performed. Local governments may meet their share of costs with cash or contributed services. Local governments, or combination of contiguous local governments, conducting pilot projects pursuant to RCW 70.105.220(4) may subtract the cost of those pilot projects conducted for hazardous household substances from their share of the cost. If a pilot project has been conducted for all moderate-risk wastes, only the portion of the cost that applies to hazardous household substances shall be subtracted. The matching funds requirement under this subsection shall be waived for local governments, or combination of contiguous local governments, that complete and submit their local hazardous waste plans under RCW 70.105.220(6) prior to June 30, 1988.

(3) Recipients of grants shall meet such qualifications and follow such procedures in applying for and using grants as may be established by the department.

NEW SECTION, Sec. 3. A new section is added to chapter 70.105 RCW to read as follows:

The legislature recognizes the need for new, modified, or expanded facilities to treat, incinerate, or otherwise process or dispose of hazardous substances safely. In order to encourage the development of such facilities, the department shall adopt rules as necessary regarding the permitting of such facilities to ensure the most expeditious permit processing possible consistent with the substantive requirements of applicable law. If owners and operators are not the same entity, the operator shall be the permit applicant and responsible for the development of the permit application and all accompanying materials, as long as the owner also signs the application and certifies its ownership of the real property described in the application, and acknowledges its awareness of the contents of the application and receipt of a copy thereof.*

On page 1, line 2 of the title, after "uses;" strike "and" and after "70.105.235" insert "; and adding a new section to chapter 70.105 RCW" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Allen, the House concurred in the Senate amendments to Second Substitute House Bill No. 136.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Second Substitute House Bill No. 136 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Second Substitute House Bill No. 136 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristol, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Second Substitute House Bill No. 136 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 205 with the following amendments:

On page 6, strike all of section 3 and renumber the remaining section consecutively.

On page 6, line 35 strike "1985" and insert "1986"

On line 2 of the title, after "21.20.340;" strike "creating a new section;"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Lux, the House concurred in the Senate amendments to Substitute House Bill No. 205.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 205 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 205 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristol, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 205 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker called on Mr. O'Brien to preside.

SENATE AMENDMENT TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 244 with the following amendment:

On page 2, after line 2 insert the following:

"**NEW SECTION**, Sec. 5. The state medal of merit shall not be awarded to any elected official while in office or to any candidate for an elected office."

Renumber the sections consecutively and correct internal references accordingly, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Belcher, the House concurred in the Senate amendment to House Bill No. 244.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 244 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 244 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristol, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

House Bill No. 244 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 594 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 72.09 RCW to read as follows:

The department of corrections and department of general administration shall develop the following for legislative review: (1) A plan for production within the department of corrections of one or more commodities not currently being produced within the department for use within all state institutions and which may be sold to state correctional systems in other states; (2) a plan for purchasing commodities produced by correctional systems located in other states to the degree the plan would be cost-effective and would involve reciprocal marketing agreements between the several states represented; and (3) a plan to purchase, where cost-effective, materials used in the production of prison-made goods jointly with prison industry programs in other states. The plans shall be submitted to the legislature by March, 1987.

NEW SECTION, Sec. 2. A new section is added to chapter 43.19 RCW to read as follows:

State agencies and departments shall purchase for their use all articles or products required by the agencies or departments which are produced or provided in whole or in part from class II inmate work programs operated by the department of corrections. These articles and products shall not be purchased from any other source unless, upon application by the department or agency: (1) The department of general administration finds that the articles or products do not meet the reasonable requirements of the agency or department, (2) are not of equal or better quality, or (3) the price of the product or service is higher than that produced by the private sector.

NEW SECTION, Sec. 3. The department of corrections shall report to the legislature by July 1, 1987, on the methods used to evaluate the effectiveness of the prison work program including the rehabilitation of inmates and reducing recidivism."

On page 1, line 3 of the title, after "RCW;" insert "and"

On page 1, line 3 of the title, after "section" strike "; and repealing RCW 43.19.535" and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Ms. Brekke, the House concurred in the Senate amendments to Substitute House Bill No. 594.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 594 as amended by the Senate.

Representatives Tanner and Brekke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 594 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsold, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Sanders - 1.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 594 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 614 with the following amendment:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 1, chapter 80, Laws of 1980 and RCW 28B.15.044 are each amended to read as follows:

It is the intent of the legislature that students will propose (~~(initial)~~) budgetary recommendations for consideration by the college or university administration and governing board to the extent that such budget recommendations are intended to be funded by services and activities fees. It is also the intent of the legislature that services and activities fee expenditures for programs devoted to political or economic philosophies shall result in the presentation of a spectrum of ideas.

Sec. 2. Section 2, chapter 80, Laws of 1980 and RCW 28B.15.045 are each amended to read as follows:

The boards of trustees and the boards of regents of the respective institutions of higher education shall adopt guidelines governing the establishment and funding of programs supported by services and activities fees. Such guidelines shall spell out procedures for budgeting and expending services and activities fee revenue. Any such guidelines shall be consistent with the following provisions:

(1) (~~(initial)~~) Responsibility for proposing program priorities and budget levels for that portion of program budgets that derive from services and activities fees shall reside with a services and activities fee committee, on which students shall hold at least a majority of the voting memberships, such student members to be recommended by the student government association or its equivalent. The chairperson of the services and activities fee committee shall be selected by the members of that committee. The governing board shall insure that the services and activities fee committee provides an opportunity for all viewpoints to be heard during its consideration of the funding of student programs and activities.

(2) The services and activities fee committee shall evaluate existing and proposed programs and submit budget recommendations for the expenditure of those services and activities fees with supporting documents to the college or university administration, and shall submit informational copies of such to the governing board.

(3) The college or university administration shall review and publish a written response to the services and activities fee committee recommendations. This response shall outline areas of difference between the committee recommendations and the administration's proposed budget recommendations. This response, with supporting documentation, shall be submitted to the services and activities fee committee and the governing board.

(4) (~~(The college or university administration, at the time it submits its proposed budget recommendations for the expenditure of services and activities fees to the governing board, shall also transmit a copy of the services and activities fee committee recommendations along with any supporting documentation originally provided by the committee and a copy of the administration's response to the committee recommendations.))~~ In the event of a dispute or disputes involving the services and activities fee committee recommendations, the college or university administration shall meet with the services and activities fee committee in a good faith effort to resolve such dispute or disputes prior to submittal of final recommendations to the governing board.

(5) Before adoption of the final budget the governing board shall address areas of difference between (~~(the))~~ any committee recommendations and the administration's budget recommendations presented for adoption by the board. A student representative of the services and activities fee committee shall be given the opportunity to reasonably address the governing board concerning any such differences.

(~~(5))~~ (6) Services and activities fees and revenues generated by programs and activities funded by such fees shall be deposited and expended through the office of the chief fiscal officer of the institution.

(~~(6))~~ (7) Services and activities fees and revenues generated by programs and activities funded by such fees shall be subject to the applicable policies, regulations, and procedures of the institution and the budget and accounting act, chapter 43.88 RCW.

(~~(7))~~ (8) All information pertaining to services and activities fees budgets shall be made available to interested parties.

(9) With the exception of any funds needed for bond covenant obligations, once the budget for expending service and activities fees is approved by the governing board, funds shall not be shifted from funds budgeted for associated students or departmentally related categories until the administration provides written justification to the committee and the governing board, or the governing board gives its express approval, or the recognized student governing organization gives its express approval.

(10) Any service and activities fees collected which exceed initially budgeted amounts are subject to subsections (1), (2), (3), and (9) of this section.
and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Sommers, the House concurred in the Senate amendments to Substitute House Bill No. 614.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 614 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 614 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 614 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 4, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1177 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 70.105 RCW to read as follows:

Any person who generates, treats, stores, disposes, or otherwise handles dangerous or extremely hazardous wastes shall provide copies of any notification forms, or annual reports that are required pursuant to RCW 70.105.130 to the fire departments or fire districts that service the areas in which the wastes are handled upon the request of the fire departments or fire districts. In areas that are not serviced by a fire department or fire district, the forms or reports shall be provided to the sheriff or other county official designated pursuant to RCW 48.48.060 upon the request of the sheriff or other county official. This section shall not apply to the transportation of hazardous wastes.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Rust, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 1177.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1177 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1177 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Betzozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luvan, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Baugher - 1.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Engrossed Substitute House Bill No. 1177 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1355 with the following amendments:

On page 2, after line 29, insert the following:

NEW SECTION, Sec. 3. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of feed consumed by livestock at a public livestock market.

NEW SECTION, Sec. 4. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of feed consumed by livestock at a public livestock market.

Sec. 5. Section 33, chapter 35, Laws of 1982 1st ex. sess. as amended by section 1, chapter 104, Laws of 1985 and RCW 82.08.0293 are each amended to read as follows:

(1) The tax levied by RCW 82.08.020 shall not apply to sales of food products for human consumption.

'Food products' include cereals and cereal products, oleomargarine, meat and meat products including livestock sold for personal consumption, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

'Food products' include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

'Food products' include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

'Food products' do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of 'food products' provided for in this subsection shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals (i) under a state administered nutrition program for the aged as provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW 74.38.040(6) or (ii) which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a 'takeout' or 'to go' order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

(2) Subsection (1) of this section notwithstanding, the retail sale of food products is subject to sales tax under RCW 82.08.020 if the food products are sold through a vending machine, and in this case the selling price for purposes of RCW 82.08.020 is fifty-seven percent of the gross receipts.

This subsection does not apply to hot prepared food products, other than food products which are heated after they have been dispensed from the vending machine.

For tax collected under this subsection, the requirements that the tax be collected from the buyer and that the amount of tax be stated as a separate item are waived.

Sec. 6. Section 34, chapter 35, Laws of 1982 1st ex. sess. as amended by section 2, chapter 104, Laws of 1985 and RCW 82.12.0293 are each amended to read as follows:

The provisions of this chapter shall not apply in respect to the use of food products for human consumption.

'Food products' include cereals and cereal products, oleomargarine, meat and meat products including livestock sold for personal consumption, fish and fish products, eggs and egg products, vegetables and vegetable products, fruit and fruit products, spices and salt, sugar and sugar products, coffee and coffee substitutes, tea, cocoa and cocoa products.

'Food products' include milk and milk products, milk shakes, malted milks, and any other similar type beverages which are composed at least in part of milk or a milk product and which require the use of milk or a milk product in their preparation.

'Food products' include all fruit juices, vegetable juices, and other beverages except bottled water, spirituous, malt or vinous liquors or carbonated beverages, whether liquid or frozen.

'Food products' do not include medicines and preparations in liquid, powdered, granular, tablet, capsule, lozenge, and pill form sold as dietary supplements or adjuncts.

The exemption of 'food products' provided for in this paragraph shall not apply: (a) When the food products are furnished, prepared, or served for consumption at tables, chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals (i) under a state administered nutrition program for the aged as provided for in the Older Americans Act (P.L. 95-478 Title III) and RCW 74.38.040(6) or (ii) which are provided to senior citizens, disabled persons, or low-income persons by a not-for-profit organization organized under chapter 24.03 or 24.12 RCW, or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a 'takeout' or 'to go' order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "43.23.035" insert ", 82.08.0293, and 82.12.0293; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section;"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Madsen, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 1355.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1355 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1355 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; nays, 5; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P. King R. Kremen, Leonard, Long, Lundquist, Madsen, May, McMullen, Miller, Nealey, Nelson G. Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Addison, Locke, Lux, Nelson D, Sutherland - 5.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Engrossed Substitute House Bill No. 1355 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1363 with the following amendment:

On page 1, line 19 after "thereon" insert "by subsection (3) of the 1986 act" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Walk, the House concurred in the Senate amendments to Substitute House Bill No. 1363.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1363 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1363 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 93; nays, 2; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Betzroff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Baugher, Hargrove - 2.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 1363 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1388 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 35.10 RCW to read as follows:

- Upon the consolidation of two or more cities or code cities, any employee of the fire department of the former city or cities who (1) was at the time of consolidation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the fire department of the consolidated city or code city, as the case may be, (2) will, as a direct consequence of consolidation, be separated from the employ of the former city, code city or town, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the fire department of the consolidated city, as provided in this section and sections 2 and 3 of this act.

For purposes of this section and sections 2 and 3 of this act, employee means an individual whose employment has been terminated because of a consolidation of two or more cities, code cities or towns.

NEW SECTION, Sec. 2. A new section is added to chapter 35.10 RCW to read as follows:

(1) An eligible employee may transfer into the civil service system of the consolidated city or code city by filing a written request with the civil service commission of the consolidated city. Upon receipt of such request by the civil service commission the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees in the position filled, and (d) in all other matters, such as retirement, sick leave, and vacation, have, within the city or code city civil service system, all the rights, benefits, and privileges to which he or she would have been entitled as a member of the consolidated city

fire department from the beginning of his or her employment with the former city or code city fire department: PROVIDED, That for purposes of layoffs by the consolidated city or code city, only the time of service accrued with the consolidated city or code city shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the consolidating fire agencies and consolidated agencies and the consolidating and consolidated fire agencies. A record of the employee's service with the former city or code city fire department shall be transmitted to the applicable civil service commission and shall be credited to such employee as a part of the period of employment in the consolidated city fire department. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the consolidated city or code city fire department as the department determines are needed to provide services. These needed employees shall be taken in order of greatest seniority from any of the seniority lists of the consolidating city or code city and the remaining employees who transfer as provided in this section and sections 1 and 3 of this act shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the fire department when appropriate positions become available: PROVIDED, That employees who are not immediately hired by the city, code city or town shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the consolidating fire agencies and consolidated fire agency and the consolidating and consolidated fire agencies.

(3) The consolidated city or code city shall retain the right to select the fire chief and assistant fire chiefs regardless of seniority.

NEW SECTION, Sec. 3. A new section is added to chapter 35.10 RCW to read as follows:

If, as a result of consolidation of two or more cities, or code cities, any employee is laid off who is eligible to transfer to the city fire department pursuant to this section and sections 1 and 2 of this act, the city fire department shall notify the employee of the right to so transfer and the employee shall have ninety days to transfer employment to the consolidating city, or code city fire department.

NEW SECTION, Sec. 4. A new section is added to chapter 35.10 RCW to read as follows:

Upon the annexation of two or more cities or code cities, any employee of the fire department of the former city or cities who (1) was at the time of annexation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the fire department of the annexed city or code city, as the case may be, (2) will, as a direct consequence of annexation, be separated from the employ of the former city, code city or town, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the fire department of the annexing city, as provided in this section and sections 5 and 6 of this act.

For purposes of this section and sections 5 and 6 of this act, employee means an individual whose employment has been terminated because of annexation by a city, code city or town.

NEW SECTION, Sec. 5. A new section is added to chapter 35.10 RCW to read as follows:

(1) An eligible employee may transfer into the civil service system of the annexing city, code city or town by filing a written request with the city, code city or town civil service commission. Upon receipt of such request by the civil service commission the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees in the position filled, and (d) in all other matters, such as retirement, sick leave, and vacation, have, within the city, code city or town civil service system, all the rights, benefits, and privileges to which he or she would have been entitled as a member of the annexed city, code city or town fire department from the beginning of his or her employment with the former city or code city fire department: PROVIDED, That for purposes of layoffs by the annexing city or code city, only the time of service accrued with the annexing city or code city shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. A record of the employee's service with the former city or code city fire department shall be transmitted to the applicable civil service commission which shall be credited to such employee as a part of the period of employment in the annexed city, code city or town fire department. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the annexing city, code city or town fire department as the department determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and sections 4 and 6 of this act shall head the list for employment in the civil service system in order of their seniority, to the end that they

shall be the first to be reemployed in the city, code city or town fire department when appropriate positions become available: PROVIDED, That employees who are not immediately hired by the city, code city or town shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies.

NEW SECTION, Sec. 6. A new section is added to chapter 35.10 RCW to read as follows:

If, as a result of annexation of two or more cities, or code cities any employee is laid off who is eligible to transfer to the city, code city or town fire department under this section and sections 4 and 5 of this act the fire department shall notify the employee of the right to transfer and the employee shall have ninety days to transfer employment to the annexing city or code city fire department.

NEW SECTION, Sec. 7. A new section is added to chapter 35.13 RCW to read as follows:

If any portion of a fire protection district is annexed to or incorporated into a city, code city or town, any employee of the fire protection district who (1) was at the time of such annexation or incorporation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the city, code city or town fire department (2) will, as a direct consequence of annexation or incorporation, be separated from the employ of the fire protection district, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the civil service system of the city, code city or town fire department as provided for in this section and sections 8 and 9 of this act.

For purposes of this section and sections 8 and 9 of this act, employee means an individual whose employment with a fire protection district has been terminated because the fire protection district was annexed by a city, code city or town for purposes of fire protection.

NEW SECTION, Sec. 8. A new section is added to chapter 35.13 RCW to read as follows:

(1) An eligible employee may transfer into the civil service system of the city, code city or town fire department by filing a written request with the city, code city or town civil service commission and by giving written notice thereof to the board of commissioners of the fire protection district. Upon receipt of such request by the civil service commission the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees of the city, code city or town fire department in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees of the city, code city or town fire department in the position filled, and (d) in all other matters, such as retirement, sick leave, and vacation, have, within the city, code city or town civil service system, all the rights, benefits, and privileges to which he or she would have been entitled as a member of the city, code city or town fire department from the beginning of employment with the fire protection district: PROVIDED, That for purposes of layoffs by the annexing fire agency, only the time of service accrued with the annexing agency shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. The board of commissioners of the fire protection district shall, upon receipt of such notice, transmit to any applicable civil service commission a record of the employee's service with the fire protection district which shall be credited to such employee as a part of the period of employment in the city, code city or town fire department. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the city, code city or town fire department as the department determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and sections 7 and 9 of this act shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the city, code city or town fire department when appropriate positions become available: PROVIDED, That employees who are not immediately hired by the city, code city or town shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies.

NEW SECTION, Sec. 9. A new section is added to chapter 35.13 RCW to read as follows:

If any portion of a fire protection district is annexed to or incorporated into a city, code city or town, and as a result any employee is laid off who is eligible to transfer to the city, code city or town fire department under this section and sections 7 and 8 of this act the fire protection district shall notify the employee of the right to transfer and the employee shall have ninety days to transfer employment to the city, code city or town fire department.

NEW SECTION, Sec. 10. A new section is added to chapter 52.04 RCW to read as follows:

When any city, code city or town is annexed to a fire protection district under RCW 52.04-.061 and 52.04.071, any employee of the fire department of such city, code city or town who (1)

was at the time of annexation employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the fire protection district (2) will, as a direct consequence of annexation, be separated from the employ of the city, code city or town, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer his employment to the fire protection district as provided in this section and sections 11 and 12 of this act.

For purposes of this section and sections 11 and 12 of this act, employee means an individual whose employment with a city, code city or town has been terminated because the city, code city or town was annexed by a fire protection district for purposes of fire protection.

NEW SECTION, Sec. 11. A new section is added to chapter 52.04 RCW to read as follows:

(1) An eligible employee may transfer into the fire protection district civil service system, if any, or if none, then may request transfer of employment under this section by filing a written request with the board of fire commissioners of the fire protection district and by giving written notice to the legislative authority of the city, code city or town. Upon receipt of such request by the board of fire commissioners the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees of the fire protection district in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees of the fire protection district in the position filled, and (d) in all other matters, such as retirement, vacation, and sick leave, have all the rights, benefits, and privileges to which he or she would have been entitled as an employee of the fire protection district from the beginning of employment with the city, code city or town fire department: PROVIDED, That for purposes of layoffs by the annexing fire agency, only the time of service accrued with the annexing agency shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies. The city, code city or town shall, upon receipt of such notice, transmit to the board of fire commissioners a record of the employee's service with the city, code city or town which shall be credited to such employee as a part of the period of employment in the fire protection district. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the fire protection district as the district determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and sections 10 and 12 of this act shall head the list for employment in the civil service system in order of their seniority, to the end that they shall be the first to be reemployed in the fire protection district when appropriate positions become available: PROVIDED, That employees who are not immediately hired by the fire protection district shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the annexing and annexed fire agencies and the annexing and annexed fire agencies.

NEW SECTION, Sec. 12. A new section is added to chapter 52.04 RCW to read as follows:

When a city, code city or town is annexed to a fire protection district and as a result any employee is laid off who is eligible to transfer to the fire protection district pursuant to this section and sections 10 and 11 of this act, the city, code city or town shall notify the employee of the right to transfer and the employee shall have ninety days to transfer employment to the fire protection district.

NEW SECTION, Sec. 13. A new section is added to chapter 52.06 RCW to read as follows:

When any portion of a fire protection district merges with another fire protection district, any employee of the merging district who (1) was at the time of merger employed exclusively or principally in performing the powers, duties, and functions which are to be performed by the merger district (2) will, as a direct consequence of the merger, be separated from the employ of the merging district, and (3) can perform the duties and meet the minimum requirements of the position to be filled, then such employee may transfer employment to the merger district as provided in this section and sections 14 and 15 of this act.

For purposes of this section and sections 14 and 15 of this act, employee means an individual whose employment with a fire protection district has been terminated because the fire protection district merged with another fire protection district for purposes of fire protection.

NEW SECTION, Sec. 14. A new section is added to chapter 52.06 RCW to read as follows:

(1) An eligible employee may transfer into the merger district by filing a written request with the board of fire commissioners of the merger district and by giving written notice to the board of fire commissioners of the merging district. Upon receipt of such request by the board of the merger district the transfer of employment shall be made. The employee so transferring will (a) be on probation for the same period as are new employees of the merger district in the position filled, (b) be eligible for promotion after completion of the probationary period as completed, (c) receive a salary at least equal to that of other new employees of the merger district in the position filled, and (d) in all other matters, such as retirement, vacation, and sick

leave, have, all the rights, benefits, and privileges to which he or she would have been entitled to as an employee of the merger district from the beginning of employment with the merging district: PROVIDED, That for purposes of layoffs by the merger fire agency, only the time of service accrued with the merger agency shall apply unless an agreement is reached between the collective bargaining representatives of the employees of the merging and merger fire agencies and the merging and merger fire agencies. The board of the merging district shall, upon receipt of such notice, transmit to the board of the merger district a record of the employee's service with the merging district which shall be credited to such employee as a part of the period of employment in the merger district. All accrued benefits are transferable provided that the recipient agency provides comparable benefits. All benefits shall then accrue based on the combined seniority of each employee in the recipient agency.

(2) As many of the transferring employees shall be placed upon the payroll of the merger district as the merger district determines are needed to provide services. These needed employees shall be taken in order of seniority and the remaining employees who transfer as provided in this section and sections 13 and 15 of this act shall head the list for employment in order of their seniority, to the end that they shall be the first to be reemployed in the merger district when appropriate positions become available: PROVIDED, That employees who are not immediately hired by the fire protection district shall be placed on a reemployment list for a period not to exceed thirty-six months unless a longer period is authorized by an agreement reached between the collective bargaining representatives of the employees of the merging and merged fire agencies and the merging and merged fire agencies.

NEW SECTION. Sec. 15. A new section is added to chapter 52.06 RCW to read as follows:

If, as a result of merging of districts any employee is laid off who is eligible to transfer to the merger district under this section and sections 13 and 14 of this act, the merging district shall notify the employee of the right to transfer and the employee shall have ninety days to transfer employment to the merger district.

NEW SECTION. Sec. 16. Sections 1 through 3 of this act shall take effect July 1, 1987. The appropriate committees of the senate and house of representatives shall conduct a study of the transfer rights of employees during the consolidation of cities and code cities and make recommendations to the legislature at the start of the 1987 legislative session.

NEW SECTION. Sec. 17. Sections 4 through 15 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 4 of the title after "RCW:" insert "providing an effective date;" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Chandler, the House concurred in the Senate amendments to Substitute House Bill No. 1388.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1388 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1388 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 82; nays, 13; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lux, Madsen, May, McMullen, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Bond, Dobbs, Fuhrman, Lundquist, Miller, Nealey, Padden, Sanders, Smith C, Smith L, van Dyke, Van Luven, Williams J - 13.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 1388 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1393 with the following amendment:

On page 1, beginning on line 16, strike all material down to and including line 24 and insert the following:

"**NEW SECTION.** Sec. 2. (1) Pursuant to RCW 2.08.069, the governor shall appoint a person to fill the judicial position created by section 1 of this act in Mason county. The five judges of the superior court serving in the Thurston/Mason judicial district on the effective date of this act shall be assigned to the new Thurston county judicial district.

(2) This act shall take effect January 1, 1987. The additional judicial position created by section 1 of this act in Mason county shall be effective only if, before January 1, 1987, Thurston and Mason counties, through their duly constituted legislative authorities, document their approval of the additional position and their agreement that they will pay out of county funds, without reimbursement from the state, the expenses resulting from section 1 of this act." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendment to House Bill No. 1393.

Mr. Armstrong spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1393 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1393 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 74; nays, 21; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 74.

Voting nay: Representatives Ballard, Barnes, Barrett, Betrozoff, Bond, Brough, Chandler, Fuhrman, Hankins, Hastings, Holland, Long, Lundquist, Nealey, Schmidt, Silver, Smith C, Smith L, Thomas, West, Williams B - 21.

Excused: Representatives Lewis, Patrick, Winsley - 3.

House Bill No. 1393 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1400 with the following amendments:

On page 1, line 9, after "Sec. 1." strike the remainder of the section and insert:

The legislature finds that a process for review of duration of confinement and release decisions for persons convicted of crimes committed before July 1, 1984, must be available after the board of prison terms and paroles ceases to exist. A transitional agency, the indeterminate sentence review board, is created to review such decisions until 1992 when all of the functions, powers, and duties previously performed by the indeterminate sentence review board will be transferred to the superior courts of the state of Washington."

On page 4, line 29, after "recommendations" and insert ": PROVIDED, That the board and its successors shall give adequate written reasons whenever a minimum term or parole release decisions is made which is outside the sentencing ranges adopted pursuant to 9.94A.040 RCW. In making such decisions, the board and its successors shall consider the different charging and disposition practices under the indeterminate sentencing system."

On page 4, beginning on line 33, strike the remainder of the section. and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendments to Substitute House Bill No. 1400.

Mr. Armstrong spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1400 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1400 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doly, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Brough - 1.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 1400 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

February 28, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1486 with the following amendments:

On page 1, after line 7, insert the following:

*Sec. 2. Section 36.34.145, chapter 4, Laws of 1963 and RCW 36.34.145 are each amended to read as follows:

The (~~board of county commissioners~~) legislative authority of any (~~class A~~) county owning property in or outside the limits of any city or town, or anywhere within the county, which is suitable for agricultural fair purposes may by negotiation lease such property for such purposes for a term not to exceed seventy-five years to any nonprofit organization that has demonstrated its qualification to conduct agricultural fairs. Such agricultural fair leases shall not be subject to any requirement of periodic rental adjustments, as provided in RCW 36.34.180, but shall provide for such fixed annual rental as shall appear reasonable, considering the benefit to be derived by the county in the promotion of the fair and in the improvement of the property. The lessee may utilize or rent out such property at times other than during the fair season for nonfair purposes in order to obtain income for fair purposes, and during the fair season may sublease portions of the property for purposes and activities associated with such fair. No sublease shall be valid unless the same shall be approved in writing by the (~~board of county commissioners~~) county legislative authority: PROVIDED, That failure of such lessee, except by act of God, war or other emergency beyond its control, to conduct an annual agricultural fair or exhibition, shall cause said lease to be subject to cancellation by the (~~board of county commissioners~~) county legislative authority. A county legislative authority entering into an agreement with a nonprofit association to lease property for agricultural fair purposes shall, when requested to do so, file a copy of the lease agreement with the department of agriculture or the state fair commission in order to assure compliance with the provisions of RCW 15.76.165.

On page 1, line 1 of the title, after "commission," insert "amending RCW 36.34.145;" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Baugher, the House concurred in the Senate amendments to House Bill No. 1486.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1486 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1486 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

House Bill No. 1486 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 4, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1495 with the following amendment:

On page 2, line 11 after "RCW" strike all material down to and including "(c)" on line 13 and insert "; or"

Reletter the remaining subsection accordingly, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Brekke moved that the House do concur in the Senate amendment to Substitute House Bill No. 1495.

POINT OF INQUIRY

Ms. Brekke yielded to question by Mr. Hastings.

Mr. Hastings: "Representative Brekke, if we concur with the Senate amendment, will this statute in any way interfere with a clinical laboratory's ability to certify health care assistants who withdraw blood and perform other health services in the laboratory?"

Ms. Brekke: "No. Language in the bill on page 2, lines 12-13 goes beyond simply providing a mechanism for certifying health care assistants working in clinical laboratories. It also recognizes the existing practice for withdrawing blood in clinical labs for diagnostic purposes. RCW 18.135.050 very clearly authorizes the health care facility itself to certify assistants. This authorization is now provided to federally certified clinical laboratories in the language on page 2, lines 27-28. This language will put these laboratories in full compliance with state and federal law and give them the authority needed to certify their health care assistants."

Mr. Brooks spoke in favor of the motion and the motion was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1495 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1495 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 1495 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 1, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1545 with the following amendment:

On page 5, line 1 after "agency" strike "at least two working days" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Baugher moved that the House do concur in the Senate amendment to Engrossed Substitute House Bill No. 1545.

Representatives Baugher, Vekich and Nealey spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1545 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1545 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Engrossed Substitute House Bill No. 1545 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1624 with the following amendment:

On page 1, line 13 after "district" insert ", including but not limited to levies to support the construction, modernization or remodeling of school facilities and levies for the maintenance and operation of schools."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Appelwick, the House concurred in the Senate amendment to Substitute House Bill No. 1624.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1624 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1624 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 1624 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 1986

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1652 with the following amendments:

On page 3, after line 7, insert the following:

"NEW SECTION, Sec. 3. A new section is added to chapter 41.40 RCW to read as follows:

A member who became temporarily disabled before March 27, 1984, under the circumstances specified in RCW 72.09.240 (1) and (2) may receive service credit for such period of disability subject to all the limitations and conditions contained in section 2 of this act. In order to qualify for the service credit provided by this section the member must make application to the department no later than December 31, 1986, and must agree to allow the employer to withhold from the member's wages the employee contributions, with interest, as required under section 2 of this act."

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 7, after line 24, insert the following:

"Sec. 6. Section 17, chapter 209, Laws of 1969 ex. sess. as last amended by section 23, chapter 294, Laws of 1977 ex. sess. and RCW 41.26.160 are each amended to read as follows:

(1) In the event of the death of any member who is in active service, or who has vested under the provisions of RCW 41.26.090 with twenty or more years of service, or who is on disability leave or retired, whether for disability or service, his surviving spouse shall become entitled to receive a monthly allowance equal to fifty percent of his final average salary at the date of death if active, or the amount of retirement allowance the vested member would have received at age fifty, or the amount of the retirement allowance such retired member was receiving at the time of his death if retired for service or disability. The amount of this allowance will be increased five percent of final average salary for each child as defined in RCW 41.26.030(7), as now or hereafter amended, subject to a maximum combined allowance of sixty percent of final average salary: PROVIDED, That if the child or children is or are in the care of a legal guardian, payment of the increase attributable to each child will be made to the child's legal guardian or, in the absence of a legal guardian and if the member has created a trust for the benefit of the child or children, payment of the increase attributable to each child will be made to the trust.

(2) If at the time of the death of a vested member with twenty or more years service as provided above or a member retired for service or disability, the surviving spouse has not been lawfully married to such member for one year prior to his retirement or separation from service if a vested member, the surviving spouse shall not be eligible to receive the benefits under this section: PROVIDED, That if a member dies as a result of a disability incurred in the line of duty, then if he was married at the time he was disabled, his surviving spouse shall be eligible to receive the benefits under this section.

(3) If there be no surviving spouse eligible to receive benefits at the time of such member's death, then the child or children of such member shall receive a monthly allowance equal to thirty percent of final average salary for one child and an additional ten percent for each additional child subject to a maximum combined payment, under this subsection, of sixty percent of final average salary. When there cease to be any eligible children as defined in RCW 41.26.030(7), as now or hereafter amended, there shall be paid to the legal heirs of said member the excess, if any, of accumulated contributions of said member at the time of his death over all payments made to his survivors on his behalf under this chapter: PROVIDED, That payments under this subsection to children shall be prorated equally among the children, if more than one. If the member has created a trust for the benefit of the child or children, the payment shall be made to the trust.

(4) In the event that there is no surviving spouse eligible to receive benefits under this section, and that there be no child or children eligible to receive benefits under this section, then the accumulated contributions shall be paid to the estate of said member.

(5) If a surviving spouse receiving benefits under the provisions of this section thereafter dies and there are children as defined in RCW 41.26.030(7), as now or hereafter amended, payment to the spouse shall cease and the child or children shall receive the benefits as provided in subsection (3) above.

(6) The payment provided by this section shall become due the day following the date of death and payments shall be retroactive to that date."

On page 1, line 2 of the title, after "adding" strike everything through "section" on line 3 and insert "new sections"

On page 1, line 2 of the title, strike "and"

On page 1, line 2 of the title, after "41.26.125" and before the semicolon insert ", and 41.26.160"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Sommers moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1652.

Representatives Sommers and Tilly spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1652 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1652 as amended by the Senate, and the bill passed the House by the following vote: Yeas: 43; excused: 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Engrossed House Bill No. 1652 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1270 with the following amendments:

On page 1, line 13, after "December 31," strike "1987" and insert "1988"

On page 1, line 20, after "December 31," strike "1987" and insert "1988"

On page 1, line 24, after "through" strike "1990" and insert "1991"

On page 1, line 28, after "December 31," strike "1990" and insert "1991"

On page 2, beginning on line 1, strike all material through "library." on page 3, line 11

Renumber the remaining sections consecutively.

On page 3, line 29, after "December 1," strike "1986" and insert "1987"

On page 3, beginning with line 30, strike all material through "assessor." on page 4, line 17

Renumber the remaining sections consecutively.

On page 1, line 1 of the title, after "government;" strike "amending RCW 84.09.030; adding a new section to chapter 27.12 RCW;"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Haugen moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1270.

Representatives Haugen and Brough spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1270 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1270 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Engrossed Substitute House Bill No. 1270 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1986

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1725 with the following amendments:

On page 1, line 26 after "textbooks," insert "or in accordance with the time schedule for self-study as provided under RCW 28A.58.085,"

On page 1, line 27 after "review" insert "or self-study"

On page 1, line 29 after "every" strike "six" and insert "seven"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Ebersole, the House concurred in the Senate amendments to Engrossed House Bill No. 1725.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed House Bill No. 1725 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1725 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Engrossed House Bill No. 1725 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1899 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The director of general administration, by rule, shall provide for the establishment, incorporation, operation, and regulation of a borrower-owned corporate entity to be known as the Washington land bank. The Washington land bank shall be patterned after the federal land banks organized under the Farm Credit Act of 1971, as amended, within state constitutional limits. The Washington land bank shall be organized by eligible borrowers and shall be designed to accomplish the objective of furnishing sound, adequate, and constructive long-term credit to farmer and rancher borrowers in the state of Washington. For purposes of this chapter, 'farmer and rancher' includes producers of privately cultured aquatic products.

NEW SECTION, Sec. 2. The Washington land bank shall be a body corporate and, subject to regulation as provided by rules promulgated by the director of general administration, shall have the power to:

- (1) Adopt and use a corporate seal.
- (2) Have succession until dissolved under this chapter or rules promulgated pursuant to section 1 of this act.
- (3) Make contracts.
- (4) Sue and be sued.
- (5) Acquire, hold, dispose, and otherwise exercise all the usual incidents of ownership of real and personal property necessary or convenient to its business.
- (6) Make and participate in loans, make commitments for credit, accept advance payments, and provide services and other assistance as authorized in this chapter, and charge fees therefor.
- (7) Operate under the direction of its board of directors.
- (8) Elect by its board of directors a president, any vice-president, a secretary, and a treasurer, and provide for such other officers, employees, and agents as may be necessary, define their duties, and require surety bonds or make other provision against losses occasioned by employees.
- (9) Prescribe by its board of directors its bylaws not inconsistent with law providing for the classes of its stock and the manner in which its stock shall be issued, transferred, and retired; its officers, employees, and agents are elected or provided for; its property acquired, held, and transferred; its loans and appraisals made; its general business conducted; and the privileges granted it by law exercised and enjoyed.
- (10) Borrow money and issue notes, bonds, debentures, or other obligations of such character, terms, conditions, and rates of interest as may be determined.

(11) Participate with one or more other lenders, including federal land banks existing under the Farm Credit Act of 1971, as amended, in loans that the corporation is authorized to make under this chapter.

(12) Deposit its securities and its current funds with any member bank of the federal reserve system or any insured state nonmember bank as defined in section 2 of the Federal Deposit Insurance Act and pay fees therefor and receive interest thereon as may be agreed.

(13) Buy and sell obligations of or insured by the United States or of any agency thereof, and, as may be authorized by its board of directors and by rule promulgated pursuant to section 1 of this act, (a) sell to other lenders interests in loans, (b) buy from other lenders interests in loans which the corporation could make directly under this chapter, and (c) make other investments.

(14) Conduct studies and make and adopt standards for lending.

(15) Amend and modify loan contracts, documents, and payment schedules, and release, subordinate, or substitute security for any of them.

(16) Exercise by its board of directors or authorized officers, employees, or agents all such incidental powers as may be necessary or expedient to carry on the business of the corporation.

NEW SECTION. Sec. 3. The voting stock of the Washington land bank shall be held only by borrowers who are farmers or ranchers, which stock shall not be transferred, pledged, or hypothecated except to other eligible borrowers. The rules promulgated by the director pursuant to section 1 of this act shall provide for the amount, par value, classes, voting, dividends, and other attributes of the stock of the corporation.

NEW SECTION. Sec. 4. The Washington land bank is authorized to make or participate with other lenders in long-term real estate mortgage loans in rural areas to eligible borrowers, and to make continuing commitments to make such loans under specified circumstances, for a term of not less than five nor more than forty years.

NEW SECTION. Sec. 5. Loans made by the Washington land bank shall bear interest at a rate or rates, and on such terms and conditions, as may be determined by the board of directors of the bank from time to time, in accordance with rules promulgated pursuant to section 1 of this act. In setting rates and charges, it shall be the objective to provide the credit needed by eligible borrowers at the lowest reasonable cost on a sound business basis, taking into account the cost of money to the corporation, necessary reserves and expenses of the corporation, and providing services to stockholders and members. The loan documents may provide for the interest rate or rates to vary from time to time during the repayment period of the loan, in accordance with the rate or rates currently being charged by the corporation.

NEW SECTION. Sec. 6. The services authorized in this chapter may be made available to persons who are or become stockholders or members in the Washington land bank and are bona fide farmers or ranchers.

NEW SECTION. Sec. 7. Loans originated by the Washington land bank or in which it participates with another lender, including principal and all accrued interest the payment of which has been deferred pursuant to section 8 of this act, shall not exceed sixty-five percent of the appraised value of the real estate security, and shall be secured by first liens on interests in real estate of such classes as may be provided by rule promulgated pursuant to section 1 of this act. The value of security shall be determined by appraisal under appraisal standards prescribed by such rules. Additional security may be required to supplement real estate security.

NEW SECTION. Sec. 8. A borrower may elect, during the first five years of a loan originated by the Washington land bank or in which it participates with another lender, to defer payment of all or any portion of the principal or interest due from the borrower to the corporation, unless the deferral of such payment would cause the principal and accrued interest on such loan to exceed sixty-five percent of the original appraised value or the current appraised value, whichever is less. Upon such election, the payment schedule related to such loan shall be recomputed and modified to provide for repayment of the principal amount of the loan plus accrued but unpaid interest and all interest which shall accrue during the period of deferral and thereafter over a term equal to the original term of the loan, commencing as of the date of such deferral.

NEW SECTION. Sec. 9. Loans made by the Washington land bank shall be made on the basis of long-term profitability rather than short-term cash flow.

NEW SECTION. Sec. 10. The Washington land bank may, in accordance with rules adopted pursuant to section 1 of this act, cause loans to be originated or serviced by other entities, including cooperative associations organized specifically for the purposes of this chapter, and may pay or charge a fee therefor.

NEW SECTION. Sec. 11. Loans made by the Washington land bank to farmers and ranchers may be for any agricultural need of the borrower. The bank may own and lease, or lease with option to purchase, to persons eligible for assistance under this chapter, facilities needed in the operations of such persons.

NEW SECTION. Sec. 12. The provisions of the general corporation laws of this state, and all powers and rights thereunder, shall apply to the corporation organized under this chapter.

except where such provisions are in conflict with or inconsistent with the express provisions of this chapter or rules adopted pursuant to section 1 of this act.

NEW SECTION. Sec. 13. Bonds and other evidences of indebtedness issued pursuant to this chapter shall not be obligations of the state of Washington and shall be obligations only of the Washington land bank established pursuant to this chapter. Funds of the Washington land bank shall not be or constitute public moneys or funds of the state of Washington but shall at all times be kept segregated and set apart from other funds.

NEW SECTION. Sec. 14. There is hereby created the land bank advisory committee to advise the department of general administration in the development of rules and procedures under section 1 of this act which apply to the establishment of the Washington land bank. The committee shall be composed of nine members: One member from each caucus appointed by the president of the senate; one member from each caucus appointed by the speaker of the house of representatives; the director of agriculture or his or her designee; one member knowledgeable in agricultural financing appointed by the director of general administration; two members representing agricultural producers appointed by the director of agriculture; and the director of general administration, or his or her designee.

The advisory committee shall meet at the call of the chair elected by the committee, but shall not meet less than four times. The advisory committee shall provide a report on the status of implementation of the Washington land bank to the legislature by January 1, 1987.

Sec. 15. Section 30.04.020, chapter 33, Laws of 1955 as last amended by section 2, chapter 42, Laws of 1983 and RCW 30.04.020 are each amended to read as follows:

The name of every bank shall contain the word 'bank' and the name of every trust company shall contain the word 'trust,' or the word 'bank.' Except as provided in RCW 33.08.030, no person except:

- (1) A national bank;
- (2) A bank or trust company authorized by the laws of this state;
- (3) A corporation established under section 1 of this 1986 act;
- (4) A foreign corporation authorized by this title so to do, shall.

(a) Use as a part of his or its name or other business designation or in any manner as if connected with his or its business or place of business any of the following words or the plural thereof, to wit: 'bank,' 'banking,' 'banker,' 'trust.'

(b) Use any sign at or about his or its place of business or use or circulate any advertisement, letterhead, billhead, note, receipt, certificate, blank form, or any written or printed or part written and part printed paper, instrument or article whatsoever, directly or indirectly indicating that the business of such person is that of a bank or trust company.

This section shall not prevent a lender approved by the United States secretary of housing and urban development for participation in any mortgage insurance program under the National Housing Act from using the words 'mortgage banker' or 'mortgage banking' in the conduct of its business, but only if both words are used together in either of the forms which appear in quotations in this sentence.

Every person who, and every director and officer of every corporation which, to the knowledge of such director or officer violates any provision of this section shall be guilty of a gross misdemeanor.

NEW SECTION. Sec. 16. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 17. Sections 1 through 13 of this act shall constitute a new chapter in Title 31 RCW."

On page 1, line 1 of the title, after "bank;" strike the remainder of the title and insert "amending RCW 30.04.020; adding a new chapter to Title 31 RCW; and creating a new section." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Prince, the House concurred in the Senate amendments to House Bill No. 1899.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1899 as amended by the Senate.

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

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1899 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

House Bill No. 1899 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

February 26, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 355 with the following amendments:

On page 4, line 10, after "later than" strike "December 31, 1987" and insert "June 30, 1986"

On page 4, line 15, after "under section" strike "1" and insert "2"

On page 4, beginning on line 22, after "later than" strike "December 31, 1987" and insert "June 30, 1986"

On page 4, line 24, after "Sec. 4." strike everything through "1989." and insert "This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "and" strike the remainder of the title and insert "declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Braddock moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 355.

Representatives Braddock and Tilly spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 355 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 355 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Engrossed Substitute House Bill No. 355 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 4, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1962 with the following amendment:

On page 2, line 14 after "board" strike "~~((shall be a citizen of the United States and))~~" and insert "shall be a citizen of the United States and" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Cole, the House concurred in the Senate amendment to House Bill No. 1962.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Bill No. 1962 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1962 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

House Bill No. 1962 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 4, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1967 with the following amendment:

On page 1, line 17 after "compact" insert ", of an area not to exceed two hundred fifty acres" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Haugen, the House concurred in the Senate amendment to Substitute House Bill No. 1967.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Substitute House Bill No. 1967 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1967 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller,

Nealey, Nelson D. Nelson G. Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Sanders - 1.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 1967 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1986 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 48.01 RCW to read as follows:

A child of an insured, subscriber, or enrollee shall be considered a dependent child for insurance purposes under this title: (1) Upon being physically placed with the insured, subscriber, or enrollee for the purposes of adoption under the laws of the state in which the insured, subscriber, or enrollee resides; and (2) upon assumption by the insured, subscriber, or enrollee of the financial responsibility for the medical expenses of the child.

Eligibility for coverage of an adopted child is governed by applicable contract, policy, or agreement provisions with respect to dependent children, including any established underwriting guidelines.

NEW SECTION, Sec. 2. A new section is added to chapter 48.20 RCW to read as follows:

(1) Any disability insurance contract providing hospital and medical expenses and health care services, delivered or issued for delivery in this state, which provides coverage for dependent children, as defined in the contract of the insured, shall cover adoptive children placed with the insured on the same basis as other dependents, as provided in section 1 of this act.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of placement.

NEW SECTION, Sec. 3. A new section is added to chapter 48.21 RCW to read as follows:

(1) Any group disability insurance contract, except a blanket disability insurance contract, providing hospital and medical expenses and health care services, delivered or issued for delivery in this state, which provides coverage for dependent children, as defined in the contract of the insured, shall cover adoptive children placed with the insured on the same basis as other dependents, as provided in section 1 of this act.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the insurer. The notification period shall be no less than sixty days from the date of placement.

NEW SECTION, Sec. 4. A new section is added to chapter 48.44 RCW to read as follows:

(1) Any health care service contract under this chapter delivered or issued for delivery in this state, which provides coverage for dependent children, as defined in the contract of the subscriber, shall cover adoptive children placed with the subscriber on the same basis as other dependents, as provided in section 1 of this act.

(2) If payment of an additional premium is required to provide coverage for a child, the contract may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the health care services contractor. The notification period shall be no less than sixty days from the date of placement.

NEW SECTION, Sec. 5. A new section is added to chapter 48.46 RCW to read as follows:

(1) Any health maintenance agreement under this chapter which provides coverage for dependent children, as defined in the agreement of the enrolled participant, shall cover adoptive children placed with the enrolled participant on the same basis as other dependents, as provided in section 1 of this act.

(2) If payment of an additional premium is required to provide coverage for a child, the agreement may require that notification of placement of a child for adoption and payment of the required premium must be furnished to the health maintenance organization. The notification period shall be no less than sixty days from the date of placement.

NEW SECTION, Sec. 6. This act shall take effect January 1, 1987, and shall apply to all contracts or agreements issued, renewed, or delivered on or after January 1, 1987.

NEW SECTION. Sec. 7. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Lux, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 1986.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1986 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1986 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Vaile, van Dyke, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Engrossed Substitute House Bill No. 1986 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE CONCURRENT RESOLUTION

February 27, 1986

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE CONCURRENT RESOLUTION NO. 19 with the following amendment:

On page 1, line 24 strike "committee" and insert "committees" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Rust, the House concurred in the Senate amendment to Engrossed House Concurrent Resolution No. 19.

ADOPTION OF HOUSE CONCURRENT RESOLUTION AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be adoption of Engrossed House Concurrent Resolution No. 19 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the adoption of Engrossed House Concurrent Resolution No. 19 as amended by the Senate, and the resolution was adopted by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers,

Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Engrossed House Concurrent Resolution No. 19 as amended by the Senate, having received the constitutional majority, was declared adopted.

SENATE AMENDMENT TO HOUSE JOINT RESOLUTION

March 5, 1986

Mr. Speaker:

The Senate has passed HOUSE JOINT RESOLUTION NO. 55 with the following amendment:

On page 2, line 13 after "support the" strike "renovation or construction" and insert "construction, modernization or remodeling" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Ebersole, the House concurred in the Senate amendment to House Joint Resolution No. 55.

FINAL PASSAGE OF HOUSE JOINT RESOLUTION AS AMENDED BY SENATE

The Speaker (Mr. O'Brien presiding) stated the question before the House to be the final passage of House Joint Resolution No. 55 as amended by the Senate.

Representatives Peery and Taylor spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of House Joint Resolution No. 55 as amended by the Senate, and the resolution passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristol, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Wineberry - 1.

Excused: Representatives Lewis, Patrick, Winsley - 3.

House Joint Resolution No. 55 as amended by the Senate, having received the constitutional majority, was declared passed.

SENATE AMENDMENT TO HOUSE BILL

February 28, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1386 with the following amendment:

On page 2, line 14 after "to" strike "sixty" and insert "forty" and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Ms. Haugen moved that the House refuse to concur in the Senate amendment to House Bill No. 1386 and ask the Senate to recede therefrom.

Representatives Haugen and Brough spoke in favor of the motion.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House do not concur in the Senate amendment to House Bill No. 1386, and the motion was carried by the following vote: Yeas, 72; nays, 23; excused, 3.

Voting yea: Representatives Addison, Allen, Ballard, Barrett, Basich, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Crane, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, King J, King P, King R, Kremen, Locke, Long, Lundquist, Lux, May, McMullen, Miller, Nealey, Nelson G, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Thomas, Tilly, Todd, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson S, Zellinsky, and Mr. Speaker - 72.

Voting nay: Representatives Appelwick, Armstrong, Barnes, Baugher, Belcher, Brekke, Cole, Day, Dellwo, Fisher, Jacobsen, Leonard, Madsen, Nelson D, Niemi, Rust, Scott, Sommers, Taylor, Unsoeld, Valle, Wilson K, Wineberry - 23.

Excused: Representatives Lewis, Patrick, Winsley - 3.

SENATE AMENDMENTS TO HOUSE BILL

February 28, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 378 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. A new section is added to chapter 43.88 RCW to read as follows:

The omnibus biennial operating appropriations act shall include an appropriation for the full amount that will be paid out during the biennium under any postretirement cost-of-living adjustment adopted after the effective date of this act.

Sec. 2. Section 2, chapter 96, Laws of 1979 ex. sess. and RCW 41.32.485 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, ~~((1979))~~ 1986, as a cost-of-living adjustment, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than ~~((ten))~~ thirteen dollars per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ~~((ten))~~ thirteen dollars. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the retirement allowance of each beneficiary who either is receiving benefits pursuant to RCW 41.32.520 or 41.32.550 as of December 31, 1978, or commenced receiving a monthly retirement allowance under this chapter as of a date no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. This adjustment shall be in lieu of any adjustments provided under RCW 41.32.499(6) as of July 1, 1979, or July 1, 1980, for the affected beneficiaries. Such adjustment shall be calculated as follows:

(a) Retirement allowances to which this subsection and subsection (1) of this section are both applicable shall be determined by first applying subsection (1) and then applying this subsection. The department shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those beneficiaries to whom this subsection applies;

(b) The department shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection;

(c) Each beneficiary to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service.

(3) The provisions of subsections (1) and (2) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.32.540 or 41.32.760 through 41.32.825.

Sec. 3. Section 1, chapter 96, Laws of 1979 ex. sess. and RCW 41.40.198 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, ~~((1979))~~ 1986, as a cost-of-living adjustment, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than ~~((ten))~~ thirteen dollars per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ~~((ten))~~ thirteen dollars. Where the pension payable was

adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) The provisions of subsection (1) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.40.220(1), 41.44.170(5), or 41.40.610 through 41.40.740.

NEW SECTION, Sec. 4. There is appropriated five million three hundred thousand dollars, or so much thereof as may be necessary, from the general fund for the purposes of paying the cost-of-living adjustments provided in sections 2 and 3 of this 1986 act. Of this amount, two million dollars shall be deposited in the teachers' retirement fund and three million three hundred thousand dollars shall be deposited in the public employees' retirement fund.

NEW SECTION, Sec. 5. This act shall take effect on July 1, 1986."

In line 1 of the title, after "adjustments;" strike the remainder of the title and insert "amending RCW 41.32.485 and 41.40.198; adding a new section to chapter 43.88 RCW; making an appropriation; and providing an effective date."

and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Braddock the House refused to concur in the Senate amendments to Substitute House Bill No. 378 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 160 with the following amendments:

On page 1, line 18 after "which" strike "requires" and insert "authorizes"

On page 1, line 20 after "fees" insert "not to exceed seventy-five dollars per preadmission student"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Ebersole moved that the House do concur in the Senate amendment to page 1, line 18 and refuse to concur in the Senate amendment to page 1, line 20, and ask the Senate to recede therefrom.

Representatives Ebersole and Walker spoke in favor of the motion, and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1643 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. A new section is added to chapter 19.114 RCW to read as follows:

The department of ecology shall establish a comprehensive list of used oil collection facilities in the state. If the department determines that there are an inadequate number of facilities to serve any city or county, the department shall require that city or county to address oil recycling in the local hazardous waste plan required by RCW 70.105.220."

On page 1, beginning on line 1 of the title, after "recycling;" strike the remainder of the title and insert "and adding a new section to chapter 19.114 RCW."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. D. Nelson moved that the House refuse to concur in the Senate amendments to House Bill No. 1643 and ask the Senate to recede therefrom.

Representatives D. Nelson and Isaacson spoke in favor of the motion, and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1829 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The superintendent of public instruction shall study methods to provide improved instruction to students needing categorical educational services and shall develop recommendations that enhance these students' opportunities for success. The study and recommendations shall include at least the following topics:

(1) Future service demand in light of changing student demographics, longitudinal trends, eligibility standards for special needs students, and declining federal resources;

(2) The adequacy of the state's data and information systems as they relate to class size and students requiring categorical educational services;

(3) The relationship between the current system for the delivery of categorical educational services and the ability of the regular classroom to meet student diversity;

(4) The relationship between the ratio of certificated staff to students in the classroom and the number of students referred and the type of categorical assistance for which referrals are made;

(5) The relationship between the ratio of adults to students in the classroom and the number of students referred and the type of categorical assistance for which referrals are made;

(6) The interrelationship between various state and federal programs designed to serve students requiring categorical educational services, and the effect of targeting under existing state and federal statutes and regulations;

(7) The relationship between the methods of delivering categorical educational services and research results about educational success;

(8) The impact of delivering categorical educational services in the regular classroom setting to include: (a) Class size considerations, (b) teaching methods, and (c) coordination of categorical program services;

(9) The interaction between and effects upon educators, support staff, and parents of students needing categorical educational services in various delivery models;

(10) The superintendent of public instruction and the office of financial management are directed to conduct jointly a study that reviews state-wide testing instruments, analyzes trends and changes in student achievement, and such matters as they may agree to pursue; and

(11) Other topics designated by the advisory committee described in this section.

In conducting this study, the superintendent of public instruction shall include data regarding the categorical education services and students engaged in at least the following programs: Federal chapter 1 disadvantaged and chapter 1 migrant, bilingual, the state remediation assistance program, and the federal and state special education programs.

An advisory committee of legislators and citizens representative of education organizations concerned with the delivery of categorical instructional services and regular classroom instruction shall be appointed by the superintendent of public instruction to advise the superintendent of public instruction on the conduct of the study and the approval of resulting recommendations.

This section shall expire January 30, 1987.

*NEW SECTION. Sec. 2. The study shall be completed and results and recommendations for investigation of systems refining categorical education services through data-based pilot projects shall be reported to the legislature no later than January 5, 1987."

On page 1, line 2 of the title, after "needs," strike the remainder of the title and insert "and creating new sections."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Ebersole, the House refused to concur in the Senate amendments to Substitute House Bill No. 1829 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1986

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 134 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The legislature finds that the use of both automatic dialing and announcing devices for purposes of commercial solicitation: (1) Deprives consumers of the opportunity to immediately question a seller about the veracity of their claims; (2) subjects

consumers to unwarranted invasions of their privacy; and (3) encourages inefficient and potentially harmful use of the telephone network. The legislature further finds that it is in the public interest to prohibit the use of both automatic dialing and announcing devices for purposes of commercial solicitation.

The legislature finds that information delivery services, which are also known as information-access telephone services and more commonly known as '976' services, are in widespread use in the state. These services operate on a charge-per-call basis and provide revenue for both the service provider and the telecommunications companies. The marketing practices for these toll telephone services have at times been misleading to consumers and at other times specifically directed toward children. The result has been the placement of calls by individuals, particularly by children, uninformed about the charges that might apply. Therefore, the legislature finds that residential telephone users in the state are entitled to reasonable protection from telephone services they have no desire to use due to confusion or misinformation about these services.

NEW SECTION. Sec. 2. (1) As used in sections 1 through 7 of this act:

(a) An automatic dialing device is a device which automatically dials telephone numbers. An automatic announcing device is a device that plays a recorded message once a connection is made. An automatic announcing device includes recorded messages known as information delivery services.

(b) Commercial solicitation means the unsolicited initiation of a telephone conversation for the purpose of encouraging a person to purchase property, goods, or services.

(c) 'Information delivery services' means telephone recorded messages, interactive programs, or other information services which are provided for a charge to a caller. These services are usually provided through a '976' telephone number.

(d) 'Information providers' means the persons or corporations that provide the information, prerecorded message, or interactive program to the telecommunications company for the information delivery service. The information provider generally receives a portion of the revenue from the calls.

(e) 'Interactive program' means a program which allows an information delivery service caller, once connected to the information provider's announcement machine, to use the caller's telephone device to access more specific information.

(f) 'Currently equipped' means an existing switch and software that has the current capability of blocking access to information delivery services on an individual customer basis.

(2) No person may use both an automatic dialing and announcing device for purposes of commercial solicitation. This section applies to all commercial solicitation intended to be received by telephone customers within the state.

(3) A violation of this section is a violation of chapter 19.86 RCW. It shall be presumed that damages to the recipient of commercial solicitations made using an automatic dialing and announcing device are five hundred dollars.

(4) Nothing in this section shall be construed to prevent the Washington utilities and transportation commission from adopting additional rules regulating automatic dialing and announcing devices.

NEW SECTION. Sec. 3. The utilities and transportation commission shall by rule require telecommunications companies to offer each residential telephone subscriber the opportunity to have the subscriber's telephone blocked or deleted from access to all information delivery services. This means that the residential telephone subscriber's telephone would not complete a call to any 976 or information delivery service number. Under this rule, any telecommunications company that makes available information delivery services must also make available to its subscribers the blocking service described in this section.

NEW SECTION. Sec. 4. The utilities and transportation commission shall by rule mandate that information providers who make information available that constitutes lewd matter under RCW 7.48A.010 also provide at their expense for access to their services only through a personal identification number in conjunction with 976.

NEW SECTION. Sec. 5. The telecommunications company shall inform subscribers of the rules adopted under sections 3 and 4 of this act, including the availability of the blocking service, through a bill insert or by publication in the telephone directory.

NEW SECTION. Sec. 6. The costs of complying with the rules adopted under sections 3 and 4 of this act shall be borne by the information providers.

NEW SECTION. Sec. 7. The rules under sections 3 through 6 of this act shall take effect on or before December 1, 1986. The commission may also order a phase-in period for the rules if a telecommunications company is not currently equipped to block the services. If a telecommunications company is not so equipped, then the commission shall examine the economic feasibility of installing the blocking system if the newly installed system would be only for the purpose of blocking access to information delivery services.

NEW SECTION. Sec. 8. Sections 2 through 7 of this act are each added to chapter 80.36 RCW.

NEW SECTION, Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "adding" strike "a new section" and insert "new sections" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. D. Nelson, the House refused to concur in the Senate amendments to Substitute House Bill No. 134 and asked the Senate to recede therefrom.

The Speaker resumed the Chair.

SENATE AMENDMENTS TO HOUSE BILL

March 1, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587 with the following amendments:

On page 2, line 3, after "market," strike everything through "market." on line 5

On page 2, after line 5, insert the following:

"It is the intent of this chapter to enhance export trade and not to create outside competition for existing Washington state businesses. The primary intent of a port sponsored export trading company is to increase exports of Washington state products."

On page 2, line 32, after "companies" strike everything through "consortiums" on line 34 and insert "and a company so formed may contract"

On page 4, line 9, after "(3)" strike everything through "chapter." on line 14 and insert "(a) Proceedings to form a public corporation designated as an export trading company shall be initiated by a resolution of the board of commissioners of a port district adopting a charter for the corporation. The charter shall contain such provisions as are authorized by law and include provisions for a board of directors which shall conduct the affairs of the export trading company. The board of directors shall include no fewer than three nor more than five members, all appointed by the port district board of commissioners. Commissioners of the port shall be eligible to serve as members of the board and shall constitute a majority of the board of directors at all times. Unless a later date is specified, the resolution shall take effect on the thirtieth day after adoption. The corporation shall be deemed formed for all purposes upon filing in the office of the secretary of state a certified copy of the effective resolution and the charter adopted by the resolution.

(b) In any suit, action, or proceeding involving the validity or enforcement of or relating to any contract of the corporation, the corporation is conclusively presumed to be established and authorized to transact business and exercise its powers under this chapter upon proof of the adoption of the resolution creating the corporation by the governing body. A copy of the resolution duly certified by the secretary of the port district commission shall be admissible in evidence in any suit, action, or proceeding.

(c) A corporation created by a port district pursuant to this chapter may be dissolved by the district if the corporation (i) has no property to administer, other than funds or property, if any, to be paid or transferred to the district by which it was established; and (ii) all its outstanding obligations have been satisfied. Such a dissolution shall be accomplished by the governing body of the port district adopting a resolution providing for the dissolution.

(d) The creating port district may, at its discretion and at any time, alter or change the structure, organizational programs, or activities of the corporation, including termination of the corporation if contracts entered into by the corporation are not impaired. Subject to any contractual obligations, any net earnings of the corporation shall inure only to the benefit of the creating port district. Upon dissolution of the corporation, all assets and title to all property owned by the corporation shall vest in the creating port district."

On page 4, line 33, after "(7)" strike everything through "state." on page 5, line 1 and insert "An export trading company shall not import any goods or products grown, produced, or mined outside the state of Washington without concurrence of the director of the department of agriculture or the director of the department of trade and economic development, or both, nor shall it import timber without concurrence of the Washington department of trade and economic development. Concurrence as required in this section shall not be unreasonably withheld. The departments shall, by rule, provide a means whereby such concurrence may be sought. An export trading company shall not import goods or products for in-state sale in competition with products grown, mined, or produced in Washington state. The Washington public ports association shall, upon request, report to the legislative committee on economic development established in chapter 44.52 RCW with details of the impact of export trading companies on the state's economy."

On page 9, line 11, after "1991" insert ", and shall be subject to review under chapter 43.131 RCW"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTIONS

Mr. McMullen moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 1587 and ask the Senate for a conference thereon.

Mr. Schoon moved that the House do concur in the Senate amendments.

Representatives Schoon and B. Williams spoke in favor of the motion, and Representatives McMullen and Lundquist spoke against it.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1587, and the motion was lost by the following vote: Yeas, 25; nays, 69; absent, 1; excused, 3.

Voting yea: Representatives Addison, Ballard, Barnes, Barrett, Bond, Chandler, Doty, Fuhrman, May, Miller, Padden, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Van Luven, Walker, West, Williams B, Williams J - 25.

Voting nay: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Dobbs, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, van Dyke, Vander Stoep, Vekich, Walk, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 69.

Absent: Representative Isaacson - 1.

Excused: Representatives Lewis, Patrick, Winsley - 3.

MOTION

On motion of Mr. McMullen, the House asked the Senate for a conference on Engrossed Substitute House Bill No. 1587.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Kremen, McMullen and Schoon as conferees on Engrossed Substitute House Bill No. 1587.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1708 with the following amendments:

On page 1, line 14, after "qualified," strike all material down to and including "1989." on line 18 and insert "After the effective date of this 1986 act, the member who is appointed to the term that expired in 1985 shall be appointed to a four-year term, the member who is appointed to the term that expires in 1988 shall be appointed to a five-year term, and the member who is appointed to the term that expires in 1991 shall be appointed to a six-year term."

On page 1, beginning on line 19, strike "of the three members of the board appointed as aforesaid" and insert "(of the three members of the board appointed as aforesaid)) member following the effective date of this 1986 act" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Belcher, the House refused to concur in the Senate amendments to House Bill No. 1708 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Belcher, Walk and Fuhrman as conferees on House Bill No. 1708.

SENATE AMENDMENT TO HOUSE BILL

March 4, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1722 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The department of ecology shall establish a study team consisting of representatives of local air authorities, environmental organizations, and business organizations. The department, with the assistance of the study team, shall:

(1) Conduct a comprehensive study on the need for better management systems for controlling air pollution sources and, if determined necessary, methods to improve management;

(2) Thoroughly assess the existing stationary air pollution source regulatory system, its deficiencies, and ways to remedy them;

(3) Define the objectives of an air pollution source operating permit system;

(4) Assess programs in other states using permits or otherwise and compare their progress with the accomplishments achieved in Washington state;

(5) Evaluate the need for an air pollution source operating permit program, including: (a) A comparison with the accomplishments of the existing regulatory system, (b) the sources and emissions included and excluded, (c) government and private resources needed, (d) fees anticipated, (e) schedule for implementation, (f) time involved to establish and maintain the program, (g) its effect on air quality, (h) its impact on sources covered, and (i) its overall cost-effectiveness; and

(6) Identify alternatives to an air pollution source permit program and analyze the advantages and disadvantages of each.

By December 15, 1986, the department of ecology shall report the conclusions of the study to the appropriate standing committees of the legislature, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Rust, the House refused to concur in the Senate amendment to Substitute House Bill No. 1722 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Rust, Lux and Allen as conferees on Substitute House Bill No. 1722.

SENATE AMENDMENT TO HOUSE BILL

March 4, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870 with the following amendment:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature finds and declares that advertising, sales, and business practices of certain travel charter or tour operators have worked financial hardship upon the people of this state; that the travel business has a significant impact upon the economy and well-being of this state and its people; that problems have arisen regarding certain segments of the travel charter or tour operator business; and that the public welfare requires regulation of travel charter or tour operators in order to eliminate unfair advertising, sales and business practices. The legislature further finds it necessary to establish standards that will safeguard the people against financial hardship and to encourage fair dealing and prosperity in the travel business.

NEW SECTION, Sec. 2. (1) 'Travel charter or tour operator' means a person who sells, provides, furnishes, contracts for, arranges, or advertises in this state that he or she can or may arrange, or has arranged air, sea, or land transportation either separately or in conjunction with other services. 'Travel charter or tour operator' does not include: (a) An air carrier, (b) an ocean carrier, (c) a motor carrier, (d) a rail carrier, (e) a charter party carrier, (f) an auto transportation carrier, (g) an authorized airline reporting corporation agent, (h) a member of the United States Tour Operator's Association, or (i) a person who sells membership in an organization, club, or association that entitles the purchaser to obtain transportation or other services from a travel charter or tour operator and who does not arrange or provide for transportation.

(2) 'Advertise' means to make any representation in conjunction with, or to effect the sale of, travel services and includes communication with other members of the same partnership, corporation, joint venture, association, organization, group or other entity.

(3) 'Passenger' is a person who purchases travel arrangements in Washington state and on whose behalf money or other consideration has been given or is to be given to another, including another member of the same partnership, corporation, joint venture, association, organization, group or other entity, for procuring transportation or other travel services.

(4) 'Adequate bond' means a bond executed by an authorized surety insurer in an amount not less than fifty thousand dollars or an amount equal to ten percent of the total revenue of the two highest consecutive months for the travel charter or tour operator's business during the prior calendar year, whichever is greater, but in no case, more than five hundred thousand dollars, for the benefit of every person for whom services have not been delivered by the wrongful act of the principal acting in the course and scope of his or her occupation or business or by any official, agent, or employee of the principal acting in the course or scope of his or her employment or agency.

NEW SECTION. Sec. 3. A travel charter or tour operator shall not advertise that air, sea, or land transportation either separately or in conjunction with other services is or may be available unless he or she has, prior to such advertisement, received written confirmation with a carrier for the transportation advertised.

NEW SECTION. Sec. 4. At or prior to the time of full or partial payment for air, sea, or land transportation or any other services offered by the travel charter or tour operator in conjunction with such transportation, the travel charter or tour operator shall furnish to the person making the payment a written statement conspicuously setting forth the following information:

(1) The name and business address and telephone number of the travel charter or tour operator.

(2) The amount paid, the date of such payment, the purpose of the payment made, and an itemized statement of the balance due, if any.

(3) The location and number of the trust account or bond required by this statute.

(4) The name of the carrier with whom the travel charter or tour operator has contracted to provide the transportation, the type of equipment contracted, and the date, time, and place of each departure: PROVIDED, That the information required in this subsection may be provided at the time of final payment.

(5) The conditions, if any, upon which the contract between the travel charter or tour operator and the passenger may be canceled, and the rights and obligations of all parties in the event of such cancellation.

(6) A statement in eight-point boldface type in substantially the following form:

'If transportation or other services are canceled by the travel charter or tour operator, all sums paid to the travel charter or tour operator for services not performed in accordance with the contract between the travel charter or tour operator and the passenger will be refunded within fourteen days after the cancellation by the travel charter or tour operator to the passenger or the party who contracted for the passenger unless mutually acceptable alternative travel arrangements are provided.'

NEW SECTION. Sec. 5. (1) If the transportation or other services contracted for are canceled the travel charter or tour operator shall return to the passenger within fourteen days after the cancellation all moneys paid for services not performed in accordance with the contract unless mutually acceptable alternative travel arrangements are provided.

(2) Any material misrepresentation with regard to the transportation and other services offered shall be deemed to be a cancellation necessitating the refund required by this section.

NEW SECTION. Sec. 6. (1) Except as otherwise provided in subsection (3) of this section, a travel charter or tour operator shall deposit ninety percent of all sums received for transportation or any other services offered by the travel charter or tour operator in conjunction with such transportation in a trust account in a federally insured financial institution.

(2) The trust account required by this section shall be created and maintained for the benefit of the passengers paying money to the travel charter or tour operator. The travel charter or tour operator shall not in any manner encumber the corpus of the account and shall not withdraw money therefrom except: (a) in an amount equal to partial or full payment for the services contracted for the passengers to the carrier or person providing the other services offered by the travel charter or tour operator; or (b) to make the refunds as required by section 5 of this act or as provided for by written contract between the travel charter and tour operator and passengers. A travel charter and tour operator may withdraw from the account any interest earned and credited to the trust account for the sole benefit of the travel charter and tour operator after all services have been provided as contracted.

(3) A travel charter and tour operator, instead of maintaining a trust account as provided in subsections (1) and (2) of this section, may maintain an adequate bond.

(4) A violation of any provision of this section shall constitute a gross misdemeanor punishable under RCW 9A.20.021(2).

NEW SECTION. Sec. 7. A travel charter or tour operator is not required to comply with section 6 of this act if a written agreement exists between the travel charter or tour operator and a current member of the United States Tour Operators' Association to provide full service in the event the travel charter or tour operator defaults in providing services to passengers, and the travel charter or tour operator states the existence of this agreement in all of its promotional

brochures. Any misleading statement is a violation of this section, and shall constitute a gross misdemeanor punishable under RCW 9A.20.021(2).

NEW SECTION, Sec. 8. A violation of sections 3 through 7 of this act shall constitute a violation of RCW 19.86.020.

NEW SECTION, Sec. 9. This chapter does not apply to the sale of public transportation by a public charter operator who is complying with regulations of the United States department of transportation.

NEW SECTION, Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 19 RCW.

NEW SECTION, Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 12. This act shall take effect January 1, 1987, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. McMullen, the House refused to concur in the Senate amendment to Engrossed Substitute House Bill No. 1870 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives McMullen, Rayburn and Schmidt as conferees on Engrossed Substitute House Bill No. 1870.

The Speaker declared the House to be at ease until 6:00 p.m.

EVENING SESSION

The House was called to order at 6:00 p.m. by the Speaker.

MESSAGE FROM THE SENATE

March 7, 1986

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE SENATE BILL NO. 3110,
 SENATE BILL NO. 3334,
 SENATE BILL NO. 3495,
 SUBSTITUTE SENATE BILL NO. 4221,
 SUBSTITUTE SENATE BILL NO. 4458,
 SENATE BILL NO. 4551,
 SUBSTITUTE SENATE BILL NO. 4574,
 SECOND SUBSTITUTE SENATE BILL NO. 4626,
 SENATE BILL NO. 4680,
 SENATE BILL NO. 4723,
 SENATE BILL NO. 4959,
 SENATE JOINT MEMORIAL NO. 133,
 SUBSTITUTE SENATE JOINT MEMORIAL NO. 135,
 SENATE JOINT MEMORIAL NO. 136,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 686,
 SUBSTITUTE HOUSE BILL NO. 1148,
 SUBSTITUTE HOUSE BILL NO. 1218,
 HOUSE BILL NO. 1374,
 SUBSTITUTE HOUSE BILL NO. 1391,
 SUBSTITUTE HOUSE BILL NO. 1401,
 SUBSTITUTE HOUSE BILL NO. 1403,
 HOUSE BILL NO. 1407,

SUBSTITUTE HOUSE BILL NO. 1408,
HOUSE BILL NO. 1415,
HOUSE BILL NO. 1419,
HOUSE BILL NO. 1441,
HOUSE BILL NO. 1450,
SUBSTITUTE HOUSE BILL NO. 1458,
SUBSTITUTE HOUSE BILL NO. 1580,
HOUSE BILL NO. 1635,
HOUSE BILL NO. 1656,
SUBSTITUTE HOUSE BILL NO. 1669,
SUBSTITUTE HOUSE BILL NO. 1678,
HOUSE BILL NO. 1720,
SUBSTITUTE HOUSE BILL NO. 1815,
SUBSTITUTE HOUSE BILL NO. 1839,
SUBSTITUTE HOUSE BILL NO. 1865,
HOUSE BILL NO. 1900,
HOUSE BILL NO. 2055,
SECOND SUBSTITUTE SENATE BILL NO. 3110,
SENATE BILL NO. 3334,
SENATE BILL NO. 3495,
SUBSTITUTE SENATE BILL NO. 4221,
SUBSTITUTE SENATE BILL NO. 4458,
SENATE BILL NO. 4551,
SUBSTITUTE SENATE BILL NO. 4574,
SECOND SUBSTITUTE SENATE BILL NO. 4626,
SENATE BILL NO. 4680,
SENATE BILL NO. 4723,
SENATE BILL NO. 4959,
SENATE JOINT MEMORIAL NO. 133,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 135,
SENATE JOINT MEMORIAL NO. 136.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1356 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 5, chapter 357, Laws of 1985 and RCW 2.08.067 are each amended to read as follows:

All judicial positions created by the legislature after ~~((the effective date of this act))~~ July 28, 1985, including the additional judicial positions created by ~~((sections 1 through 3, chapter 357, Laws of 1985))~~ RCW 2.08.061, 2.08.062, and 2.08.064, shall be authorized only for counties that have implemented a mandatory arbitration program for civil claims to the maximum extent permitted by law. This section does not apply to counties of the third class or smaller, or to two- and three-county judicial districts with a population of less than seventy thousand. Implementing a mandatory arbitration program to the maximum extent permitted by law does not require a county to authorize arbitration for maintenance or child support issues as provided in RCW 7.06.020(2) if:

(1) The county uses a show cause or motion by affidavit calendar, or other procedure by which maintenance or support issues are decided on a summary basis; or

(2) Upon the request of the chief administrative judge of a judicial district, the office of the administrator for the courts determines that a mandatory arbitration program would be more costly and time consuming to the county than the procedure then in use in the county for determining support or maintenance issues.

NEW SECTION. Sec. 2. A new section is added to chapter 7.75 RCW to read as follows:

(1) Members of the board of directors of a dispute resolution center are immune from suit in any civil action based upon any proceedings or other official acts performed in good faith as members of the board.

(2) Employees and volunteers of a dispute resolution center are immune from suit in any civil action based on any proceedings or other official acts performed in their capacity as employees or volunteers, except in cases of wilful or wanton misconduct.

(3) A dispute resolution center is immune from suit in any civil action based on any of its proceedings or other official acts performed by its employees, volunteers, or members or its board of directors, except (a) in cases of wilful or wanton misconduct by its employees or volunteers, and (b) in cases of official acts performed in bad faith by members of its board.

NEW SECTION. Sec. 3. A new section is added to chapter 26.12 RCW to read as follows:

(1) Any county may contract under chapter 39.34 RCW with any other county or counties to provide joint family court services.

(2) Any agreement between two or more counties for the operation of a joint family court service may provide that the treasurer of one participating county shall be the custodian of moneys made available for the purposes of the joint services, and that the treasurer may make payments from the moneys upon proper authorization.

(3) Any agreement between two or more counties for the operation of a joint family court service may also provide:

(a) For the joint provision or operation of services and facilities or for the provision or operation of services and facilities by one participating county under contract for the other participating counties;

(b) For appointments of members of the staff of the family court including the supervising counselor;

(c) That, for specified purposes, the members of the staff of the family court including the supervising counselor, but excluding the judges of the family court and other court personnel, shall be considered to be employees of one participating county;

(d) For other matters as are necessary to carry out the purposes of this chapter.

(4) The provisions of this chapter relating to family court services provided by a single county are equally applicable to counties which contract, under this section, to provide joint family court services.

NEW SECTION. Sec. 4. A new section is added to chapter 26.09 RCW to read as follows:

(1) In any proceeding under this chapter, the matter may be set for mediation of the contested issues before or concurrent with the setting of the matter for hearing. The purpose of the mediation proceeding shall be to reduce acrimony which may exist between the parties and to develop an agreement assuring the child's close and continuing contact with both parents after the marriage is dissolved. The mediator shall use his or her best efforts to effect a settlement of the custody or visitation dispute.

(2) Each superior court may make available a mediator. The mediator may be a member of the professional staff of a family court or mental health services agency, or may be any other person or agency designated by the court. In order to provide mediation services, the court is not required to institute a family court.

(3) Mediation proceedings shall be held in private and shall be confidential. The mediator shall not testify as to any aspect of the mediation proceedings.

(4) The mediator shall assess the needs and interests of the child or children involved in the controversy and may interview the child or children if the mediator deems such interview appropriate or necessary.

(5) Any agreement reached by the parties as a result of mediation shall be reported to the court and to counsel for the parties by the mediator on the day set for mediation or any time thereafter designated by the court."

On page 1, line 1 of the title, strike "and"

On page 1, line 1 of the title, after "2.08.067" and before the period insert "; adding a new section to chapter 7.75 RCW; adding a new section to chapter 26.12 RCW; and adding a new section to chapter 26.09 RCW" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House concurred in the Senate amendments to Substitute House Bill No. 1356.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1356 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1356 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King

P. King R. Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nuttley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 1356 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 3, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1869 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 6, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 14, chapter 443, Laws of 1985 and RCW 7.68.060 are each amended to read as follows:

(1) For the purposes of applying for benefits under this chapter, the rights, privileges, responsibilities, duties, limitations and procedures contained in RCW 51.28.020, 51.28.030, 51.28.040 and 51.28.060 as now or hereafter amended shall apply: PROVIDED, That no compensation of any kind shall be available under this chapter if:

((+)) (a) An application for benefits is not received by the department within one year after the date the criminal act was reported to a local police department or sheriff's office or the date the rights of dependents or beneficiaries accrued; or

((+)) (b) The criminal act is not reported by the victim or someone on his behalf to a local police department or sheriff's office within seventy-two hours of its occurrence or, if it could not reasonably have been reported within that period, within seventy-two hours of the time when a report could reasonably have been made.

(2) This section shall apply only to criminal acts reported after December 31, 1985.

Sec. 2. Section 8, chapter 122, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 239, Laws of 1983 and RCW 7.68.080 are each amended to read as follows:

The provisions of chapter 51.36 RCW as now or hereafter amended govern the provision of medical aid under this chapter to victims injured as a result of a criminal act, including criminal acts committed between July 1, 1981, and January 1, 1983, except that:

(1) The provisions contained in RCW 51.36.030 (~~and~~), 51.36.040, and 51.36.080 as now or hereafter amended do not apply to this chapter:

(2) The specific provisions of RCW 51.36.020 as now or hereafter amended relating to supplying emergency transportation do not apply: PROVIDED, That when the injury to any victim is so serious as to require his being taken from the place of injury to a place of treatment, reasonable transportation costs to the nearest place of proper treatment shall be reimbursed from the fund established pursuant to RCW 7.68.090.

Sec. 3. Section 17, chapter 443, Laws of 1985 (uncodified) is amended to read as follows:

The amendments to RCW (~~7-68-060 and~~) 7.68.070 by this act apply only to criminal acts occurring after December 31, 1985.

Sec. 4. Section 337, chapter 258, Laws of 1984 and RCW 3.62.090 are each amended to read as follows:

(1) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions, by all courts organized under Title 3 or 35 RCW a public safety and education assessment equal to sixty percent of such fines, forfeitures, or penalties, which shall be remitted as provided in chapters 3.46, 3.50, 3.62, and 35.20 RCW. The assessment required by this section shall not be suspended or waived by the court.

(2) There shall be assessed and collected in addition to any fines, forfeitures, or penalties assessed, other than for parking infractions and for fines levied under RCW 46.61.515, and in addition to the public safety and education assessment required under subsection (1) of this section, by all courts organized under Title 3 or 35 RCW, an additional public safety and education assessment equal to fifty percent of the public safety and education assessment required under subsection (1) of this section, which shall be remitted to the state treasurer and deposited as provided in RCW 43.08.250. The additional assessment required by this subsection shall not be suspended or waived by the court.

NEW SECTION, Sec. 5. Section 4 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect May 1, 1986.*

On page 1, line 1 of the title, after "compensation;" strike the remainder of the title and insert "amending RCW 7.68.060, 7.68.080, and 3.62.090; amending section 17, chapter 443, Laws of 1985 (uncodified); providing an effective date; and declaring an emergency." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House concurred in the Senate amendments to Substitute House Bill No. 1869.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1869 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1869 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 1869 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 507 with the following amendment:

On page 2, line 10 after "permitted," insert "On any such roadway, a motor truck shall be driven only in the right-hand lane except under the conditions enumerated in (a) through (d) of this subsection."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Walk, the House concurred in the Senate amendment to House Bill No. 507.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of House Bill No. 507 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 507 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

House Bill No. 507 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1333 with the following amendments:

On page 5, line 21 after "(1)" strike all material through "(2)" on line 22.

Renumber the remaining subsections accordingly.

On page 1, beginning on line 5 of the title strike "28A.61.900," and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Peery, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 1333.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1333 as amended by the Senate.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1333 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Nelson G - 1.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Engrossed Substitute House Bill No. 1333 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1349 with the following amendments:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. A new section is added to chapter 29.01 RCW to read as follows:

'Election board' means a group of election officers serving one precinct or groups of precincts in a polling place.

Sec. 2. Section 3, chapter 107, Laws of 1980 and RCW 29.04.040 are each amended to read as follows:

(1) No paper ballot precinct (~~shall~~) may contain more than three hundred voters. The county legislative authority may divide, alter, or combine precincts so that, whenever practicable, over-populated precincts shall contain no more than two hundred fifty registered voters in anticipation of future growth.

(2) Precinct boundaries may be altered at any time as long as sufficient time exists prior to a given election for the necessary procedural steps to be honored (~~PROVIDED, HOWEVER, That~~), Except as permitted under subsection (5) of this section, no precinct boundaries (~~shall~~)

may be changed during the period starting ~~((as of))~~ on the thirtieth day prior to the first day for candidates to file for the primary election and ending with the day of the general election.

(3) Precincts in which voting machines or electronic voting devices are used may contain as many as nine hundred registered voters ~~((PROVIDED, That))~~, but there shall be at least one voting machine or device for each three hundred registered voters or major fraction thereof when a state primary or general election is held in an even-numbered year.

(4) On petition of twenty-five or more voters resident more than ten miles from any place of election, the county legislative authority shall establish a separate voting precinct therefor.

(5) The county auditor shall temporarily adjust precinct boundaries when a city annexes county territory to the city. The adjustment shall be made as soon as possible after the approval of the annexation. The temporary adjustment shall be limited to the minimum changes necessary to accommodate the addition of the territory to the city and shall remain in effect only until precinct boundary modifications reflecting the annexation are adopted by the county legislative authority.

The county legislative authority may establish by ordinance a limitation on the maximum number of registered voters in each precinct within its jurisdiction. The limitation may be different for precincts based upon the method of voting used for such precincts and the number may be less than the number established by law, but in no case may the number exceed that authorized by law.

The county legislative authority of each county in the state hereafter formed shall, at their first session, divide their respective counties into election precincts with two hundred fifty voters or less and establish the boundaries of the ~~((same))~~ precincts. The county auditor shall thereupon designate the voting place for each such precinct.

Sec. 3. Section 29.04.055, chapter 9, Laws of 1965 as last amended by section 5, chapter 361, Laws of 1977 ex. sess. and RCW 29.04.055 are each amended to read as follows:

At any election, general or special, or at any primary, the ~~((election authority))~~ county auditor may combine, unite, or divide precincts and may combine or unite election boards for the purpose of holding such election ~~((PROVIDED, That in the event such election shall be held upon the day of any state primary or state general election held in an even-numbered year this section shall not apply))~~.

Sec. 4. Section 2, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.065 are each amended to read as follows:

In addition to other information required by this chapter, each applicant for registration shall establish his identity, unless personally known by the registration officer, by producing at least one of the following items:

(1) A social security card containing the applicant's signature. Whenever the social security record is so used, the registration officer shall enter the applicant's social security number upon the appropriate registration forms;

(2) A driver's license which contains the signature and/or a photograph of the applicant;

(3) A valid Washington state identicaid;

(4) A nationally or regionally known credit card containing the signature and/or photograph of the applicant;

(5) An identification card issued by the United States, any state or any agency of either, of a kind commonly used to identify the members or employees of such government agencies (including military I.D. cards), and which contain the signature and/or the photograph of the applicant.

In addition, whenever the registration officer has a doubt as to whether the applicant is of legal voting age, such officer ~~((may))~~ shall require the applicant to produce a record ~~((which))~~ that establishes the applicant's date of birth.

Failure to produce such identification except when necessary to establish the applicant's date of birth at the time of registration as set forth in this section shall not deter the act of registration: PROVIDED, That registration officials shall indicate on the registration form by checking either 'identification produced' or 'identification not produced'.

NEW SECTION. Sec. 5. A new section is added to chapter 29.07 RCW to read as follows:

The county auditor shall have custody of the voter registration records for each county and shall maintain those records in accordance with this section.

(1) The original voter registration form, as established by RCW 29.07.070, shall be filed alphabetically without regard to precinct and shall not be available for public inspection and copying.

(2) An automated file of all registered voters shall be maintained pursuant to RCW 29.07-.220, which shall be the source of the precinct lists of registered voters used at the polls on election day. Lists of registered voters produced from the automated file are public records and are thus available for inspection and copying.

Sec. 6. Section 29.13.020, chapter 9, Laws of 1965 as last amended by section 2, chapter 3, Laws of 1980 and RCW 29.13.020 are each amended to read as follows:

(1) All city, town, and district general elections shall be held throughout the state of Washington on the first Tuesday following the first Monday in November in the odd-numbered years.

This section shall not apply to:

- ((1)) (a) Elections for the recall of any elective public officer((:));
- ((2)) (b) Public utility districts((:)) or district elections (~~whereat~~) at which the ownership of property within ~~(said)~~ those districts is a prerequisite to voting, all of which elections shall be held at the times prescribed in the laws specifically applicable thereto((:));
- ((3)) (c) Consolidation proposals as provided for in RCW 28A.57.180 and nonhigh capital fund aid proposals as provided for in chapter 28A.56 RCW.

(2) The county auditor, as ex officio supervisor of elections, upon request in the form of a resolution of the governing body of a city, town, or district, presented to him at least forty-five days prior to the proposed election date, may, if he deems an emergency to exist, call a special election in such city, town, or district, and for the purpose of such special election he may combine, unite, or divide precincts. A special election called by such governing body shall be held on one of the following dates as decided by the governing body:

- (a) The first Tuesday after the first Monday in February;
- (b) The second Tuesday in March, except that if a state-wide political party caucus by a major political party is scheduled on the second Tuesday, then a special election may not be held on such date but may be held on the third Tuesday in March(~~(-PROVIDED HOWEVER, That in any county holding an election on the second Tuesday in March of 1980 pursuant to a home-rule charter adopted under Article XI, section 4 of the state Constitution, any city, town, or district where any portion of the registered voters of that city, town, or district reside within that charter county may hold special elections on the second Tuesday in March of 1980))~~);
- (c) The first Tuesday after the first Monday in April;
- (d) The third Tuesday in May;
- (e) The day of the primary election as specified by RCW 29.13.070; or
- (f) The first Tuesday after the first Monday in November.

In addition to (a) through (f) above, a special election to validate an excess levy or bond issue may be called at any time to meet the needs resulting from failure of a school or junior taxing district to pass a special levy or bond issue for the first time or from fire, flood, earthquake, or other act of God, except that no special election may be held between the first day for candidates to file for public office and the last day to certify the returns of the general election other than as provided in (e) and (f) of this subsection. Such special election shall be conducted and notice thereof given in the manner provided by law.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for such city, town, and district elections, the purpose of this section being to establish mandatory dates for holding elections.

NEW SECTION, Sec. 7. A new section is added to chapter 29.13 RCW to read as follows:

For any reimbursement of election costs under RCW 29.13.047, the secretary of state shall pay interest at an annual rate equal to two percentage points in excess of the discount rate on ninety-day commercial paper in effect at the federal reserve bank in San Francisco on the fifteenth day of the month immediately preceding the payment for any period of time in excess of thirty days after the receipt of a properly executed and documented voucher for such expenses and the entry of an allotment from specifically appropriated funds for this purpose under RCW 43.88.111. The secretary of state shall promptly notify any county that submits an incomplete or inaccurate voucher for reimbursement under RCW 29.13.047.

Sec. 8. Section 2, chapter 142, Laws of 1984 and RCW 29.18.025 are each amended to read as follows:

Except where otherwise provided by state law, declarations of candidacy for the following offices shall be filed during regular business hours with the secretary of state or the county auditor no earlier than the ~~(fast)~~ fourth Monday in July and no later than the following Friday in the year in which the office is scheduled to be voted upon:

(1) Offices that are scheduled to be voted upon for full terms or both full terms and short terms at, or in conjunction with, a state general election; and

(2) Offices where a vacancy, other than a short term, exists that has not been filled by election and for which an election to fill the vacancy is required in conjunction with the next state general election.

Sec. 9. Section 29.21.060, chapter 9, Laws of 1965 as last amended by section 31, chapter 361, Laws of 1977 ex. sess. and RCW 29.21.060 are each amended to read as follows:

All candidates for offices to be voted on at any election in first, second, and third class cities and fourth class municipalities (towns) shall file declarations of candidacy with the county auditor not earlier than the ~~(fast)~~ fourth Monday of July nor later than the next succeeding Friday in the year such regular city elections are held.

All candidates for district offices subject to the provisions of RCW 29.21.010(~~(-as now or hereafter amended:))~~) shall file their declarations of candidacy with the county auditor of the county not earlier than the ~~(fast)~~ fourth Monday of July nor later than the next succeeding Friday in the year such regular district elections are held: PROVIDED, That this chapter shall not change the method of nomination for first district officers at the formation of any district.

Any candidate for city, town, or district offices may withdraw his declaration at any time ~~((to and including the first Wednesday after))~~ before the Friday following the last day allowed for filing declarations of candidacy.

All candidates required to file declarations of candidacy shall pay the same fees and be governed by the same rules as contained in RCW 29.18.030 through 29.18.100(~~(- PROVIDED: That))~~, but no filing fee ~~((shall))~~ may be charged ~~((in the event that))~~ if the office sought is without a fixed annual salary.

This section shall supersede the provisions of any and all other statutes, whether general or special in nature, having different dates for filing declarations of candidacy for such city, town, and district elections, the purpose of this section being to establish a uniform five-day period throughout the state of Washington for filing declarations of candidacy.

Sec. 10. Section 29.30.010, chapter 9, Laws of 1965 as amended by section 51, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.010 are each amended to read as follows:

Every primary paper ballot shall be uniform in color and size, shall be white and printed in black ink. Each ballot shall be identified at the top with the words, 'Primary Election Ballot,' and below that, the county in which the ballot is to be used, the date of the primary, and the instruction: 'To vote for a person mark a cross in the first square at the right of the name of the person for whom you desire to vote. To vote for a person not on the ballot, write in the name of the candidate, and the party affiliation if for a partisan office, in the space provided.' Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names following are candidates, and to the extreme right of the same line the words, 'Vote for,' then the words 'One,' 'Two,' or a spelled number designating how many persons under that head are to be voted for. Below this shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word 'nonpartisan', with a square to the right. Each position with the names running for that office, shall be separated from the following one by a bold line. All primary paper ballots shall be sequentially numbered, but done in such a way to permit removal of such numbers ~~((by precinct election workers))~~ without revealing the identity of any individual voter. There shall be no printing upon the back of the ballots nor any mark thereon to distinguish them.

Sec. 11. Section 60, chapter 361, Laws of 1977 ex. sess. as amended by section 1, chapter 121, Laws of 1982 and RCW 29.30.081 are each amended to read as follows:

(1) On the top of each general election paper ballot there shall be printed instructions directing the voters how to mark the ballot, including write-in votes. Next after the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) The candidate or candidates of the major political party which received the highest number of votes from the electors of this state for the office of president of the United States at the last presidential election shall appear first below the office heading, the candidate or candidates of the other major political parties shall follow according to the votes cast for their nominees for president at the last presidential election, and the candidate or candidates of all other parties shall follow in the order of their qualification with the secretary of state. The candidates for nonpartisan offices shall be listed in the manner otherwise provided by law. There shall be blank spaces for writing in the name of any candidate, if desired, on the ballot.

(3) There shall be a at the right of the name of each nominee so that a voter may clearly indicate the candidate or the candidates for whom he wishes to cast his ballot.

(4) Under the designation of the office there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, the names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single square to the right in which the voter indicates his choice.

(6) All paper ballots for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers ~~((by precinct election workers))~~ without leaving any identifying marks on the ballot. There shall be no printing on the back of the paper ballots nor any mark thereon to distinguish them.

Sec. 12. Section 33, chapter 361, Laws of 1977 ex. sess. and RCW 29.30.310 are each amended to read as follows:

All ballot pages for primary, general, or special elections in counties using voting devices shall be uniform in color and size, shall be white, and shall be printed in black ink. The first page shall be identified at the top with the name of the election, the county in which the ballot page is to be used, and the date of the election. On the front of the first ballot page or prominently displayed on each voting device to be used at a primary, general, or special election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure. Beginning at the top of the left hand column, at the left of the line shall appear the name of the position for which the names to the immediate right are candidates, and below the name of the office or position the words, 'Vote for,' then the words 'One,' 'Two,' or a spelled number designating how many persons under that head are to

be voted for. Immediately to the right of the name of the office or position shall come the names of all candidates for that position, each followed by the name of the political party, if any, with which the candidate desires to affiliate or the word 'nonpartisan', with an arrow or other notation at the right edge of the ballot page indicating where the voter is to punch or otherwise mark his ballot for that candidate. Each position with the names running for that office, shall be separated from the following one by a bold line. All ballot cards for primary elections shall be sequentially numbered, but done in such a way to permit removal of such numbers (~~by precinct election workers~~) without leaving any identifying marks on the ballot. There shall be no marks on the ballot cards which would distinguish an individual voter's ballot card from other ballot cards in the same precinct.

Sec. 13. Section 67, chapter 361, Laws of 1977 ex. sess. and RCW 29.34.125 are each amended to read as follows:

(1) On the front of the first ballot page or prominently displayed on each voting device to be used at a general election, there shall be printed instructions directing the voters how to properly record a vote for any candidate and for or against any measure, including write-in votes. After the instructions and before the offices shall be placed the questions of adopting constitutional amendments or any other state measure authorized by law to be submitted to the voters of such election.

(2) All nominations of any party or group of petitioners shall be indicated by the title of such party or petitioners as designated by them in their certificate of nomination or petition, following the name of such candidate, and the name of each nominee shall be placed beside the designation of the office for which he has been nominated.

(3) There shall be an arrow or other notation at the right edge of the ballot page opposite the name of each candidate indicating where the voter is to punch or otherwise mark his ballot card for that candidate.

(4) Under the designation of the office, if more than one candidate is to be voted for there shall be indicated the number of candidates to such office to be voted for at such election.

(5) If the election is in a year in which a president of the United States is to be elected, in spaces separated from the balance of the party tickets by a heavy black line, shall be the names and spaces for voting for candidates for president and vice president. The names of candidates for president and vice president for each political party shall be grouped together, each group enclosed in brackets with a single arrow or other notation to the right.

(6) All ballot cards for general elections shall be sequentially numbered, but done in such a way to permit removal of such numbers (~~by precinct election workers~~) without leaving any identifying marks on the ballot. There shall be no printing on the back of the ballot cards nor any mark thereon to distinguish an individual voter's ballot card from other ballot cards from the same precinct.

Sec. 14. Section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 273, Laws of 1985 and RCW 29.36.010 are each amended to read as follows:

Any duly registered voter may vote an absentee ballot for any primary or election in the manner provided in this chapter.

(1) Except as provided in subsections (2) and (3) of this section and RCW 29.36.013, a registered voter desiring to cast an absentee ballot must apply in writing to his or her county auditor no earlier than forty-five days nor later than the day before any election or primary.

(2) An application honored for a primary ballot shall also be honored as an application for a ballot for the following general election if the voter so indicates on his or her application.

(3) A voter admitted to a hospital no earlier than five days before a primary or election and confined to the hospital on election day may apply by messenger for an absentee ballot on the day of the primary or election if a signed statement from the hospital administrator, or designee, verifying the voter's date of admission and status as a patient in the hospital on the day of the primary or election is attached to the absentee ballot application.

(4) ~~(Such applications must contain the voter's signature and may be made in person, by mail, or messenger.)~~ The application must be signed by the voter, and except as provided under chapter 29.39 RCW, an application for an absentee ballot ~~((shall not be approved))~~ is not valid unless the voter's signature ~~((upon))~~ on the application ~~((compares favorably with the))~~ is substantially the same as that voter's signature ~~((upon))~~ on his or her registration record.

(5) An application for an absentee ballot shall be delivered to the county auditor of the county in which the voter is registered either in person, by mail, or by messenger. An absentee ballot application from a registered voter within this state shall be sent directly to the auditor of the county in which the voter is registered. An absentee ballot application from a registered voter who is temporarily outside this state may be sent either to the appropriate county auditor or to the secretary of state, who shall promptly forward the application to the appropriate county auditor. No person, organization, or association may distribute absentee ballot applications within this state that contains any return address other than that of a county auditor.

Sec. 15. Section 29.51.110, chapter 9, Laws of 1965 as amended by section 43, chapter 202, Laws of 1971 ex. sess. and RCW 29.51.110 are each amended to read as follows:

Upon delivery of each ballot after being marked and folded by a voter, the inspector ~~((in an audible tone shall repeat the name of the voter and the number of the ballot. The election~~

clerks having in charge the registration cards and poll books or precinct lists of registered voters, if they find that the number marked opposite the voter's name thereon corresponds with the number of the ballot handed to the inspector, shall mark the word "voted" or check a spot so designated opposite the name of such voter and one of the clerks shall call back in an audible tone the name of the voter and the number of his ballot. The inspector shall ~~((then))~~ separate the slip containing the number of the ballot from the ballot and shall deposit the ballot in the ballot box. ~~((The numbers removed from the ballots shall be destroyed immediately.))~~ The inspector shall, however, permit any voter expressing a desire to separate his or her own slip or to deposit his or her own ballot, or both, to do so. Any voter detaching or separating the number slip must return that slip to the inspector.

Sec. 16. Section 28A.57.322, chapter 223, Laws of 1969 ex. sess. and RCW 28A.57.322 are each amended to read as follows:

Every person elected or appointed to the office of school director, before entering upon the discharge of the duties thereof, shall take an oath or affirmation to support the Constitution of the United States and the state of Washington and to faithfully discharge the duties of his office according to the best of his ability. In case any official has a written appointment or commission, his oath or affirmation shall be endorsed thereon and sworn to before any officer authorized to administer oaths. School officials are hereby authorized to administer all oaths or affirmations pertaining to their respective offices without charge or fee. All oaths of office, when properly made, shall be filed with the ~~((officer with whom declarations of candidacy for such positions are filed))~~ county auditor.

Sec. 17. Section 35.23.190, chapter 7, Laws of 1965 and RCW 35.23.190 are each amended to read as follows:

Before entering upon his duties and within ten days after receiving notice of his election or appointment every officer of the city shall qualify by taking the oath of office and by filing such bond duly approved as may be required of him. The oath of office shall be filed with the county auditor. If no notice of election or appointment was received, the officer must qualify on or before the date fixed for the assumption by him of the duties of the office to which he was elected or appointed. The city council shall fix the amount of all official bonds and may designate what officers shall be required to give bonds in addition to those required to do so by statute.

The clerk, treasurer, city attorney, chief of police, police judge and street commissioner shall each execute an official bond in such penal sum as the city council by ordinance may determine, conditioned for the faithful performance of their duties, including in the same bond the duties of all offices of which he is the ex officio incumbent.

All official bonds shall be approved by the city council and when so approved shall be filed with the city clerk except the city clerk's which shall be filed with the mayor. No city officer shall be eligible as a surety upon any bond running to the city as obligee.

The city council may require a new or additional bond of any officer whenever it deems it expedient.

Sec. 18. Section 35.24.080, chapter 7, Laws of 1965 and RCW 35.24.080 are each amended to read as follows:

In a city of the third class, the treasurer, city attorney, clerk, police judge, chief of police, and such other officers as the council may require shall each, before entering upon the duties of his office, take an oath of office and execute and file with the clerk an official bond in such penal sum as the council shall determine, conditioned for the faithful performance of his duties and otherwise conditioned as may be provided by ordinance. The oath of office shall be filed with the county auditor.

Sec. 19. Section 35.27.120, chapter 7, Laws of 1965 and RCW 35.27.120 are each amended to read as follows:

Every officer of a town before entering upon the duties of his office shall take and file with the ~~((town clerk))~~ county auditor his oath of office. The clerk, treasurer, and marshal before entering upon their respective duties shall also each execute a bond approved by the council in such penal sum as the council by ordinance may determine, conditioned for the faithful performance of his duties including in the same bond the duties of all offices of which he is made ex officio incumbent.

All bonds, when approved, shall be filed with the town clerk, except the bonds of the clerk which shall be filed with the mayor.

Sec. 20. Section 35A.12.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.080 are each amended to read as follows:

Any officer before entering upon the performance of his duties may be required to take an oath or affirmation as prescribed by charter or by ordinance for the faithful performance of his duties. The oath or affirmation shall be filed with the county auditor. The clerk, treasurer, if any, chief of police, and such other officers or employees as may be designated by ordinance or by charter shall be required to furnish annually an official bond conditioned on the honest and faithful performance of their official duties. The terms and penalty of official bonds and the surety therefor shall be prescribed by ordinance or charter and the bond shall be approved by the chief administrative officer of the city. The premiums on such bonds shall be paid by the

city. When the furnishing of an official bond is required of an officer or employee, compliance with such provisions shall be an essential part of qualification for office.

Sec. 21. Section 35A.29.110, chapter 119, Laws of 1967 ex. sess. as last amended by section 30, chapter 18, Laws of 1979 ex. sess. and RCW 35A.29.110 are each amended to read as follows:

A candidate for office in a code city shall file a declaration of candidacy substantially in the form set forth in RCW 29.18.030 insofar as such form is applicable to nonpartisan offices. Declarations of candidacy for offices of code cities to be voted upon at any municipal general election shall be filed with the county auditor not earlier than the ~~(the)~~ fourth Monday of July nor later than the next succeeding Friday in the year such general election is to be held (~~PROVIDED, That~~). However, if the first election of all officers upon reorganization as a non-charter code city under a plan of government newly adopted in the manner provided in RCW 35A.02.020, 35A.02.030, 35A.02.080, or 35A.06.030 (~~as now or hereafter amended~~) is an election as provided in RCW 35A.02.050 (~~as now or hereafter amended~~), such declarations of candidacy shall be filed with the county auditor not more than fifty nor less than forty-six days prior to the primary election provided for in RCW 35A.02.050 (~~as amended~~). Any candidate may withdraw his declaration at any time (~~but not later than five days after~~) before the Friday following the last day allowed for filing declarations of candidacy. Nominating petitions for charter commissioners and for any other office for which nominating petitions may be required shall be filed with the county auditor not more than sixty nor less than forty-six days prior to the date of the election, and may be withdrawn at any time, but not later than five days after the last day allowed for filing such petitions.

Sec. 22. Section 29, chapter 34, Laws of 1939 as amended by section 34, chapter 230, Laws of 1984 and RCW 52.14.070 are each amended to read as follows:

Before beginning the duties of office, each fire commissioner shall take and subscribe the official oath for the faithful discharge of the duties of office as required by RCW 29.01.135, which oath shall be filed in the office of the ~~(clerk of the superior court in)~~ auditor of the county in which the district is situated.

Sec. 23. Section 10, chapter 265, Laws of 1959 and RCW 54.12.100 are each amended to read as follows:

Each commissioner before he enters upon the duties of his office shall take and subscribe an oath or affirmation that he will faithfully and impartially discharge the duties of his office to the best of his ability. This oath, or affirmation, shall be administered and certified by an officer of the county in which the district is situated, who is authorized to administer oaths, without charge therefor. The oath or affirmation shall be filed with the county auditor.

Sec. 24. Section 18, chapter 6, Laws of 1947 and RCW 68.16.180 are each amended to read as follows:

Each cemetery commissioner, before assuming the duties of his office, shall take and subscribe an official oath to faithfully discharge the duties of his office, which oath shall be filed in the office of the county ~~(clerk)~~ auditor.

NEW SECTION. Sec. 25. The following acts or parts of acts are each repealed:

(1) Section 29.07.150, chapter 9, Laws of 1965, section 19, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.150;

(2) Section 29.51.090, chapter 9, Laws of 1965 and RCW 29.51.090; and

(3) Section 95, chapter 361, Laws of 1977 ex. sess. and RCW 29.54.180.

NEW SECTION. Sec. 26. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

In line 1 of the title, after "elections;" strike the remainder of the title and insert "amending RCW 29.04.040, 29.04.055, 29.07.065, 29.13.020, 29.18.025, 29.21.060, 29.30.010, 29.30.081, 29.30.310, 29.34.125, 29.36.010, 29.51.110, 28A.57.322, 35.23.190, 35.24.080, 35.27.120, 35A.12.080, 35A.29.110, 52.14.070, 54.12.100, and 68.16.180; adding a new section to chapter 29.01 RCW; adding a new section to chapter 29.07 RCW; adding a new section to chapter 29.13 RCW; and repealing RCW 29.07.150, 29.51.090, and 29.54.180."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Fisher, the House concurred in the Senate amendments to Substitute House Bill No. 1349.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1349 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1349 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 89; nays, 0; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson G, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Crane, Jacobsen, Nelson D, Niemi, Unsoeld, Valle - 6.
Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 1349 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1382 with the following amendments:

On page 8, line 10, after "vehicle" and before the period insert "PROVIDED, That it shall not be unlawful to carry, transport, or convey a loaded pistol in or upon a nonhighway vehicle if the person complies with the terms and conditions of chapter 9.41 RCW"

On page 12, line 24, after "legislative" strike "transportation" and insert "budget" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Rust moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1382.

Representatives Rust and Tilly spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1382 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1382 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; nays, 10; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Betzozoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Leonard, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Baugher, Bond, Fisher, Hankins, Hastings, Kremen, Lundquist, Rayburn, Smith C, Vander Stoep - 10.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Engrossed Substitute House Bill No. 1382 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1433 with the following amendment:

On page 2, after line 7 insert the following:

"NEW SECTION. Sec. 3. This act shall take effect September 1, 1986."

On page 1, line 2 of the title strike "and" and after "section" insert "; and declaring an effective date" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Tilly the House concurred in the Senate amendments to Substitute House Bill No. 1433.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1433 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1433 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 82; nays, 13; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Belcher, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Jacobsen, King J, King P, King R, Leonard, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 82.

Voting nay: Representatives Baugher, Betrozoff, Cole, Fisher, Hine, Kremen, Lundquist, Nelson D, Prince, Rayburn, Unsoeld, Valle, Wilson K - 13.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 1433 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1499 with the following amendments:

On page 9, after line 15, insert the following:

"Sec. 7. Section 1, chapter 198, Laws of 1969 ex. sess. as last amended by section 3, chapter 267, Laws of 1985 and by section 9, chapter 303, Laws of 1985 and RCW 10.31.100 are each reenacted and amended to read as follows:

A police officer having probable cause to believe that a person has committed or is committing a felony shall have the authority to arrest the person without a warrant. A police officer may arrest a person without a warrant for committing a misdemeanor or gross misdemeanor only when the offense is committed in the presence of the officer, except as provided in subsections (1) through (5) of this section.

(1) Any police officer having probable cause to believe that a person has committed or is committing a misdemeanor or gross misdemeanor, involving physical harm or threats of harm to any person or property or the unlawful taking of property or involving the use or possession of cannabis, or use or possession of liquor by a minor, shall have the authority to arrest the person.

(2) A police officer shall arrest and take into custody, pending release on bail, personal recognizance, or court order, a person without a warrant when the officer has probable cause to believe that:

(a) An order has been issued of which the person has knowledge under RCW 10.99.040(2), 10.99.050, 26.09.060, chapter 26.26 RCW, or chapter 26.50 RCW restraining the person and the person has violated the terms of the order restraining the person from acts or threats of violence or excluding the person from a residence; or

(b) The person is eighteen years or older and within the preceding four hours has assaulted that person's spouse, former spouse, or a person eighteen years or older with whom the person resides or has formerly resided and the officer believes: (i) A felonious assault has occurred; (ii) an assault has occurred which has resulted in bodily injury to the victim, whether the injury is observable by the responding officer or not; or (iii) that any physical action has occurred which was intended to cause another person reasonably to fear imminent serious bodily injury or death. Bodily injury means physical pain, illness, or an impairment of physical condition. When the officer has probable cause to believe that spouses, former spouses, or other persons who reside together or formerly resided together have assaulted each other, the officer is not required to arrest both persons. The officer shall arrest the person whom the officer believes to be the primary physical aggressor. In making this determination, the officer shall make every reasonable effort to consider: (i) The intent to protect victims of domestic violence under RCW 10.99.010; (ii) the comparative extent of injuries inflicted or serious threats creating fear of physical injury; and (iii) the history of domestic violence between the persons involved.

(3) Any police officer having probable cause to believe that a person has committed or is committing a violation of any of the following traffic laws shall have the authority to arrest the person:

(a) RCW 46.52.010, relating to duty on striking an unattended car or other property;

(b) RCW 46.52.020, relating to duty in case of injury to or death of a person or damage to an attended vehicle;

(c) RCW 46.61.500 or 46.61.530, relating to reckless driving or racing of vehicles;

(d) RCW 46.61.502 or 46.61.504, relating to persons under the influence of intoxicating liquor or drugs;

(e) RCW 46.20.342, relating to driving a motor vehicle while operator's license is suspended or revoked;

(f) RCW 46.61.525, relating to operating a motor vehicle in a negligent manner.

(4) A law enforcement officer investigating at the scene of a motor vehicle accident may arrest the driver of a motor vehicle involved in the accident if the officer has probable cause to believe that the driver has committed in connection with the accident a violation of any traffic law or regulation.

(5) Any police officer having probable cause to believe that a person has committed or is committing a violation of RCW 88.02.025 shall have the authority to arrest the person.

(6) Except as specifically provided in subsections (2), (3), and (4) of this section, nothing in this section extends or otherwise affects the powers of arrest prescribed in Title 46 RCW.

(7) No police officer may be held criminally or civilly liable for making an arrest pursuant to RCW 10.31.100(2) if the police officer acts in good faith and without malice."

On page 9, after line 15, insert the following:

"NEW SECTION, Sec. 7. A new section is added to chapter 10.05 RCW to read as follows:

"As a condition of granting deferred prosecution, the court may order the petitioner to drive only a motor vehicle equipped with an approved alcohol-sensing ignition interlock device. 'Approved alcohol-sensing ignition interlock device' means equipment, approved by the commission on equipment, designed to prevent a motor vehicle from being operated by a person who has consumed an alcoholic beverage.

The court may establish a specific setting at which the alcohol-sensing ignition interlock device will prevent the motor vehicle from being started.

NEW SECTION, Sec. 8. A new section is added to chapter 46.20 RCW to read as follows:

The department shall attach or imprint a notation on the driver's license of any person restricted under section 7 of this act stating that the person may operate only a motor vehicle equipped with an alcohol-sensing ignition interlock device.

NEW SECTION, Sec. 9. A new section is added to chapter 46.20 RCW to read as follows:

A person who knowingly assists another person who is restricted to the use of an alcohol-sensing ignition interlock device to start and operate that vehicle in violation of a condition of a deferred prosecution program is guilty of a gross misdemeanor.

The deferred prosecution program shall be revoked for any person restricted to the use of an alcohol-sensing ignition interlock device as a condition of a deferred prosecution program who requests another person to start a vehicle equipped with an alcohol-sensing ignition interlock device.

The provisions of this section do not apply if the starting of a motor vehicle, or the request to start a motor vehicle, equipped with an alcohol-sensing ignition interlock device is done for the purpose of safety or mechanical repair of the device or the vehicle and the person subject to the deferred prosecution program does not operate the vehicle.

Sec. 10. Section 12, chapter 10, Laws of 1982 as last amended by section 7, chapter 302, Laws of 1985 and by section 2, chapter 353, Laws of 1985 and by section 28, chapter 377, Laws of 1985 and RCW 46.63.020 are each reenacted and amended to read as follows:

Failure to perform any act required or the performance of any act prohibited by this title or an equivalent administrative regulation or local law, ordinance, regulation, or resolution relating to traffic including parking, standing, stopping, and pedestrian offenses, is designated as a traffic infraction and may not be classified as a criminal offense, except for an offense

contained in the following provisions of this title or a violation of an equivalent administrative regulation or local law, ordinance, regulation, or resolution:

(1) RCW 46.09.120(2) relating to the operation of a nonhighway vehicle while under the influence of intoxicating liquor or a controlled substance;

(2) RCW 46.09.130 relating to operation of nonhighway vehicles;

(3) RCW 46.10.090(2) relating to the operation of a snowmobile while under the influence of intoxicating liquor or narcotics or habit-forming drugs or in a manner endangering the person of another;

(4) RCW 46.10.130 relating to the operation of snowmobiles;

(5) Chapter 46.12 RCW relating to certificates of ownership and registration;

(6) RCW 46.16.028 relating to registration of motor vehicles by residents;

(7) RCW 46.16.160 relating to vehicle trip permits;

(8) RCW 46.20.021 relating to driving without a valid driver's license;

(9) RCW 46.20.336 relating to the unlawful possession and use of a driver's license;

(10) RCW 46.20.342 relating to driving with a suspended or revoked license;

(11) RCW 46.20.410 relating to the violation of restrictions of an occupational driver's license;

(12) RCW 46.20.416 relating to driving while in a suspended or revoked status;

(13) RCW 46.20.420 relating to the operation of a motor vehicle with a suspended or revoked license;

(14) Section 9 of this act relating to assisting another person to start a vehicle equipped with an alcohol-sensing ignition interlock device;

(15) Chapter 46.29 RCW relating to financial responsibility;

~~((15))~~ (16) RCW 46.44.180 relating to operation of mobile home pilot vehicles;

~~((16))~~ (17) RCW 46.48.175 relating to the transportation of dangerous articles;

~~((17))~~ (18) RCW 46.52.010 relating to duty on striking an unattended car or other property;

~~((18))~~ (19) RCW 46.52.020 relating to duty in case of injury to or death of a person or damage to an attended vehicle;

~~((19))~~ (20) RCW 46.52.090 relating to reports by repairmen, storagemen, and appraisers;

~~((20))~~ (21) RCW 46.52.100 relating to driving under the influence of liquor or drugs;

~~((21))~~ (22) RCW 46.52.130 relating to confidentiality of the driving record to be furnished to an insurance company and an employer;

~~((22))~~ (23) RCW 46.55.020 relating to engaging in the activities of a registered tow truck operator without a registration certificate;

~~((23))~~ (24) RCW 46.61.015 relating to obedience to police officers, flagmen, or fire fighters;

~~((24))~~ (25) RCW 46.61.020 relating to refusal to give information to or cooperate with an officer;

~~((25))~~ (26) RCW 46.61.022 relating to failure to stop and give identification to an officer;

~~((26))~~ (27) RCW 46.61.024 relating to attempting to elude pursuing police vehicles;

~~((27))~~ (28) RCW 46.61.500 relating to reckless driving;

~~((28))~~ (29) RCW 46.61.502 and 46.61.504 relating to persons under the influence of intoxicating liquor or drugs;

~~((29))~~ (30) RCW 46.61.520 relating to vehicular homicide by motor vehicle;

~~((30))~~ (31) RCW 46.61.522 relating to vehicular assault;

~~((31))~~ (32) RCW 46.61.525 relating to negligent driving;

~~((32))~~ (33) RCW 46.61.530 relating to racing of vehicles on highways;

~~((33))~~ (34) RCW 46.61.685 relating to leaving children in an unattended vehicle with the motor running;

~~((34))~~ (35) RCW 46.64.010 relating to unlawful cancellation of or attempt to cancel a traffic citation;

~~((35))~~ (36) RCW 46.64.020 relating to nonappearance after a written promise;

~~((36))~~ (37) RCW 46.64.048 relating to attempting, aiding, abetting, coercing, and committing crimes;

~~((37))~~ (38) Chapter 46.65 RCW relating to habitual traffic offenders;

~~((38))~~ (39) Chapter 46.70 RCW relating to unfair motor vehicle business practices, except where that chapter provides for the assessment of monetary penalties of a civil nature;

~~((39))~~ (40) Chapter 46.72 RCW relating to the transportation of passengers in for hire vehicles;

~~((40))~~ (41) Chapter 46.80 RCW relating to motor vehicle wreckers;

~~((41))~~ (42) Chapter 46.82 RCW relating to driver's training schools."

On page 1, line 1 of the title strike "and"

On page 1, line 2 of the title, after "88.02.---" insert "and reenacting and amending RCW 10.31.100"

On page 1, line 2 of the title, after "and 88.02..." insert "; reenacting and amending RCW 46.63.020; adding a new section to chapter 10.05 RCW; adding new sections to chapter 46.20 RCW; and prescribing penalties"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendments to House Bill No. 1499.

POINT OF ORDER

Ms. Niemi: "Mr. Speaker, I request a ruling on the scope and object of both of the Senate amendments."

SPEAKER'S RULING

The Speaker: "The Speaker finds that the first amendment, which deals with the possession of alcohol by minors, broadens the scope and object of the bill. In that particular case, your point is well taken. In the case of amendment number 2, it speaks to an interlocking device for breathalyzer tests and upon examining that with the underlying bill, the Speaker believes that the second amendment is within the scope and object and your point is not well taken."

MOTIONS

On motion of Mr. Armstrong, the House refused to concur in the first Senate amendment to House Bill No. 1499, and asked the Senate to recede therefrom.

Mr. Armstrong moved that the House do concur in the second Senate amendment to page 9 of House Bill No. 1499.

Representatives West, Padden and Barrett spoke against the motion, and Mr. Armstrong spoke in favor of it.

The motion was lost.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1687 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. It is the intent of this chapter to protect against practices by private vocational schools which are false, deceptive, misleading, or unfair, and to help ensure adequate educational quality at private vocational schools.

NEW SECTION. Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Agency' means the commission for vocational education or its successor.

(2) 'Agent' means a person owning an interest in, employed by, or representing for remuneration a private vocational school within or without this state, who enrolls or personally attempts to secure the enrollment in a private vocational school of a resident of this state, offers to award educational credentials for remuneration on behalf of a private vocational school, or holds himself or herself out to residents of this state as representing a private vocational school for any of these purposes.

(3) 'Degree' means any designation, appellation, letters, or words including but not limited to 'associate,' 'bachelor,' 'master,' 'doctor,' or 'fellow' which signify or purport to signify satisfactory completion of an academic program of study beyond the secondary school level.

(4) 'Education' includes but is not limited to, any class, course, or program of training, instruction, or study.

(5) 'Educational credentials' means degrees, diplomas, certificates, transcripts, reports, documents, or letters of designation, marks, appellations, series of letters, numbers, or words which signify or appear to signify enrollment, attendance, progress, or satisfactory completion of the requirements or prerequisites for any educational program.

(6) 'Entity' includes, but is not limited to, a person, company, firm, society, association, partnership, corporation, or trust.

(7) 'Private vocational school' means any entity offering postsecondary education in any form or manner for the purpose of instructing, training, or preparing persons for any vocation or profession.

(8) 'To grant' includes to award, issue, sell, confer, bestow, or give.

(9) 'To offer' includes, in addition to its usual meanings, to advertise or publicize. 'To offer' also means to solicit or encourage any person, directly or indirectly, to perform the act described.

(10) 'To operate' means to establish, keep, or maintain any facility or location where, from, or through which education is offered or educational credentials are offered or granted to residents of this state, and includes contracting for the performance of any such act.

NEW SECTION, Sec. 3. This chapter does not apply to:

(1) Bona fide trade, business, professional, or fraternal organizations sponsoring educational programs primarily for that organization's membership or offered by that organization on a no-fee basis;

(2) Entities offering education that is exclusively avocational or recreational;

(3) Education not requiring payment of money or other consideration if this education is not advertised or promoted as leading toward educational credentials;

(4) Entities that are established, operated, and governed by this state or its political subdivisions under Title 28A, 28B, or 28C RCW;

(5) Degree-granting programs in compliance with the rules of the higher education coordinating board;

(6) Any other entity to the extent that it has been exempted from some or all of the provisions of this chapter under section 10 of this act;

(7) Entities not otherwise exempt that are of a religious character, but only as to those educational programs exclusively devoted to religious or theological objectives and represented accurately in institutional catalogs or other official publications;

(8) Entities certified by the federal aviation administration;

(9) Barber and cosmetology schools licensed under chapter 18.16 RCW;

(10) Entities which only offer courses approved to meet the continuing education requirements for licensure under chapters 18.04, 18.78, 18.88, or 48.17 RCW; and

(11) Entities not otherwise exempt offering only workshops or seminars lasting no longer than three calendar days.

NEW SECTION, Sec. 4. The agency:

(1) Shall maintain a list of private vocational schools licensed under this chapter;

(2) Shall adopt rules in accordance with chapter 34.04 RCW to carry out this chapter;

(3) May investigate any entity the agency reasonably believes to be subject to the jurisdiction of this chapter. In connection with the investigation, the agency may administer oaths and affirmations, issue subpoenas and compel attendance, take evidence, and require the production of any books, papers, correspondence, memorandums, or other records which the agency deems relevant or material to the investigation. The agency, including its staff and any other authorized persons, may conduct site inspections and examine records of all schools subject to this chapter;

(4) Shall develop an interagency agreement with the higher education coordinating board to regulate degree-granting private vocational schools with respect to nondegree programs.

NEW SECTION, Sec. 5. (1) The agency shall adopt by rule minimum standards for private vocational schools. The minimum standards shall include, but not be limited to, requirements for each school to:

(a) Disclose to the agency information about its ownership and financial position and to demonstrate that it has sufficient financial resources to fulfill its commitments to students. Financial disclosures provided to the agency shall not be subject to public disclosure under chapter 42.17 RCW.

(b) Follow a uniform state-wide cancellation and refund policy as specified by the agency.

(c) Disclose through use of a school catalog, brochure, or other written material, necessary information to students so that students may make informed enrollment decisions. The agency shall specify what information is required.

(d) Use an enrollment contract or agreement that includes: (i) The cancellation and refund policy, (ii) a brief statement that the school is licensed under this chapter and that inquiries may be made to the agency, and (iii) other necessary information as determined by the agency.

(e) Describe accurately and completely in writing to students before their enrollment prerequisites and requirements for (i) completing successfully the programs of study in which they are interested and (ii) qualifying for the fields of employment for which their education is designed.

(2) The agency shall deny, revoke, or suspend the license of any school that does not meet or maintain the minimum standards.

NEW SECTION, Sec. 6. Any entity desiring to operate a private vocational school shall apply for a license to the agency on a form provided by the agency. The agency shall issue a license if the school:

(1) Files a completed application with information satisfactory to the agency. Misrepresentation by an applicant shall be grounds for the agency, at its discretion, to deny or revoke a license.

(2) Files the surety bond or other security required under this chapter.

(3) Pays the required fees.

(4) Meets the minimum standards adopted by the agency under section 5 of this act.

Licenses shall be valid for one year from the date of issue unless revoked or suspended. If a school fails to file a completed renewal application at least thirty days before the expiration date of its current license the school shall be subject to payment of a late filing fee fixed by the agency.

NEW SECTION. Sec. 7. The agency shall establish fees by rule at a level necessary to approximately recover the staffing costs incurred in administering this chapter. All fees collected under this section shall be deposited in the state general fund.

NEW SECTION. Sec. 8. (1) Each private vocational school shall have on file with the agency an approved surety bond or other security in lieu of a bond. The bond or other security shall be in an amount not less than five thousand dollars but no more than two hundred thousand dollars. Security shall be determined on an incremental scale based on the average amount of unearned prepaid tuition in possession of the school, as determined by the agency.

(2) In lieu of a surety bond, a private vocational school may deposit with the agency a cash deposit or other negotiable security acceptable to the agency. The security deposited with the agency in lieu of the surety bond shall be returned to the school one year after the school's license has expired or been revoked if legal action has not been instituted against the school or the security deposit at the expiration of the year. The obligations and remedies relating to surety bonds authorized by this section, including but not limited to the settlement of claims procedure in subsection (5) of this section, shall apply to deposits filed with the agency, as applicable.

(3) Each bond shall:

(a) Be executed by the private vocational school as principal and by a corporate surety licensed to do business in the state;

(b) Be payable to the state for the benefit and protection of any student or enrollee of a private vocational school, or, in the case of a minor, his or her parents or guardian;

(c) Be conditioned on compliance with all provisions of this chapter and the agency rules adopted under this chapter;

(d) Require the surety to give written notice to the agency at least thirty-five days before cancellation of the bond; and

(e) Remain in effect for one year following the effective date of its cancellation or termination as to any obligation occurring on or before the effective date of cancellation or termination.

(4) Upon receiving notice of a bond cancellation, the agency shall notify the school that the license will be suspended on the effective date of the bond cancellation unless the school files with the agency another approved surety bond or other security.

(5) If a complaint is filed under section 12(1) of this act against a private vocational school, the agency may file a claim against the surety and settle claims against the surety by following the procedure in this subsection.

(a) The agency shall attempt to notify all potential claimants. If the absence of records or other circumstances makes it impossible or unreasonable for the agency to ascertain the names and addresses of all the claimants, the agency after exerting due diligence and making reasonable inquiry to secure that information from all reasonable and available sources, may make a demand on a bond on the basis of information in the agency's possession. The agency is not liable or responsible for claims or the handling of claims that may subsequently appear or be discovered.

(b) Thirty days after notification, if a claimant fails, refuses, or neglects to file with the agency a verified claim, the agency shall be relieved of further duty or action under this chapter on behalf of the claimant.

(c) After reviewing the claims, the agency may make demands upon the bond on behalf of those claimants whose claims have been filed. The agency may settle or compromise the claims with the surety and may execute and deliver a release and discharge of the bond.

(d) If the surety refuses to pay the demand, the agency may bring an action on the bond in behalf of the claimants. If an action is commenced on the bond, the agency may require a new bond to be filed.

(e) Within ten days after a recovery on a bond or other posted security has occurred, the private vocational school shall file a new bond or otherwise restore its security on file to the required amount.

(6) The liability of the surety shall not exceed the amount of the bond.

NEW SECTION. Sec. 9. A private vocational school, whether located in this state or outside of this state, shall not conduct business of any kind, make any offers, advertise or solicit, or enter into any contracts unless the private vocational school is licensed under this chapter.

NEW SECTION. Sec. 10. The executive director of the agency may suspend or modify any of the requirements under this chapter in a particular case if the agency finds that:

(1) The suspension or modification is consistent with the purposes of this chapter; and

(2) The education to be offered addresses a substantial, demonstrated need among residents of the state or that literal application of this chapter would cause a manifestly unreasonable hardship.

NEW SECTION. Sec. 11. It is an unfair business practice for a private vocational school or agent to:

- (1) Fail to comply with the terms of a student enrollment contract or agreement;
- (2) Use an enrollment contract form, catalog, brochure, or similar written material affecting the terms and conditions of student enrollment other than that previously submitted to the agency and authorized for use;
- (3) Represent falsely, directly or by implication, that the school is an employment agency, is making an offer of employment or otherwise is attempting to conceal the fact that what is being represented are course offerings of a school;
- (4) Represent falsely, directly or by implication, that an educational program is approved by a particular industry or that successful completion of the program qualifies a student for admission to a labor union or similar organization or for the receipt of a state license in any business, occupation, or profession;
- (5) Represent falsely, directly or by implication, that a student who successfully completes a course or program of instruction may transfer credit for the course or program to any institution of higher education;
- (6) Represent falsely, directly or by implication, in advertising or in any other manner, the school's size, location, facilities, equipment, faculty qualifications, or the extent or nature of any approval received from an accrediting association;
- (7) Represent that the school is approved, recommended, or endorsed by the state of Washington or by the agency, except the fact that the school is authorized to operate under this chapter may be stated;
- (8) Provide prospective students with any testimonial, endorsement, or other information which has the tendency to mislead or deceive prospective students or the public regarding current practices of the school, current conditions for employment opportunities, or probable earnings in the occupation for which the education was designed;
- (9) Designate or refer to sales representatives as 'counselors,' 'advisors,' or similar terms which have the tendency to mislead or deceive prospective students or the public regarding the authority or qualifications of the sales representatives;
- (10) Make or cause to be made any statement or representation in connection with the offering of education if the school or agent knows or reasonably should have known the statement or representation to be false, substantially inaccurate, or misleading; or
- (11) Engage in methods of advertising, sales, collection, credit, or other business practices which are false, deceptive, misleading, or unfair, as determined by the agency by rule.

It is a violation of this chapter for a private vocational school to engage in an unfair business practice.

NEW SECTION. Sec. 12. (1) A person claiming loss of tuition or fees as a result of an unfair business practice may file a complaint with the agency. The complaint shall set forth the alleged violation and shall contain information required by the agency. A complaint may also be filed with the agency by an authorized staff member of the agency or by the attorney general.

(2) The agency shall investigate any complaint under this section and may attempt to bring about a settlement. The agency may hold a contested case hearing pursuant to the administrative procedure act, chapter 34.04 RCW, in order to determine whether a violation has occurred. If the agency prevails, the private vocational school shall pay the costs of the administrative hearing.

(3) If, after the hearing, the agency finds that the private vocational school or its agent engaged in or is engaging in any unfair business practice, the agency shall issue and cause to be served upon the violator an order requiring the violator to cease and desist from the act or practice and may impose the penalties under section 13 of this act. If the agency finds that the complainant has suffered loss as a result of the act or practice, the agency may order full or partial restitution for the loss. The complainant is not bound by the agency's determination of restitution and may pursue any other legal remedy.

NEW SECTION. Sec. 13. Any private vocational school or agent violating section 6, 9, or 11 of this act or the applicable agency rules is subject to a civil penalty of not more than one hundred dollars for each separate violation. Each day on which a violation occurs constitutes a separate violation. Multiple violations on a single day may be considered separate violations. The fine may be imposed by the agency under section 12 of this act, or in any court of competent jurisdiction.

NEW SECTION. Sec. 14. Any entity or any owner, officer, agent, or employee of such entity who wilfully violates section 6 or 9 of this act is guilty of a gross misdemeanor and, upon conviction, shall be punished by a fine of not to exceed one thousand dollars or by imprisonment in the county jail for not to exceed one year, or by both such fine and imprisonment.

Each day on which a violation occurs constitutes a separate violation. The criminal sanctions may be imposed by a court of competent jurisdiction in an action brought by the attorney general of this state.

NEW SECTION. Sec. 15. A private vocational school, whether located in this state or outside of this state, that conducts business of any kind, makes any offers, advertises, solicits, or enters

into any contracts in this state or with a resident of this state is subject to the jurisdiction of the courts of this state for any cause of action arising from the acts.

NEW SECTION, Sec. 16. If any private vocational school discontinues its operation, the chief administrative officer of the school shall file with the agency the original or legible true copies of all educational records required by the agency. If the agency determines that any educational records are in danger of being made unavailable to the agency, the agency may seek a court order to protect and if necessary take possession of the records. The agency shall cause to be maintained a permanent file of educational records coming into its possession.

NEW SECTION, Sec. 17. If a student or prospective student is a resident of this state at the time any contract relating to payment for education or any note, instrument, or other evidence of indebtedness relating thereto is entered into, section 18 of this act shall govern the rights of the parties to the contract or evidence of indebtedness. If a contract or evidence of indebtedness contains any of the following agreements, the contract is voidable at the option of the student or prospective student:

(1) That the law of another state shall apply;

(2) That the maker or any person liable on the contract or evidence of indebtedness consents to the jurisdiction of another state;

(3) That another person is authorized to confess judgment on the contract or evidence of indebtedness; or

(4) That fixes venue.

NEW SECTION, Sec. 18. A note, instrument, or other evidence of indebtedness or contract relating to payment for education is not enforceable in the courts of this state by a private vocational school or holder of the instrument unless the private vocational school was licensed under this chapter at the time the note, instrument, or other evidence of indebtedness or contract was entered into.

NEW SECTION, Sec. 19. The attorney general or the prosecuting attorney of any county in which a private vocational school or agent of the school is found may bring an action in any court of competent jurisdiction for the enforcement of this chapter. The court may issue an injunction or grant any other appropriate form of relief.

NEW SECTION, Sec. 20. The agency may seek injunctive relief, after giving notice to the affected party, in a court of competent jurisdiction for a violation of this chapter or the rules adopted under this chapter. The agency need not allege or prove that the agency has no adequate remedy at law. The right of injunction provided in this section is in addition to any other legal remedy which the agency has and is in addition to any right of criminal prosecution provided by law. The existence of agency action with respect to alleged violations of this chapter and rules adopted under this chapter does not operate as a bar to an action for injunctive relief under this section.

NEW SECTION, Sec. 21. A violation of this chapter or the rules adopted under this chapter affects the public interest and is an unfair or deceptive act or practice in violation of RCW 19.86.020 of the consumer protection act. The remedies and sanctions provided by this section shall not preclude application of other remedies and sanctions.

NEW SECTION, Sec. 22. The remedies and penalties provided for in this chapter are non-exclusive and cumulative and do not affect any other actions or proceedings.

NEW SECTION, Sec. 23. The agency shall, within sixty days after the effective date of this act and annually thereafter, empanel a private vocational school advisory committee. Said committee shall serve as advisors in the implementation of this chapter and for such other liaison purposes as the agency may determine. It shall consist of no less than seven and no more than eleven persons who are practitioners in proprietary education but one of whom is a recent graduate of a proprietary school. Consideration in making appointments shall be given to maintaining a geographic balance among areas of the state and achieving a balanced representation of occupational specialties offered among private vocational schools statewide. The committee shall meet at least quarterly. Members shall serve without pay but be reimbursed for travel expenses as provided under RCW 43.03.050 and 43.03.060 as now or hereafter amended. The committee shall adopt bylaws and elect officers from among its members annually.

Sec. 24. Section 2, chapter 160, Laws of 1917 as amended by section 6, chapter 53, Laws of 1981 and RCW 18.50.040 are each amended to read as follows:

(1) Any person seeking to be examined shall present to the director, at least forty-five days before the commencement of the examination, a written application on a form or forms provided by the director setting forth under affidavit such information as the director may require and proof the candidate has received a high school degree or its equivalent; that the candidate is twenty-one years of age or older; that the candidate has received a certificate or diploma from a midwifery program accredited by the director and ((registered)) licensed under chapter ((28B.05-RCW)) 28C.— RCW (sections 1 through 23 of this 1986 act), when applicable, or a certificate or diploma in a foreign institution on midwifery of equal requirements conferring the full right to practice midwifery in the country in which it was issued. The diploma must bear the seal of the institution from which the applicant was graduated. Foreign candidates must present with the application a translation of the foreign certificate or diploma

made by and under the seal of the consulate of the country in which the certificate or diploma was issued.

(2) The candidate shall meet the following conditions:

(a) Obtaining a minimum period of midwifery training for at least three years including the study of the basic nursing skills that the department shall prescribe by rule. However, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience, the required period of training may be reduced depending upon the extent of the candidate's qualifications as determined under rules adopted by the department. In no case shall the training be reduced to a period of less than two years.

(b) Meeting minimum educational requirements which shall include studying obstetrics; neonatal pediatrics; basic sciences; female reproductive anatomy and physiology; behavioral sciences; childbirth education; community care; obstetrical pharmacology; epidemiology; gynecology; family planning; genetics; embryology; neonatology; the medical and legal aspects of midwifery; nutrition during pregnancy and lactation; breast feeding; nursing skills, including but not limited to injections, administering intravenous fluids, catheterization, and aseptic technique; and such other requirements prescribed by rule.

(c) For a student midwife during training, undertaking the care of not less than fifty women in each of the prenatal, intrapartum, and early postpartum periods, but the same women need not be seen through all three periods. A student midwife may be issued a permit upon the satisfactory completion of the requirements in (a), (b), and (c) of this subsection and the satisfactory completion of the licensure examination required by RCW 18.50.060. The permit permits the student midwife to practice under the supervision of a midwife licensed under this chapter, a physician licensed under chapter 18.57 or 18.71 RCW, or a certified nurse-midwife licensed under the authority of chapter 18.88 RCW. The permit shall expire within one year of issuance and may be extended as provided by rule.

(d) Observing an additional fifty women in the intrapartum period before the candidate qualifies for a license.

The training required under this section shall include training in either hospitals or alternative birth settings or both with particular emphasis on learning the ability to differentiate between low-risk and high-risk pregnancies.

Sec. 25. Section 31, chapter 1, Laws of 1973 as last amended by section 8, chapter 414, Laws of 1985 and RCW 42.17.310 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or deprecation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Financial disclosures filed by private vocational schools under chapter 28C.-- RCW (sections 1 through 23 of this 1986 act).

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 26. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.010;

(2) Section 2, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.020;

(3) Section 3, chapter 188, Laws of 1979 ex. sess., section 1, chapter 283, Laws of 1981, section 44, chapter 370, Laws of 1985 and RCW 28B.05.030;

(4) Section 4, chapter 188, Laws of 1979 ex. sess., section 1, chapter 82, Laws of 1980, section 2, chapter 283, Laws of 1981, section 1, chapter 266, Laws of 1983, section 96, chapter 7, Laws of 1985 and RCW 28B.05.040;

(5) Section 5, chapter 188, Laws of 1979 ex. sess., section 45, chapter 370, Laws of 1985 and RCW 28B.05.050;

(6) Section 6, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.060;

(7) Section 7, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.070;

(8) Section 8, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.080;

(9) Section 9, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.090;

(10) Section 10, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.100;

(11) Section 11, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.110;

(12) Section 12, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.120;

(13) Section 13, chapter 188, Laws of 1979 ex. sess., section 3, chapter 283, Laws of 1981, section 46, chapter 370, Laws of 1985 and RCW 28B.05.130;

(14) Section 14, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.140;

(15) Section 15, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.150;

(16) Section 16, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.160;

(17) Section 17, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.170;

(18) Section 18, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.180;

(19) Section 19, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.190;

(20) Section 20, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.200;

(21) Section 21, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.210;

(22) Section 22, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.220;

(23) Section 23, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.230;

(24) Section 24, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.240;

(25) Section 27, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.900;

(26) Section 28, chapter 188, Laws of 1979 ex. sess. and RCW 28B.05.950;

(27) Section 19, chapter 197, Laws of 1983 and RCW 43.131.291; and

(28) Section 45, chapter 197, Laws of 1983 and RCW 43.131.292.

NEW SECTION. Sec. 27. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 28. A private vocational school registered under chapter 188, Laws of 1979, as amended, as of June 30, 1986, shall be considered to be licensed under chapter 28C.-- RCW (sections 1 through 23 of this act) until January 31, 1987.

NEW SECTION. Sec. 29. Sections 1 through 23 of this act shall constitute a new chapter in Title 28C RCW.

NEW SECTION. Sec. 30. (1) The sum of thirty-five thousand dollars, or so much thereof as may be necessary, is appropriated from the general fund to the agency for the biennium ending June 30, 1987. Subject to approval by the director of financial management, not more than \$31,300 may be used to employ one additional full time equivalent employee to administer this chapter. Not more than \$3,700 may be used for travel expenses under RCW 43.03.050 and 43.03.060.

(2) This section shall take effect when the director of financial management determines that the agency has established the fees under section 7 of this act.

NEW SECTION. Sec. 31. This act shall take effect July 1, 1986."

On page 1, line 2 of the title, after "18.50.040" insert "and 42.17.310" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Sommers, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 1687.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1687 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1687 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 94; nays, 1; excused, 3.

Voting yea: Representatives Addison, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representative Allen - 1.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Engrossed Substitute House Bill No. 1687 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1726 with the following amendment:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.010 are each amended to read as follows:

The purpose of this chapter is to (~~protect the general public and public charity in the state of Washington, to require full public disclosure of facts~~) provide citizens of the state of Washington with information relating to persons and organizations who solicit funds from the public for public charitable purposes (~~the purposes for which such funds are solicited, and their actual uses, and~~) in order to prevent (1) deceptive and dishonest (~~statements and conduct in the solicitation of~~) practices in the conduct of soliciting funds for or in the name of charity; and (2) improper use of contributions intended for charitable purposes.

Sec. 2. Section 2, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 265, Laws of 1983 and RCW 19.09.020 are each amended to read as follows:

When used in this chapter, unless the context otherwise requires:

(1) A 'bona fide officer or employee' of a charitable organization is one (a) whose conduct is subject to direct control by such organization (~~and~~); (b) who does not act in the manner of

an independent contractor in his or her relation with the organization; and (c) whose compensation is not computed on funds raised or to be raised.

(2) 'Charitable organization' means ~~((a) Any benevolent, philanthropic, patriotic, eleemosynary, education, social, recreation, fraternal organization, or any other person having or purporting to have a charitable nature; and (b) which solicits or solicits and collects contributions for any charitable purpose. 'Charitable' shall have its common law meaning unless the context in which it is used clearly requires a narrower or a broader meaning))~~ any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable activity. 'Charitable' (a) is not limited to its common law meaning unless the context clearly requires a narrower meaning; (b) does not include religious or political activities; and (c) includes, but is not limited to, educational, recreational, social, patriotic, legal defense, benevolent, or health causes.

(3) 'Compensation' means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.

(4) 'Contribution' means the donation, promise or grant, for consideration or otherwise, of any money or property of any kind or value which contribution is wholly or partly induced by a solicitation. Reference to dollar amounts of 'contributions' or 'solicitations' in this chapter means in the case of payments or promises to pay for merchandise or rights of any description, the value of the total amount paid or promised to be paid for such merchandise or rights less the reasonable purchase price to the charitable organization of any such tangible merchandise, rights, or services resold by the organization, and not merely that portion of the purchase price to be applied to a charitable purpose.

~~((4) 'Compensation' means salaries, wages, fees, commissions, or any other remuneration or valuable consideration.))~~

(5) 'Cost of solicitation' means and includes all direct and indirect costs, expenditures, debts, obligations, salaries, wages, commissions, fees, or other money or thing of value paid or incurred in making a solicitation ~~((for a direct gift or conducting a sale or benefit affair.))~~. Cost of solicitation ~~((shall))~~ does not include the reasonable purchase price to the charitable organization of any tangible goods or services resold by the organization as a part of its fund raising activities.

(6) ~~(('Direct gift' shall mean and include an outright contribution of food, clothing, money, credit, property, financial assistance or other thing of value to be used for a charitable or religious purpose and for which the donor receives no consideration or thing of value in return.~~

~~((7)) 'Entity' means an individual, organization, group, association, partnership, corporation, agency or unit of state government, or any combination thereof.~~

~~((7) 'General public' or 'public' means any individual located in Washington state without a membership or other official relationship with a charitable organization before a solicitation by the charitable organization.~~

~~((8) 'Independent fund raiser' or 'independent fund-raising entity' means any entity that for compensation or other consideration, plans, conducts, manages, or administers any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable or religious purpose, or that is engaged in the business of or is held out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations. However, a nonprofit fund raiser or bona fide officer or other employee of a charitable organization shall not be deemed an independent fund raiser.~~

(9) 'Membership' means that for the payment of fees, dues, assessments, etc., an organization provides services and confers a bona fide right, privilege, professional standing, honor, or other direct benefit, in addition to the right to vote, elect officers, or hold office. The term 'membership' ~~((shall))~~ does not include those persons who are granted a membership upon making a contribution as the result of solicitation.

~~((8)) (10) 'Nonprofit fund raiser' means an entity registered as a nonprofit corporation under Title 24 RCW, or any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code, that solicits and receives contributions exceeding five thousand dollars in any accounting year on behalf of a charitable or religious organization other than the nonprofit corporation.~~

(11) 'Other employee' of a charitable organization means any person (a) whose conduct is subject to direct control by such organization; (b) who does not act in the manner of any independent contractor in his or her relation with the organization; and (c) who is not engaged in the business of or held out to persons in this state as independently engaged in the business of soliciting contributions for charitable or religious purposes.

(12) 'Parent organization' means that part of a charitable organization ~~((which))~~ that coordinates, supervises, or exercises control over policy, fund raising, or expenditures, or assists or advises one or more chapters, branches, or affiliates of such organization in the state of Washington.

~~((9) 'Person' means an individual, organization, group, association, partnership, corporation, or any combination thereof.~~

(10) 'Professional fund raiser' means any person who, for compensation or other consideration, plans, conducts, manages, or advises concerning any drive or campaign in this state for the purpose of soliciting contributions for or on behalf of any charitable organization or charitable purpose, or who engages in the business of or holds himself out to persons in this state as independently engaged in the business of soliciting contributions for such purposes, or the business of planning, conducting, managing, or carrying on any drive or campaign in this state for such solicitations. PROVIDED: That the following persons shall not be deemed professional fund raisers: (a) Any bona fide officer or employee of a charitable organization which maintains a permanent establishment in the state of Washington; whose salary or other compensation is not computed on funds raised or to be raised; (b) a clergyman of a religious corporation exempt under the provisions of RCW 19.09.030.

(11) A 'professional solicitor' means any person other than a professional fund raiser who is employed or retained for compensation by any person or charitable organization to solicit contributions for charitable purposes from persons in this state, but shall not include any bona fide officer or employee of a registered charitable organization.

(12) 'Sale and benefit affair' shall mean and include, but not be limited to, athletic or sports event,azaar, benefit, campaign, circus, contest, dance, drive, entertainment, exhibition, exposition, party, performance, picnic, sale, social gathering, theater, or variety show which the public is requested to patronize or attend or to which the public is requested to make a contribution for any charitable or religious purpose connected therewith. PROVIDED: That bingo activities, raffles, and amusement games conducted pursuant to the provisions of chapter 9.46 RCW and applicable rules of the Washington state gambling commission are specifically excluded and shall not be deemed a solicitation within the provisions of this chapter.)

(13) 'Political activities' means those activities subject to chapter 42.17 RCW or the Federal Elections Campaign Act of 1971, as amended.

(14) 'Religious activities' means those religious, evangelical, or missionary activities under the direction of a religious organization duly organized and operating in good faith that are entitled to receive a declaration of current tax exempt status for religious purposes from the United States government and the duly organized branches or chapters of those organizations.

(15) 'Secretary' means the secretary of state.

((H4)) (16) 'Solicitation' means any oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with which:

(a) Any appeal is made for any charitable purpose; or

(b) The name of any charitable organization is used as an inducement for consummating the sale; or

(c) Any statement is made ((which)) that implies that the whole or any part of the proceeds from the sale will be applied toward any charitable purpose or donated to any charitable organization.

The solicitation shall be deemed completed when made, whether or not the person making it receives any contribution or makes any sale.

Bingo activities, raffles, and amusement games conducted under chapter 9.46 RCW and applicable rules of the Washington state gambling commission are specifically excluded and shall not be deemed a solicitation under this chapter.

Sec. 3. Section 4, chapter 265, Laws of 1983 and RCW 19.09.065 are each amended to read as follows:

(1) All charitable organizations, independent fund raisers, and nonprofit fund raisers, as defined in RCW 19.09.020(~~unless exempt under RCW 19.09.030~~), shall register with the secretary.

(2) Failure to register as required by this chapter is a violation of this chapter.

(3) Information provided to the secretary pursuant to this chapter shall be a public record.

(4) Registration shall not be considered or be represented as an endorsement by the secretary or the state of Washington.

Sec. 4. Section 5, chapter 265, Laws of 1983 and RCW 19.09.075 are each amended to read as follows:

An application for registration as a charitable organization shall ((contain)) be submitted in the form prescribed by the secretary, containing, but not limited to, the following:

(1) The name, address, and telephone number of the charitable organization;

(2) The name(s) under which the organization will solicit contributions;

(3) The name, address, and telephone number of the ((~~president and treasurer, or comparable~~)) officers(:) of the organization;

(4) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(5) The purpose of the ((~~solicitations~~)) organization;

((5)) (6) (a) Whether the organization is exempt from federal income tax; and

(b) Whether the financial affairs of the organization are audited by an independent entity and, if so, the name and address of the entity;

(7) A solicitation ((history)) report of the organization for the preceding accounting year including:

(a) The number and types of solicitations ((campaigns over the past three years)) conducted;

(b) The total ((amount of money applied to the costs of the solicitations over the past three years):

(c) The total amount of money dispersed for charitable purposes over the past three years;

(d) The number of solicitation campaigns reported under subsection (5)(a) of this section for which the organization used a professional fund raiser; and

(6)) dollar value of support received from solicitations and from all other sources received on behalf of the charitable purpose of the charitable organization;

(c) The total amount of money applied to charitable purposes, fund raising costs, and other expenses;

(d) The name, address, and telephone number of any independent fund raiser used by the organization; and

(8) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305.

The requirements of subsection((s(5)(b))) (7) (b) and (c) of this section may be satisfied by the submission of ((an independent certified audit)) such federal tax forms as may be approved by rule of the secretary.

The application shall be ((submitted with a fifteen-dollar filing fee and shall be)) signed by the president, treasurer, or comparable officer of the organization and be submitted with a nonrefundable, ten-dollar filing fee. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

NEW SECTION. Sec. 5. A new section is added to chapter 19.09 RCW to read as follows:

The application requirements of RCW 19.09.075 do not apply to the following:

(1) Any charitable organization raising less than five thousand dollars in any accounting year when all the activities of the organization, including all fund raising activities, are carried on by persons who are unpaid for their services and no part of the charitable organization's assets or income inures to the benefit of or is paid to any officer or member of the organization;

(2) Any charitable organization located outside of the state of Washington if the organization files the following with the secretary:

(a) The registration documents required under the charitable solicitation laws of the state in which the charitable organization is located;

(b) The registration required under the charitable solicitation laws of the state of California and the state of New York; and

(c) Such federal income tax forms as may be required by rule of the secretary.

NEW SECTION. Sec. 6. A new section is added to chapter 19.09 RCW to read as follows:

An application for registration as a nonprofit fund raiser shall be submitted in the form prescribed by the secretary and shall contain the following:

(1) The name, address, and telephone number of the organization;

(2) The name(s), address(es), and the telephone number(s) of the officers of the organization;

(3) The names of the three officers or employees receiving the greatest amount of compensation from the organization;

(4) Whether the financial affairs of the organization are audited by an independent entity, and, if so, the name and address of the entity; and

(5) A solicitation report of the organization for the preceding accounting year, including:

(a) The number and types of fund raising activities conducted on behalf of charitable organizations;

(b) The names of charitable organizations on whose behalf fund raising activities were conducted;

(c) The total value of contributions received on behalf of charitable organizations; and

(d) The amount of money disbursed to charitable organizations for charitable purposes.

The application shall be signed by the president, treasurer, or comparable officer of the organization and be submitted with a nonrefundable, ten dollar filing fee. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

Sec. 7. Section 15, chapter 265, Laws of 1983 and RCW 19.09.079 are each amended to read as follows:

An application for registration as ((a professional)) an independent fund raiser shall ((contain)) be submitted in the form prescribed by the secretary, containing, but not limited to, the following:

(1) The name, address, and telephone number of the ((professional fund raiser)) independent fund-raising entity;

(2) ((A solicitation history of the professional fund raiser for the past three years including:

(a) Number of solicitation campaigns;

(b) Names of charitable organizations for whom fund raising has been performed; and

(c) A list of the states in which fund-raising has been performed; and
~~(3))~~ The name(s), address(es), and telephone number(s) of the owner(s) and principal officer(s) of the independent fund-raising entity;

(3) The name, address, and telephone number of the individual responsible for the activities of the independent fund-raising entity in Washington;

(4) A list of states and Canadian provinces in which fund raising has been performed;

(5) The names of the three officers or employees receiving the greatest amount of compensation from the independent fund-raising entity;

(6) Whether the financial affairs of the independent fund raiser are audited by an independent entity, and, if so, the name and address of the entity;

(7) A solicitation report of the independent fund-raising entity for the preceding accounting year, including:

(a) The number and types of fund raising services conducted;

(b) The names of charitable organizations required to register under RCW 19.09.065 for whom fund raising services have been performed;

(c) The total value of contributions received on behalf of charitable organizations required to register under RCW 19.09.065 by the independent fund raiser, affiliate of the independent fund raiser, or any entity retained by the independent fund raiser; and

(d) The amount of money disbursed to charitable organizations for charitable purposes, net of fund raising costs paid by the charitable organization as stipulated in any agreement between charitable organizations and the independent fund raiser;

(8) The name, address, and telephone number of any independent fund raiser that was retained in the conduct of providing fund raising services; and

(9) An irrevocable appointment of the secretary to receive service of process in noncriminal proceedings as provided in RCW 19.09.305.

The application shall be signed by an officer or owner of the independent fund raiser and shall be submitted with a ~~((fifteen-dollar))~~ nonrefundable, fifty-dollar filing fee ~~((and shall be signed by the professional fund raiser))~~. If the secretary determines that the application is complete, the application shall be filed and the applicant deemed registered.

Sec. 8. Section 8, chapter 265, Laws of 1983 and RCW 19.09.085 are each amended to read as follows:

(1) Registration under this chapter shall be effective for ~~((two-years))~~ one year, or the end of the organization's accounting year, whichever comes first.

(2) ~~((Persons and charitable organizations))~~ Reregistration required under RCW 19.09.075 and section 6 of this act shall be received by the secretary no later than the fifteenth day of the fifth month after the organization's accounting period ends.

(3) Reregistration required under RCW 19.09.079 shall be received by the secretary no later than the fifteenth day of the third month after the organization's accounting period ends.

(4) Entities required to register under this chapter shall file a notice of change of information within thirty days of any change in the information contained in RCW 19.09.075 (1) through ~~((4))~~ (6), 19.09.079 (1) through (6), or section 6 (1) through (4) of this act.

~~((3))~~ (5) The secretary may notify ~~((persons and charitable organizations))~~ entities registered under this chapter of the need to reregister upon the expiration of their current registration. The notification shall be by mail, sent at least sixty days prior to the expiration of their current registration.

Sec. 9. Section 6, chapter 265, Laws of 1983 and RCW 19.09.095 are each amended to read as follows:

~~((if any chapter, branch, affiliate, or area division of))~~ A charitable organization that is supervised and controlled by a superior or parent organization ~~((which))~~ that is incorporated, qualified to do business, or is doing business within this state ~~((such chapter, branch, affiliate, or area division))~~ shall not be required to register under RCW 19.09.065 if the superior or parent organization files an application, on behalf of its subsidiary, in addition to or as a part of its own application. If an application has been filed by a superior or parent organization, on behalf of the subsidiary organization, the superior or parent organization ~~((need not include the financial statement information as part of its financial report for any chapter, branch, or affiliate which solicits and collects less than five hundred dollars during its fiscal year, providing all such fund raising is done by persons who are unpaid for such services. For those chapters, branches, or affiliates which solicit, collect, or expend between five hundred dollars and five thousand dollars during their fiscal year, the superior or parent organization shall report such financial information either separately or in consolidated form. For those chapters, branches, or affiliates which solicit, collect, or expend in excess of five thousand dollars during their fiscal year, the superior or parent organization shall set forth such financial information separately, in addition to including such information in consolidated form))~~ shall (1) report financial information either separately or in consolidated form for its subsidiary organization(s), and (2) identify the subsidiary organization(s) on whose behalf the application is being submitted, indicating which such organization(s), if any, collected or expended five thousand dollars or more during their fiscal year.

NEW SECTION. Sec. 10. A new section is added to chapter 19.09 RCW to read as follows:

Before contracting for any fund raising service or activity, the charitable organization and independent fund raiser shall complete a registration form. The registration shall be filed by the charitable organization with the secretary, in the form prescribed by the secretary, within five working days of the execution of the contract containing, but not limited to the following information:

- (1) The name and registration number of the independent fund raiser;
- (2) The name of the surety or sureties issuing the bond required by RCW 19.09.190, the aggregate amount of such bond or bonds, the bond number(s), original effective date(s), and termination date(s);
- (3) The name and registration number of the charitable organization;
- (4) The name of the representative of the independent fund raiser who will be responsible for the conduct of the fund raising;
- (5) The type(s) of service(s) to be provided by the independent fund raiser;
- (6) The dates such service(s) will begin and end;
- (7) The terms of the agreement between the charitable organization and independent fund raiser relating to:
 - (a) Amount or percentages of amounts to inure to the charitable organization;
 - (b) Limitations placed on the maximum amount to be raised by the fund raiser, if the amount to inure to the charitable organization is not stated as a percentage of the amount raised;
 - (c) Costs of fund raising that will be the responsibility of the charitable organization, regardless of whether paid as a direct expense, deducted from the amounts disbursed, or otherwise;
 - (d) The manner in which contributions received directly by the charitable organization, not the result of services provided by the independent fund raiser, will be identified and used in computing the fee owed to the independent fund raiser; and
- (8) The names of any entity to which more than ten percent of the total anticipated fund raising cost is to be paid, and whether any principal officer or owner of the independent fund raiser or relative by blood or marriage thereof is an owner or officer of any such entity.

The registration form shall be submitted with a nonrefundable, five-dollar filing fee and shall be signed by an owner or principal officer of the independent fund raiser and the president, treasurer, or comparable officer of the charitable organization.

Sec. 11. Section 10, chapter 13, Laws of 1973 1st ex. sess, as last amended by section 9, chapter 265, Laws of 1983 and RCW 19.09.100 are each amended to read as follows:

The following conditions apply to solicitations as defined by RCW 19.09.020:

- (1) Each person or organization soliciting charitable contributions shall disclose orally or in writing to each person or organization solicited:
 - (a) The name of the individual making the solicitation;
 - (b) The name of the charitable organization;
 - (c) The purpose of the solicitation, and the name of the organization that will receive the funds contributed; and
 - (d) ~~(Upon request, the estimated percentage of the money collected which will be applied to the cost of the solicitation or to the charitable purpose;~~
- ~~(2)) Whether the charitable organization is or is not properly registered under this chapter, and if registered, that information relating to its financial affairs is available by contacting the office of the secretary of state, giving the secretary's toll-free telephone number, if available.~~

(2) Each person or organization soliciting charitable contributions shall conspicuously disclose in writing to each person or organization solicited:

(a) If the solicitation is conducted by a charitable organization, the percentage relationship between (i) the total amount of money applied to charitable purposes; and (ii) the dollar value of support received from solicitations and from all other sources received on behalf of the charitable purpose of the organization, as contained in the organization's most recent solicitation report filed in accordance with RCW 19.09.075(7);

(b) If the solicitation is conducted by an independent or nonprofit fund raiser, the percentage relationship between (i) the amount of money disbursed to charitable organizations for charitable purposes; and (ii) the total value of contributions received on behalf of charitable organizations by the independent or nonprofit fund raiser, as contained in the fund raiser's most recent solicitation report filed in accordance with RCW 19.09.079(7) or section 6 of this act.

(3) Each person or organization soliciting charitable contributions by telephone shall make the disclosures required by RCW 19.09.100(2) (a) or (b) in writing within five days of the receipt of any contribution. If the person or organization sends any materials to the person or organization solicited before the receipt of any contribution, those materials shall include the disclosures required in RCW 19.09.100(1)(d), and 19.09.100 (2) (a) or (b), whichever is applicable.

(4) Each person or organization soliciting charitable contributions shall not represent orally or in writing that:

(a) The charitable contribution is tax deductible unless the charitable organization for which charitable contributions are being solicited or to which tickets for fund raising events or

other services or goods will be donated, has applied for and received from the internal revenue service a letter of determination granting tax deductible status to the charitable organization;

(b) The person soliciting the charitable contribution is a volunteer or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor unless such person is unpaid for his or her services;

(c) The person soliciting the charitable contribution is a member, staffer, helper, or employee of the charitable organization or words of similar meaning or effect that create the impression that the person soliciting is not a paid solicitor if the person soliciting is employed, contracted, or paid by an independent fund raiser.

(5) If the charitable organization is associated with, or has a name that is similar to, any unit of government each person or organization soliciting contributions shall disclose to each person solicited whether the charitable organization is or is not part of any unit of government and the true nature of its relationship to the unit of government.

(6) A charitable organization shall comply with all local governmental regulations ((which) that apply to soliciting for or on behalf of charitable organizations(;;).

((3)) (7) The advertising material and the general promotional plan for a solicitation shall not be false, misleading, or deceptive, and shall afford full and fair disclosure((-and)).

((4)) (8) Solicitations shall not be conducted by a charitable organization or independent fund raiser that has, or if a corporation, its officers, directors, or principals have, been convicted of a crime involving solicitations for or on behalf of a charitable organization in this state, the United States, or any other state or foreign country within the past ten years ((and)) or has been subject to any permanent injunction or administrative order or judgment(;;) under ((the provisions of)) RCW 19.86.080 or 19.86.090, involving a violation or violations of ((the provisions of)) RCW 19.86.020, within the past ten years, or of restraining a false or misleading promotional plan involving solicitations for charitable organizations.

Failure to comply with subsections (1) through ((4)) (8) of this section is a violation of this chapter.

Sec. 12. Section 20, chapter 13, Laws of 1973 1st ex. sess. as amended by section 9, chapter 227, Laws of 1982 and RCW 19.09.200 are each amended to read as follows:

Charitable organizations and ((professional)) independent fund raisers shall maintain accurate, current, and readily available books and records at their usual business locations until at least three years ((shall)) have elapsed following the effective period to which they relate.

All contracts between ((professional)) independent fund raisers and charitable organizations shall be in writing, and true and correct copies of such contracts or records thereof shall be kept on file in the various offices of the charitable organization ((and/or professional)) and the independent fund raiser for a three-year period ((as provided in this section)). Such records and contracts shall be available for inspection and examination by the attorney general or by the county prosecuting attorney. A copy of such contract or record shall be submitted by the charitable organization or ((professional)) independent fund raiser, within ten days, following receipt of a written demand therefor from the attorney general or county prosecutor.

Sec. 13. Section 21, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 10, chapter 265, Laws of 1983 and RCW 19.09.210 are each amended to read as follows:

Upon the request of the attorney general or the county prosecutor, a charitable organization shall submit a financial statement containing, but not limited to, the following information:

- (1) The gross amount of the contributions pledged and the gross amount collected.
- (2) The amount thereof, given or to be given to charitable purposes represented together with details as to the manner of distribution as may be required.
- (3) The aggregate amount paid and to be paid for the expenses of such solicitation.
- (4) The amounts paid to and to be paid to ((professional)) independent fund raisers ((and solicitors)).

(5) Copies of any annual or periodic reports furnished by the charitable organization, of its activities during or for the same fiscal period, to its parent organization, subsidiaries, or affiliates, if any.

Sec. 14. Section 23, chapter 13, Laws of 1973 1st ex. sess. as amended by section 11, chapter 227, Laws of 1982 and RCW 19.09.230 are each amended to read as follows:

No charitable organization, ((professional)) independent fund raiser, or ((professional solicitor shall)) other entity may knowingly use the name of any other person for the purpose of soliciting contributions from persons in this state without the written consent of such other person((-PROVIDED That)). Such consent may be deemed to have been given by anyone who is a director, trustee, other officer, employee, agent, ((professional)) or independent fund raiser((-or professional solicitor)) of the charitable organization.

A person may be deemed to have used the name of another person for the purpose of soliciting contributions if such latter person's name is listed on any stationery, advertisement, brochure, or correspondence of the charitable organization or person or if such name is listed or represented to any one who has contributed to, sponsored, or endorsed the charitable organization or person, or its or his activities.

Sec. 15. Section 24, chapter 13, Laws of 1973 1st ex. sess. and RCW 19.09.240 are each amended to read as follows:

No charitable organization, (~~(professional)~~) independent fund raiser, or other person soliciting contributions for or on behalf of a charitable organization (~~(shall)~~) may use a name, symbol, or statement so closely related or similar to that used by another charitable organization or governmental agency that the use thereof would tend to confuse or mislead the public.

Sec. 16. Section 19, chapter 13, Laws of 1973 1st ex. sess. as last amended by section 16, chapter 265, Laws of 1983 and RCW 19.09.190 are each amended to read as follows:

Every ((person employed or retained as a professional fund raiser by or for a charitable organization)) independent fund raiser who (1) directly or indirectly receives contributions from the public on behalf of any charitable organization; or (2) is compensated based upon funds raised or to be raised, number of solicitations made or to be made, or any other similar method; or (3) incurs or is authorized to incur expenses on behalf of the charitable organization; or (4) has not been registered with the secretary as an independent fund raiser for the preceding accounting year shall execute a surety bond as principal ((in the amount of five thousand dollars)) with one or more sureties whose liability in the aggregate as such sureties will ((at least equal the said sum)) equal at least fifteen thousand dollars. The secretary may, by rule, provide for the reduction and reinstatement of the bond required by this section.

The issuer of the surety bond shall be licensed to do business in this state, and shall promptly notify the secretary when claims or payments are made against the bond. The bond shall be filed with the secretary in the form prescribed by the secretary. The bond shall run to the state and to any person who may have a cause of action against the obligor of said bond for any malfeasance ((or)), misfeasance, or deceptive practice in the conduct of such solicitation.

NEW SECTION. Sec. 17. A new section is added to chapter 19.09 RCW to read as follows:

(1) Any charitable organization, nonprofit fund raiser, or independent fund raiser who, after notification by the secretary, fails to properly register under this chapter by the end of the first business day following the issuance of the notice, is liable for a late filing fee of five dollars per day from the date of the notice until the registration is properly completed and filed. The late filing fee is in addition to any other filing fee provided by this chapter.

(2) The secretary shall notify the attorney general of any entity liable for late filing fees under subsection (1) of this section.

Sec. 18. Section 14, chapter 222, Laws of 1977 ex. sess. as last amended by section 11, chapter 265, Laws of 1983 and RCW 19.09.275 are each amended to read as follows:

Any person who wilfully and knowingly violates any provision of this chapter or who wilfully and knowingly gives false or incorrect information to the secretary, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not such statement or report is verified is guilty of a gross misdemeanor punishable under chapter 9A.20 RCW.

Any person who ((wilfully and knowingly)) violates any provisions of this chapter or who ((shall wilfully and knowingly)) gives false or incorrect information to the secretary, attorney general, or county prosecuting attorney in filing statements required by this chapter, whether or not such statement or report is verified, ((shall be deemed)) is guilty of a misdemeanor ((as provided in)) punishable under chapter 9A.20 RCW.

NEW SECTION. Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 13, Laws of 1973 1st ex. sess., section 2, chapter 106, Laws of 1974 ex. sess., section 2, chapter 222, Laws of 1977 ex. sess., section 2, chapter 265, Laws of 1983 and RCW 19.09.030;

(2) Section 3, chapter 265, Laws of 1983 and RCW 19.09.045;

(3) Section 5, chapter 13, Laws of 1973 1st ex. sess., section 13, chapter 265, Laws of 1983 and RCW 19.09.050; and

(4) Section 14, chapter 265, Laws of 1983 and RCW 19.09.069.

NEW SECTION. Sec. 20. To carry out this act, the sum of twelve thousand dollars, or so much thereof as may be necessary, is appropriated to the secretary of state from the general fund for the biennium ending June 30, 1987.

NEW SECTION. Sec. 21. This act shall take effect on January 1, 1987, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House concurred in the Senate amendment to Substitute House Bill No. 1726.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1726 as amended by the Senate.

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

On motion of Mr. Padden, Representative Locke's remarks were ordered spread upon the Journal.

Mr. Locke: "This is the charitable solicitation's bill and I wanted to take an opportunity to tell you some interesting points in the history of this bill. This bill originated from a great deal of exposure from the newspapers with the fraud that's perpetrated on the public by organizations purporting to be raising money for charitable purposes, when, in fact, a very small amount does go to a charitable purpose and much goes for salaries and overhead. This bill was the result of the Secretary of State's task force which recommended a great deal of disclosure and registration with the Secretary of State's Office. Various members of the House Judiciary Committee however felt that those proposals were not strong enough and perhaps police and firefighters had to be regulated more or restricted in their ability to call and ask for charitable solicitations. We, in the House Judiciary Committee made the requirement that all groups had to disclose the actual percentage of funds going to a charitable purpose. That passed through the House here with a great deal of support, but lo and behold, in the Senate of all groups, Washpurg and Fairshare tried to scuttle this bill and tried to claim exemptions from the requirements of disclosure on the grounds that they did not want it known to the public that their solicitors received a percentage or a commission of the money they solicited from the public. They, in fact, tried to kill this bill in the Senate, after first trying to be completely exempt, not only from the disclosure requirements, but also from the requirement that they have to file information with the Secretary of State's Office. I think it is extremely hypocritical and extremely disappointing for such organizations like Washpurg and Fairshare, which have always come to this legislature asking for more public disclosure and more input into government and more disclosure so that the public knew what was really going on, for them then to seek this type of exemption. I think it's a credit to the Senate and to the members of this body that we were able to defeat the hypocritical stand and position of Washpurg in this particular case. I urge your adoption and final passage of this bill."

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1726 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 1726 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1762 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1, Section 8, chapter 18, Laws of 1935 as last amended by section 1, chapter 303, Laws of 1981 and RCW 88.16.090 are each amended to read as follows:

(1) No person may pilot any vessel subject to the provisions of this chapter on waters covered by this chapter unless such a person is appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this chapter.

(2) No person is eligible to be appointed a pilot unless such a person is a citizen of the United States, over the age of twenty-five years and under the age of seventy years and a resident of the state of Washington at the time of appointment, nor unless the pilot applicant

holds as a minimum, a United States government license as a master of freight and towing vessels not more than one thousand gross tons (inspected vessel), such license to have been held by the applicant for a period of at least two years prior to taking the Washington state pilotage examination and a first class United States endorsement without restrictions on that license to pilot in the pilotage districts for which the pilot applicant desires to be licensed, nor unless the pilot applicant meets such other qualifications as may be required by the board.

(3) Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective state licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee established by the board of pilotage commissioners pursuant to chapter 34.04 RCW, but not to exceed one thousand five hundred dollars, to be placed in the state treasury to the credit of the pilotage account. The board may assess partially active or inactive pilots a reduced fee.

(4) Pilot applicants shall be required to pass a written and oral examination administered and graded by the board which shall test such applicants on this chapter, the rules of the board, local harbor ordinances, and such other matters as may be required to compliment the United States examinations and qualifications.

(5) On and after September 21, 1977, the board shall have developed five examinations and grading sheets for the Puget Sound pilotage district, and two for each other pilotage district, for the testing and grading of pilot applicants. The examinations shall be administered to pilot applicants on a random basis and shall be updated as required to reflect changes in law, rules, policies, or procedures. The board may appoint a special independent examination committee or may contract with a firm knowledgeable and experienced in the development of professional tests for development of said examinations. Active licensed state pilots may be consulted for the general development of examinations but shall have no knowledge of the specific questions. The pilot members of the board may participate in the grading of examinations. If the board does appoint a special examination development committee it is authorized to pay the members of said committee the same compensation and travel expenses as received by members of the board. When grading examinations the board shall carefully follow the grading sheet prepared for that examination. The board shall develop a 'sample examination' which would tend to indicate to an applicant the general types of questions on pilot examinations, but such sample questions shall not appear on any actual examinations. Any person who willfully gives advance knowledge of information contained on a pilot examination is guilty of a gross misdemeanor.

(6) All pilots and applicants are subject to an annual physical examination by a physician chosen by the board. The physician shall examine the applicant's heart, blood pressure, circulatory system, lungs and respiratory system, eyesight, hearing, and such other items as may be prescribed by the board. After consultation with a physician and the United States coast guard, the board shall establish minimum health standards to ensure that pilots licensed by the state are able to perform their duties.

(7) The board shall prescribe, pursuant to chapter 34.04 RCW, a number of familiarization trips, between a minimum number of twenty-five and a maximum of one hundred, which pilot applicants must make in the pilotage district for which they desire to be licensed. Familiarization trips any particular applicant must make are to be based upon the applicant's vessel handling experience.

(8) The board shall prescribe, pursuant to chapter 34.04 RCW, such reporting requirements and review procedures as may be necessary to assure the accuracy and validity of license and service claims, and records of familiarization trips of pilot candidates. Willful misrepresentation of such required information by a pilot candidate shall result in disqualification of the candidate.

Sec. 2. Section 9, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.103 are each amended to read as follows:

(1) Pilots, after completion of an assignment or assignments which are seven hours or longer in duration, shall receive a mandatory rest period of seven hours.

(2) A pilot shall refuse a pilotage assignment if ~~((said))~~ the pilot is physically or mentally fatigued or if ~~((said))~~ the pilot has a reasonable belief that the assignment cannot be carried out in a competent and safe manner. Upon refusing an assignment as herein provided a pilot shall submit a written explanation to the board within forty-eight hours. If the board finds that the pilot's written explanation is without merit, or reasonable cause did not exist for the assignment refusal, such pilot may be subject to the provisions of RCW 88.16.100 ~~((as now existing or hereafter amended))~~.

(3) The board shall quarterly review the dispatch records of pilot organizations or pilot's quarterly reports to ensure the provisions of this section are enforced. The board may prescribe rules for rest periods pursuant to chapter 34.04 RCW.

NEW SECTION. Sec. 3. There is appropriated to the board of pilotage commissioners from the pilotage account of the general fund, for the biennium ending June 30, 1987, the sum of twenty thousand dollars, or so much thereof as may be necessary. This money may be used by

the board only to pay costs of investigating vessel incidents or accidents where a state-licensed pilot was involved and legal fees of the board."

In line 1 of the title, after "pilots;" strike the remainder of the title and insert "amending RCW 88.16.090 and 88.16.103; and making an appropriation." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Walk, the House concurred in the Senate amendments to Substitute House Bill No. 1762.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1762 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1762 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Waik, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 1762 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1763 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 46.32.010, chapter 12, Laws of 1961 as last amended by section 67, chapter 136, Laws of 1979 ex. sess. and RCW 46.32.010 are each amended to read as follows:

(1) The chief of the Washington state patrol (is hereby empowered to constitute, erect,) may operate, (and) maintain, or designate, throughout the state of Washington, stations for the inspection of school buses and private carrier buses, with respect to vehicle equipment, drivers' qualifications, and hours of service and to set ((a date, at a) reasonable times ((subsequent to the installation of such stations.)) when inspection of vehicles shall ((commence, and it shall be)) be performed.

(2) The inspection of private, common, and contract carriers with respect to vehicle equipment, drivers' qualifications, and hours of service shall be done in conjunction with weight enforcement under RCW 46.44.100.

(3) It is unlawful for any vehicle required to be inspected to be operated over the public highways of this state unless and until it has been approved periodically as to equipment. ((The chief of the Washington state patrol shall establish periods of vehicle equipment inspection, in the event of any such inspection, the same))

(4) Inspections shall be ((in charge of)) performed by a responsible employee of the chief of the Washington state patrol, who shall be duly authorized ((as a police officer)) and who shall have authority to secure and withhold, with written notice to the director of licensing, the certificate of license registration and license plates of any vehicle found to be defective in equipment so as to be unsafe or unfit to be operated upon the highways of this state, and it shall be unlawful for any person to operate such vehicle unless and until ((the same)) it has been placed in a condition satisfactory to pass a subsequent equipment inspection((:)). The police officer in charge of such vehicle equipment inspection ((station)) shall grant to the operator of such defective vehicle the privilege to move such vehicle to a place for repair under such restrictions as may be reasonably necessary.

(5) In the event any insignia, sticker, or other marker (~~((should be))~~) is adopted to be displayed upon vehicles in connection with the inspection of vehicle equipment, (~~((the same))~~) it shall be displayed as required by the rules (~~((and regulations))~~) of the chief of the Washington state patrol, and it is a traffic infraction for any person to mutilate, destroy, remove, or otherwise interfere with the display thereof.

(6) It is a traffic infraction for any person to refuse to have his motor vehicle examined as required by the chief of the Washington state patrol, or, after having had it examined, to refuse to place (~~((a certificate of approval, or a certificate of condemnation))~~) an insignia, sticker, or other marker, if issued, upon (~~((his windshield))~~) the vehicle, or (~~((to))~~) fraudulently to obtain (~~((a certificate of approval))~~) any such insignia, sticker, or other marker, or to refuse to place his motor vehicle in proper condition after having had (~~((the same))~~) it examined, or (~~((to))~~) in any manner, to fail to conform to the provisions of this chapter.

(7) It is a traffic infraction for any person to perform false or improvised repairs, or repairs in any manner not in accordance with acceptable and customary repair practices, upon a motor vehicle.

Sec. 2. Section 46.32.020, chapter 12, Laws of 1961 and RCW 46.32.020 are each amended to read as follows:

The chief of the Washington state patrol (~~((is empowered to provide))~~) may adopt reasonable rules (~~((and regulations))~~) regarding types of vehicles to be inspected, inspection criteria, times for the inspection of vehicle equipment, and all other matters with respect to the conduct of vehicle equipment inspections (~~((stations))~~).

~~((In the event that any municipality or other political subdivision of this state has installed and placed in operation any station for the inspection of vehicle equipment, the operation of such inspection station shall be in strict conformity with rules, regulations, procedure and standards of inspection prescribed by the chief of the Washington state patrol. The operation of such municipally owned vehicle inspection station shall be under the direction and supervision of the chief of the Washington state patrol and there shall be maintained and submitted as and when prescribed such records and reports as shall be required by the chief of the Washington state patrol.))~~

The chief of the Washington state patrol shall prepare and furnish such stickers, tags, record and report forms, stationery, and other supplies as shall be deemed necessary. The chief of the Washington state patrol is empowered to appoint and employ such assistants as he may consider necessary and to fix hours of employment and compensation.

Sec. 3. Section 46.32.040, chapter 12, Laws of 1961 and RCW 46.32.040 are each amended to read as follows:

Vehicle equipment inspection shall be at such (~~((periodic))~~) intervals as (~~((shall be))~~) required by the chief of the Washington state patrol and shall be made without charge (~~((for such periodic inspection))~~).

Sec. 4. Section 46.32.050, chapter 12, Laws of 1961 as amended by section 68, chapter 136, Laws of 1979 ex. sess. and RCW 46.32.050 are each amended to read as follows:

It shall be unlawful for any person employed by the chief of the Washington state patrol (~~((or by any municipality or other political subdivision, in))~~) at any vehicle equipment inspection station, to (~~((directly or indirectly, or in any manner whatsoever.))~~) order, direct, recommend, or influence the correction of vehicle equipment defects by any person or persons whomsoever.

It shall be unlawful for any person employed by the chief of the Washington state patrol (~~((or by any municipality or other political subdivision.))~~) while in or about any vehicle equipment inspection station, to perform any repair or adjustment upon any vehicle or any equipment or appliance of any vehicle whatsoever.

It shall be unlawful for any person to solicit in any manner the repair to any vehicle or the adjustment of any equipment or appliance of any vehicle, upon the property of any vehicle equipment inspection station or upon any public highway adjacent thereto.

Violation of the provisions of this section is a traffic infraction.

Sec. 5. Section 46.32.060, chapter 12, Laws of 1961 and RCW 46.32.060 are each amended to read as follows:

It shall be unlawful for any person to operate or move, or for any owner to cause or permit to be operated or moved upon any public highway, any vehicle or combination of vehicles, which is not at all times equipped in the manner required by this title, or the equipment of which is not in a proper condition and adjustment as required by this title or rules adopted by the chief of the Washington state patrol.

Any vehicle operating upon the public highways of this state and at any time found to be defective in equipment in such a manner that it may be considered unsafe shall be an unlawful vehicle and may be prevented from further operation until such equipment defect is corrected and any peace officer is empowered to impound such vehicle until the same has been placed in a condition satisfactory to vehicle inspection. The necessary cost of impounding any such unlawful vehicle and any cost for the storage and keeping thereof shall be paid by the owner thereof. The impounding of any such vehicle shall be in addition to any penalties for such unlawful operation.

The provisions of this section shall not be construed to prevent the operation of any such defective vehicle to a place for correction of equipment defect in the manner directed by any peace officer or representative of the state commission on equipment.

Sec. 6. Section 46.32.070, chapter 12, Laws of 1961 and RCW 46.32.070 are each amended to read as follows:

~~((in the event that any vehicle shall))~~ If a vehicle required to be inspected becomes damaged or deteriorated in such a manner that such vehicle ((shall have)) has become unsafe for operation upon the public highways of this state, it ((shall be)) is unlawful for the owner or operator thereof to cause such vehicle to be operated upon a public highway upon its return to service unless such owner or operator ((shall have presented)) presents such vehicle for inspection of equipment within twenty-four hours after its return to service.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 46.32.030, chapter 12, Laws of 1961 and RCW 46.32.030;

(2) Section 11, chapter 197, Laws of 1983 and RCW 43.131.275; and

(3) Section 37, chapter 197, Laws of 1983 and RCW 43.131.276."

in line 2 of the title, after "46.32.020," strike "46.32.030;"

in line 3 of the title, after "RCW" insert "46.32.030," and after "43.131.275" insert ","

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Walk, the House concurred in the Senate amendments to Engrossed House Bill No. 1763.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1763 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1763 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Deliw, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Engrossed House Bill No. 1763 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1838 with the following amendments:

On page 1, line 29, after "contributor" and before the semicolon, insert "PROVIDED FURTHER, That the money value of contributions of postage shall be the face value of such postage"

On page 3, after line 25, insert the following:

"Sec. 2. Section 1, chapter 176, Laws of 1983 as amended by section 1, chapter 359, Laws of 1985 and RCW 42.17.105 are each amended to read as follows:

(1) Campaign treasurers shall prepare and deliver to the commission a special report regarding any contribution which:

(a) Exceeds five hundred dollars;

(b) Is from a single person or entity;

(c) Is received before a primary or general election; and

(d) Is received: (i) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (ii) within twenty-one days preceding that general election.

(2) Any political committee making a contribution which exceeds five hundred dollars shall also prepare and deliver to the commission the special report if the contribution is made before a primary or general election and: (a) After the period covered by the last report required by RCW 42.17.080 and 42.17.090 to be filed before that primary; or (b) within twenty-one days preceding that general election.

(3) Except as provided in subsection (4), the special report required by this section shall be delivered in written form, including but not limited to mailgram, telegram, or nightletter. The special report required by subsection (1) shall be delivered to the commission within forty-eight hours of the time, or on the first working day after, the contribution is received by the candidate or campaign treasurer. The special report required by subsection (2) of this section and RCW 42.17.175 shall be delivered to the commission, and the candidate or political committee to whom the contribution is made, within twenty-four hours of the time, or on the first working day after, the contribution is made.

(4) The special report may be transmitted orally by telephone to the commission to satisfy the delivery period required by subsection (3) if the written form of the report is also mailed to the commission and postmarked within the delivery period established in subsection (3).

(5) The special report shall include at least:

(a) The amount of the contribution;

(b) The date of receipt;

(c) The name and address of the donor;

(d) The name and address of the recipient; and

(e) Any other information the commission may by rule require.

(6) Contributions reported under this section shall also be reported as required by other provisions of this chapter.

(7) The commission shall publish daily a summary of the special reports made under this section and RCW 42.17.175.

(8) It is a violation of this chapter for any person to make, or for any candidate or political committee to accept from any one person, contributions reportable under RCW 42.17.090 in the aggregate exceeding fifty thousand dollars for any campaign for state-wide office or exceeding five thousand dollars for any other campaign subject to the provisions of this chapter within twenty-one days of a general election. This subsection does not apply to contributions made by, or accepted from, a major political party as defined in RCW 29.01.090.

In line 2 of the title, after "42.17.090" and before the semicolon, insert "and 42.17.105" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Fisher, the House concurred in the Senate amendments to Substitute House Bill No. 1838.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1838 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1838 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 84; nays, 11; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Niemi, Nutley, O'Brien, Padden, Peery, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Hastings, Long, Nelson D, Nelson G, Prince, Sanders, Thomas, Tilly, Walker, Williams B, Williams J - 11.

Excused: Representatives Lewis, Patrick, Winsley - 3.

Substitute House Bill No. 1838 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1954 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 11, chapter 236, Laws of 1967 as last amended by section 1, chapter 272, Laws of 1985 and RCW 67.28.180 are each amended to read as follows:

(1) Subject to the conditions set forth in subsections (2) and (3) of this section, the legislative body of any county or any city, is authorized to levy and collect a special excise tax of not to exceed two percent on the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property: PROVIDED, That it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or to enjoy the same.

(2) Any levy authorized by this section shall be subject to the following:

(a) Any county ordinance or resolution adopted pursuant to this chapter shall contain, in addition to all other provisions required to conform to this chapter, a provision allowing a credit against the county tax for the full amount of any city tax imposed pursuant to this chapter upon the same taxable event((:)).

(b) In the event that any county has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such county shall be exempt from the provisions of subsection (a), so long as, and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160: PROVIDED, That so much of such pledged tax revenues, together with any investment earnings thereon, not immediately necessary for actual payment of principal and interest on such bonds may be used for repayment either of limited tax levy general obligation bonds or of any county fund or account from which a loan was made, the proceeds from the bonds or loan being used to pay for constructing, installing, improving, ~~((maintaining, operating;))~~ and equipping stadium capital improvement projects ~~((to)), and to pay for any engineering, planning, financial, legal and professional services incident to the development of such stadium capital improvement projects, regardless of the date the debt for such capital improvement projects was or may be incurred.~~

As used in this subsection (2)(b), 'capital improvement projects' may include, but not be limited to a stadium restaurant facility, restroom facilities, artificial turf system, seating facilities, parking facilities and scoreboard and information system adjacent to or within a county owned stadium, together with equipment, utilities, accessories and appurtenances necessary thereto~~((and to pay for any engineering, planning, financial, legal and professional services incident to the development and operation of such stadium capital improvement projects))~~. The stadium restaurant authorized by this subsection (2)(b) shall be operated by a private concessionaire under a contract with the county((:)).

(c) No city within a county exempt under subsection (2)(b) of this section may levy the tax authorized by this section so long as said county is so exempt: PROVIDED, That in the event that any city in such county has levied the tax authorized by this section and has, prior to June 26, 1975, authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160, such city may levy the tax so long as and to the extent that the tax revenues are pledged for payment of principal and interest on bonds issued pursuant to the provisions of RCW 67.28.150 through 67.28.160.

(3) Any levy authorized by this section by a county that has levied the tax authorized by this section and has, prior to June 26, 1975, either pledged the tax revenues for payment of principal and interest on city revenue or general obligation bonds authorized and issued pursuant to RCW 67.28.150 through 67.28.160 or has authorized and issued revenue or general obligation bonds pursuant to the provisions of RCW 67.28.150 through 67.28.160 shall be subject to the following:

(a) Taxes collected under this section in any calendar year in excess of five million three hundred thousand dollars shall only be used for art and cultural museums.

(b) No taxes collected under this section may be used for the operation or maintenance of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged. Expenditures for operation or maintenance include all expenditures other than expenditures that directly result in new fixed assets or that directly increase the capacity, life span, or operating economy of existing fixed assets.

(c) No ad valorem property taxes may be used for debt service on bonds issued for a public stadium that is financed by bonds to which the tax is pledged, unless the taxes collected

under this section are or are projected to be insufficient to meet debt service requirements on such bonds.

(d) If a substantial part of the operation and management of a public stadium that is financed directly or indirectly by bonds to which the tax is pledged is performed by a non-public entity or if a public stadium is sold that is financed directly or indirectly by bonds to which the tax is pledged, any bonds to which the tax is pledged shall be retired.

(e) The county shall not lease a public stadium that is financed directly or indirectly by bonds to which the tax is pledged to, or authorize the use of the public stadium by, a professional major league sports franchise unless the sports franchise gives the right of first refusal to purchase the sports franchise, upon its sale, to local government. This subsection (3)(e) does not apply to contracts in existence on the effective date of this 1986 section.

If a court of competent jurisdiction declares any provision of this subsection (3) invalid, then that invalid provision shall be null and void and the remainder of this section is not affected.

NEW SECTION. Sec. 2. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect April 1, 1986.*

On page 1, line 3 of the title, after "1986;" strike the remainder of the title and insert "amending RCW 67.28.180; providing an effective date; and declaring an emergency." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Grimm moved that the House do concur in the Senate amendments to House Bill No. 1954.

Mr. Hastings spoke against the motion, and Mr. Jacobsen spoke in favor of it.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the Senate amendments to House Bill No. 1954, and the motion was carried by the following vote: Yeas, 56; nays, 39; excused, 3.

Voting yea: Representatives Addison, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Holland, Jacobsen, King J, King P, King R, Leonard, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Smitherman, Sommers, Sutherland, Tanner, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, and Mr. Speaker - 56.

Voting nay: Representatives Allen, Ballard, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Crane, Dobbs, Doty, Fuhrman, Hankins, Hastings, Haugen, Isaacson, Kremen, Lundquist, Nealey, Nelson G, Padden, Prince, Schmidt, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Todd, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams J, Wilson S, Zellinsky - 39.

Excused: Representatives Lewis, Patrick, Winsley - 3.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of House Bill No. 1954 as amended by the Senate.

Representatives B. Williams, O'Brien, Basich and Schoon spoke in favor of passage of the bill, and Representatives Locke and G. Nelson opposed it.

Mr. O'Brien spoke again in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1954 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 50; nays, 45; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Basich, Baugher, Brekke, Day, Dellwo, Doty, Ebersole, Gallagher, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Long, Madsen, May, McMullen, Miller, Nutley, O'Brien, Peery, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Valle, Van Luven, Vekich, Williams B, Wilson K, Wilson S, Wineberry, and Mr. Speaker - 50.

Voting nay: Representatives Barrett, Belcher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Dobbs, Fisch, Fisher, Fuhrman, Grimm, Hankins, Hargrove,

Hastings, Isaacson, Locke, Lundquist, Lux, Nealey, Nelson D, Nelson G, Niemi, Padden, Prince, Schmidt, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, Unsoeld, van Dyke, Vander Stoep, Walk, Walker, Wang, West, Williams J, Zellinsky - 45.

Excused: Representatives Lewis, Patrick, Winsley - 3.

House Bill No. 1954 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 32 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. It is the purpose of this chapter to promote cooperative efforts between employees, students, and the boards of regents or boards of trustees of the institutions of higher education in the state of Washington by prescribing certain rights and obligations of the employees and by establishing orderly procedures governing the relationship between the employees and their employers which procedures are designed to meet the special requirements and needs of public employment in higher education.

NEW SECTION. Sec. 2. The boards of trustees of the state institutions of higher education are authorized to engage in collective bargaining with the exclusive bargaining representatives of their employees, as provided in this chapter: PROVIDED, That nothing in this chapter authorizes collective bargaining over class size: PROVIDED FURTHER, That faculty employees of four-year institutions who choose to establish collective bargaining units shall waive all tenure rights previously acquired: PROVIDED FURTHER, That the boards of regents, the boards of trustees, and the exclusive bargaining representatives of the employees, shall mutually agree to the inclusion of a full-time undergraduate student in the collective bargaining process who shall have an equal decision-making role with the other participants. The boards of trustees shall not employ additional staff to engage in or administer collective bargaining agreements unless an employee organization has been properly designated as the exclusive representative under section 7 of this act.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Employee' means any employee of an employer, but shall not include the chief executive or administrative officers of the institution of higher education, confidential employees, casual employees, supervisors, or employees subject to chapter 28B.16 RCW.

(2) 'Casual employee' means any individual working in assignments of a limited scope or of a short-term or transitory nature so as to indicate that the individual does not share a community of interest with other employees of the institution or lacks an expectancy of continued employment. Medical residents and graduate students serving in graduate student service appointments are casual employees within the meaning of this section. An individual shall not be considered a casual employee within the meaning of this section solely by virtue of their status as a part-time employee.

(3) 'Confidential employee' includes:

(a) Any person who participates directly on behalf of an employer in the formulation of labor relations policy, the preparation for or conduct of collective bargaining, or the administration of collective bargaining agreements, if the role of the person is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment; and

(b) Any person who assists and acts in a confidential capacity to such person.

(4) 'Supervisor' includes any individual having authority in the interest of an employer to hire, assign, promote, transfer, lay off, recall, suspend, discipline, or discharge other employees, to adjust employees' grievances, or to recommend effectively such action, if the exercise of the authority is not merely routine or clerical in nature but calls for the consistent exercise of independent judgment. A person is not included solely by reason of his or her membership on a faculty tenure or other governance committee or body. The term 'supervisor' includes only those persons who perform a preponderance of the acts of authority specified in this subsection.

(6) 'Collective bargaining' and 'bargaining' mean the performance of the mutual obligation of the representatives of the employer and the exclusive bargaining representative to meet at reasonable times to bargain in good faith in an effort to reach agreement with respect to wages, hours, and other terms and conditions of employment. Collective bargaining shall be conducted during the periods outside the normal academic year and shall be completed within a period not to exceed two months in length. Service and activity fees as defined in RCW 28B.15.041, that portion of funds specifically designated for research grants, and endowments, fellowships, scholarships, or bequests whether from public or private agencies or donors shall not be a subject for bargaining. Prior law, practice, or interpretation shall be neither restrictive,

expansive, nor determinative with respect to the scope of bargaining. A written contract incorporating any agreements reached shall be executed if requested by either party. The obligation to bargain does not compel either party to agree to a proposal or to make a concession.

In the event of a dispute between an employer and an exclusive bargaining representative over the matters that are terms and conditions of employment, the commission shall decide which items are mandatory subjects for bargaining.

(6) 'Commission' means the public employment relations commission established under RCW 41.58.010.

(7) 'Employer' means the board of regents or board of trustees of each institution of higher education and includes any officer, board, commission, council, or other person or body acting on behalf of an employer.

(8) 'Employee organization' means any organization, union, association, agency, committee, council, or group of any kind in which employees participate and which exists for the purpose, in whole or in part, of collective bargaining with employers.

(9) 'Exclusive bargaining representative' means any employee organization which has:

(a) Been certified or recognized pursuant to the provisions of this chapter as the representative of the employees in an appropriate collective bargaining unit; or

(b) Prior to the effective date of this act, been certified or recognized under a predecessor statute as the representative of the employees in a bargaining unit which continues to be appropriate under this chapter.

(10) 'Institution of higher education' means each of the regional universities, community college districts, and The Evergreen State College and does not include the University of Washington and Washington State University.

(11) 'Person' means one or more individuals, labor organizations, partnerships, associations, corporations, employers, or legal representatives. In determining whether any person is acting as an agent of another person, so as to make such other person responsible for his or her acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

(12) 'Unfair labor practice' means any unfair labor practice listed in section 9 of this act.

(13) 'Union security provision' means a provision in a collective bargaining agreement under which some or all employees in the bargaining unit may be required, as a condition of continued employment on or after the thirtieth day following the beginning of such employment or the effective date of the provision, whichever is later, to become a member of the exclusive bargaining representative or pay a representation fee equivalent only to their pro rata share of the costs of representation by the exclusive bargaining agent.

NEW SECTION, Sec. 4. Employees have the right to self-organization, to form, join, or assist employee organizations, to bargain collectively through representatives of their own choosing, and also have the right to refrain from any or all of these activities except to the extent that employees may be required to make payments to an exclusive bargaining representative or charitable organization under a union security provision authorized in this chapter: PROVIDED, That nothing contained in this chapter shall permit or grant any public employee the right to strike or refuse to perform his or her official duties.

Any public employee covered under this chapter shall not engage in any strike, work slowdown, or work stoppage. Employers may bring a civil action in superior court to enjoin employee organizations from violating this act, to recover the actual damages sustained, together with the costs of suit, including a reasonable attorney's fee, and the court may in its discretion, increase the award of damages to an amount not to exceed three times the actual damages sustained.

In the event of a strike or a refusal to perform duties, which is authorized, supported or overtly encouraged by an employee organization, the employee organization shall be monetarily liable to each student in an amount equal to the daily rate of tuition, for each day in excess of four, which are affected by such action or actions.

NEW SECTION, Sec. 5. (1) Upon filing with the employer the voluntary written authorization of a bargaining unit employee under this chapter, the employee organization which is the exclusive bargaining representative of the bargaining unit shall have the right to have deducted from the salary of the bargaining unit employee the periodic dues and initiation fees uniformly required as a condition of acquiring or retaining membership in the exclusive bargaining representative. Such employee authorization shall not be irrevocable for a period of more than one year. Such dues and fees shall be deducted monthly from the pay of all employees who have given authorization for such deduction, and shall be transmitted by the employer to the employee organization or to the depository designated by the employee organization.

(2) A collective bargaining agreement may include union security provisions, but not a closed shop. The employer shall enforce any union security provision by monthly deductions from the salary of bargaining unit employees affected thereby and shall transmit such funds to the employee organization or to the depository designated by the employee organization.

(3) An employee who is covered by a union security provision and who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body

of which such employee is a member shall pay to a nonreligious charity or other charitable organization an amount of money equivalent only to their pro rata share of the costs of representation by the exclusive bargaining agent. The charity shall be agreed upon by the employee and the employee organization to which such employee would otherwise pay the dues and fees. The employee shall furnish written proof that such payments have been made. If the employee and the employee organization do not reach agreement on such matter, the commission shall designate the charitable organization.

NEW SECTION, Sec. 6. In any dispute concerning the unit appropriate for collective bargaining or the allocation of employees or positions to bargaining units, the commission, after hearing, shall determine the dispute, taking into consideration the duties, skills, and working conditions of the employees, the extent of organization among the employees, the community of interest among the employees, the desire of the employees, and the overall management structure of the employer including the interrelationships of divisions within the institution. Unnecessary fragmentation shall be avoided. All employees who are tenured or eligible to seek or be awarded tenure shall be included in the same bargaining unit at each institution of higher education.

NEW SECTION, Sec. 7. (1) The employee organization which has been designated by the majority of the employees in an appropriate bargaining unit as their representative for the purposes of collective bargaining shall be the exclusive bargaining representative of, and shall be required to represent, all the employees within the bargaining unit without regard to membership in that employee organization: PROVIDED, That any employee may at any time present his or her complaints or concerns to the employer and have such complaints or concerns adjusted without intervention of the exclusive bargaining representative, and may request that the exclusive bargaining representative be given an opportunity to be present at that adjustment and to make its views known, and as long as the adjustment is made known to the bargaining representative and is not inconsistent with the terms of a collective bargaining agreement then in effect.

(2) The commission shall resolve any dispute concerning selection of a bargaining representative in accordance with the procedures specified in this section.

(a) No question concerning representation may be raised within one year following a certification or attempted certification.

(b) Where there is a valid collective bargaining agreement in effect, no question concerning representation may be raised except during the period not more than ninety nor less than sixty days prior to the expiration date of the agreement: PROVIDED, That in the event a valid collective bargaining agreement, together with any renewals or extensions thereof, has been or will be in existence for more than three years, then a question concerning representation may be raised not more than ninety nor less than sixty days prior to the third anniversary date or any subsequent anniversary date of the agreement; and if the exclusive bargaining representative is removed as the result of such procedure, the collective bargaining agreement shall be deemed to be terminated as of the date of the certification or the anniversary date following the filing of the petition, whichever is later.

(c) An employee organization seeking certification as exclusive bargaining representative of a bargaining unit of employees, or bargaining unit employees seeking decertification of an exclusive bargaining representative, shall make a confidential showing to the commission of credible evidence demonstrating that at least thirty percent of the employees in the bargaining unit are in support of the petition. The petition shall indicate the name, address, and telephone number of any employee organization known to claim an interest in the bargaining unit.

(d) A petition filed by an employer shall be supported by credible evidence demonstrating the basis on which the employer claims the existence of a question concerning the representation of its employees.

(e) Any employee organization which makes a confidential showing to the commission of credible evidence demonstrating that it has the support of at least ten percent of the employees in the bargaining unit involved shall be entitled to intervene in proceedings under this section and to have its name listed as a choice on the ballot in an election conducted by the commission.

(f) The commission shall determine any question concerning representation by conducting a secret ballot election among the employees in the bargaining unit, except where the commission determines that a serious unfair labor practice has been committed which interfered with the election process and precludes the holding of a fair election, the commission may determine the question concerning representation by conducting a cross-check comparing the employee organization's membership records or bargaining authorization cards against the employment records of the employer.

(g) Where only one employee organization has qualified under (c) or (e) of this subsection, the representation election ballot shall contain a choice for that employee organization and a choice for no representation. The representation election shall be determined by the majority of the valid ballots cast.

(h) Where two or more employee organizations have qualified under (c) or (e) of this subsection, the representation election shall consist of two questions contained on the same ballot. The first question shall contain choices for and against organization of the bargaining unit under this chapter. The second question, to be counted only if the results of the first question indicate that organization of the bargaining unit has been chosen on a majority of the valid ballots cast, shall contain choices for each of the employee organizations qualifying under (c) or (e) of this subsection. The second question shall be determined by the majority of the valid ballots cast: PROVIDED, That where there are three or more choices on the ballot and none of the choices receives the vote of a majority of the valid ballots cast, a run-off election shall be conducted between the two choices receiving the highest and second highest number of votes.

NEW SECTION. Sec. 8. (1) The commission shall adopt rules under the administrative procedure act, chapter 34.04 RCW, as it deems necessary and appropriate to administer this chapter, in conformity with the intent and purpose of this chapter, and consistent with the best standards of labor-management relations.

(2) The rules, precedents, and practices of the national labor relations board, if consistent with this chapter, shall be considered by the commission in its interpretation of this chapter, and before the adoption of any commission rules.

NEW SECTION. Sec. 9. (1) It is an unfair labor practice for an employer:

(a) To interfere with, restrain, or coerce employees in the exercise of the rights guaranteed by this chapter;

(b) To dominate or interfere with the formation or administration of any employee organization or contribute financial or other support to it. An employer may permit employees to confer with it or its representatives or agents during working hours without loss of time or pay;

(c) To encourage or discourage membership in any employee organization by discrimination in regard to hire, tenure of employment, or any term or condition of employment, but nothing in this subsection prevents an employer from requiring, as a condition of continued employment, payment of a representation fee equivalent only to their pro rata share of the costs of representation by the exclusive bargaining representative under section 5 of this act;

(d) To discharge or otherwise discriminate against an employee because the employee has filed charges or given testimony under this chapter;

(e) To refuse to bargain collectively with the exclusive bargaining representative of its employees.

(2) It is an unfair labor practice for an employee organization or its agents:

(a) To restrain or coerce: (i) Employees in the exercise of the rights guaranteed in section 4 of this act, but this does not impair the right of an employee organization to prescribe its own rules for the acquisition or retention of membership in the organization; or (ii) an employer in the selection of its representatives for the purposes of collective bargaining or the adjustment of grievances;

(b) To cause or attempt to cause an employer to discriminate against an employee in violation of subsection (1)(c) of this section or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than the failure of the employee to tender a representative fee equivalent only to their pro rata share of the costs of representation by the exclusive bargaining agent;

(c) To refuse to bargain collectively with the employer of employees for whom it is the exclusive bargaining representative.

(3) The expression of any views, argument, or opinion, or the dissemination thereof to the public, whether in written, printed, graphic, or visual form, shall not constitute or be evidence of an unfair labor practice under this chapter, if the expression contains no threat of reprisal or force or promise of benefit.

NEW SECTION. Sec. 10. (1) The commission may prevent any person from engaging in any unfair labor practice. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, equity, or otherwise.

(2) A complaint charging unfair labor practices shall be filed within six months following the act or event complained of or discovery of such act or event complained of, whichever is later.

(3) The person or persons named as respondent in a complaint charging unfair labor practices shall have the right to file an answer to the complaint and to appear in person or otherwise to give testimony at the place and time set by the commission for hearing.

(4) If the commission determines that any person has engaged in or is engaging in any unfair labor practice, then the commission shall issue and cause to be served upon the person an order requiring the person to cease and desist from the unfair labor practice and to take such affirmative action as will effectuate the purposes and policy of this chapter, including the reinstatement of employees with back pay.

(5) The commission may petition the superior court of the county in which the main office of the employer is located or where the person who has engaged or is engaging in the unfair labor practice resides or transacts business, for the enforcement of its order and for appropriate temporary relief.

NEW SECTION. Sec. 11. Actions by or on behalf of the commission shall be under chapter 34.04 RCW, or rules adopted under chapter 34.04 RCW. The right of judicial review under chapter 34.04 RCW is applicable to all these actions and rules.

NEW SECTION. Sec. 12. (1) Whenever a collective bargaining agreement between an employer and an exclusive bargaining representative is concluded after the termination date of the previous collective bargaining agreement between the employer and an employee organization representing the same or a substantially similar bargaining unit, the effective date of the collective bargaining agreement may be the day after the termination date of the previous collective bargaining agreement, and all benefits included in the new collective bargaining agreement, including wage or salary increases, may accrue beginning with the effective date as established by this subsection.

(2) Any collective bargaining agreement may provide for all benefits, including wage and salary increases, to accrue beginning with the effective dates of any individual employee contracts covering employees in the bargaining unit for the same or related period.

(3) Any collective bargaining agreement may provide for the increase of any wages, salaries, and other benefits during the term of such agreement or the term of any individual employee contracts covering employees in the bargaining unit, if the employer receives, by increased appropriation, additional moneys for such purposes.

NEW SECTION. Sec. 13. (1) The commission, through the executive director, may offer its mediation services in any labor dispute involving an employer and an exclusive bargaining representative, upon the request of one or more of the parties to the dispute, when the dispute threatens to cause a substantial disruption to the public welfare.

(2) A person designated as a mediator in a labor dispute under this section shall meet with the representatives of the parties, either jointly or separately, and shall take other steps as he or she deems appropriate to persuade the parties to resolve their differences. A mediator shall not have power of compulsion.

The services of the mediator, including any per diem expenses, shall be provided by the commission without cost to the parties. Nothing in this section shall be construed to prohibit an employer and an exclusive bargaining representative from agreeing to substitute at their own expense some other mediator or mediation procedure.

(3) If an employer and an exclusive bargaining representative are unable to reach an agreement in mediation, then the employer may implement all or part of the employer's final offer without approval of the employee organization.

(a) The executive director shall provide the parties with a list of five persons qualified to serve as the neutral fact-finder. The parties shall without delay attempt to agree upon a fact-finder from the list provided by the commission or to agree upon some other person as a fact-finder. Upon the failure of the parties to agree upon a fact-finder within seven days after the issuance of the list, the commission shall, upon the request of either party, appoint a fact-finder. The commission shall not appoint as fact-finder the same person who acted as mediator in the dispute.

(b) The fact-finder shall promptly establish a date, time, and place to meet with the representatives of the parties and shall provide reasonable notice of the meeting to the parties to the dispute. The requirements of chapter 34.04 RCW shall not apply to fact-finding proceedings. The fact-finder shall make inquiries and investigations, hold hearings, and take such other steps as he or she deems appropriate. The fact-finder may issue subpoenas requiring the attendance and testimony of witnesses and the production of evidence.

(c) The fact-finder shall, within thirty days following the conclusion of the hearing, make written findings of fact and written recommendations to the parties as to how their dispute should be resolved. A copy shall be delivered or mailed to each of the parties to the dispute. A copy shall be filed with the commission. The findings and recommendations of the fact-finder are advisory only, however, the employer may implement all or any part of the fact-finder's recommendations without approval of the employee organization.

(d) The findings and recommendations of the fact-finder shall be held in confidence among the fact-finder, the employer, the exclusive bargaining representative, and the commission for seven calendar days following their issuance, to permit the employer and the exclusive bargaining representative to study the recommendations. No later than seven calendar days following the issuance of the recommendations of the fact-finder, each party shall notify the commission and the other party whether it accepts or rejects, in whole or in part, the recommendations of the fact-finder. If the parties remain in disagreement following the expiration of the seven-day period, the findings and recommendations of the fact-finder shall be made public.

(e) The fees and expenses of the fact-finder shall be paid by the parties to the dispute, in equal amounts. All other costs of the proceeding shall be paid by the party incurring those costs. Nothing in this section prohibits an employer and an exclusive bargaining representative from agreeing to substitute, at their own expense, some other impasse procedure or from agreeing to some other allocation of the costs of fact-finding between them.

NEW SECTION. Sec. 14. An employer and an exclusive bargaining representative who enter into a collective bargaining agreement may include in the agreement procedures for

binding arbitration of the disputes arising about the interpretation or application of the agreement.

NEW SECTION. Sec. 15. Except as otherwise expressly provided in this chapter, nothing in this chapter shall be construed to annul, modify, or preclude the renewal or continuation of any lawful agreement entered into before the effective date of this act between an employer and an employee organization covering wages, hours, and terms and conditions of employment. Where there is a conflict between any collective bargaining agreement and any resolution, rule, policy, or regulation of the employer or its agents, the terms of the collective bargaining agreement shall prevail.

NEW SECTION. Sec. 16. Except as otherwise expressly provided in this chapter, nothing contained in this chapter shall be construed to deny or otherwise abridge any rights, privileges, or benefits granted by law to employees.

NEW SECTION. Sec. 17. Nothing in this chapter shall be construed to interfere with the responsibilities and rights of the employer as specified by federal and state law, including the employer's responsibilities to students, the public, and other constituent elements of the institution: PROVIDED, That nothing contained in this chapter shall permit or grant any employer the right to lock out its employees in connection with a labor dispute.

NEW SECTION. Sec. 18. All agreements reached pursuant to this chapter shall contain the following clause: Implementation of any salary, compensation, and fringe benefit adjustment provided for in this agreement shall be consistent with legislative authorization and with any subsequent modification thereto.

No employer may grant salary, compensation, and fringe benefit increases from any fund source whatsoever in excess of the amount and or percentage, or in violation of the terms related to such salary and compensation increases, as may be provided for employees as set forth in the state operating appropriations act in effect at the time the compensation is payable.

Sec. 19. Section 4, chapter 296, Laws of 1975 1st ex. sess. and RCW 41.58.020 are each amended to read as follows:

(1) It shall be the duty of the commission, in order to prevent or minimize interruptions growing out of labor disputes, to assist employers and employees to settle such disputes through mediation and fact-finding.

(2) The commission, through the director, may proffer its services in any labor dispute involving a political subdivision, municipal corporation, or ~~((the community college system))~~ institutions of higher education of the state, either upon its own motion or upon the request of one or more of the parties to the dispute, whenever in its judgment such dispute threatens to cause a substantial disruption to the public welfare.

(3) If the director is not able to bring the parties to agreement by mediation within a reasonable time, he shall seek to induce the parties to voluntarily seek other means of settling the dispute without resort to strike or other coercion, including submission to the employees in the bargaining unit of the employer's last offer of settlement for approval or rejection in a secret ballot. The failure or refusal of either party to agree to any procedure suggested by the director shall not be deemed a violation of any duty or obligation imposed by this chapter.

(4) Final adjustment by a method agreed upon by the parties is declared to be the desirable method for settlement of grievance disputes arising over the application or interpretation of an existing collective bargaining agreement. The commission is directed to make its mediation and fact-finding services available in the settlement of such grievance disputes only as a last resort.

NEW SECTION. Sec. 20. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.010;
- (2) Section 1, chapter 196, Laws of 1971 ex. sess., section 1, chapter 205, Laws of 1973 1st ex. sess., section 12, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.020;
- (3) Section 3, chapter 196, Laws of 1971 ex. sess., section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030;
- (4) Section 4, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.035;
- (5) Section 4, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.050;
- (6) Section 5, chapter 196, Laws of 1971 ex. sess., section 3, chapter 205, Laws of 1973 1st ex. sess., section 13, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.060;
- (7) Section 6, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.070;
- (8) Section 7, chapter 196, Laws of 1971 ex. sess., section 5, chapter 205, Laws of 1973 1st ex. sess., section 14, chapter 296, Laws of 1975 1st ex. sess. and RCW 28B.52.080;
- (9) Section 8, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.090;
- (10) Section 9, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.100; and
- (11) Section 6, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.200.

NEW SECTION. Sec. 21. Sections 1 through 19 of this act shall constitute a new chapter in Title 41 RCW.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 23. PREAMBLE. The legislature finds that higher education is of the utmost importance to the continued social, cultural, and economic well-being of the people of Washington state.

The legislature also finds that salaries for full-time state-funded teaching and research faculty are below faculty salary levels at their peer institutions and that this situation is detrimental to attaining excellence in the education and training of our people.

The legislature recognizes that continued deterioration in faculty salaries will result from the inability to adequately address faculty salary disparities particularly in the retention and recruitment of the most able and meritorious faculty.

The legislature recognizes that efforts to address the problem of competitive faculty salaries will require the commitment of significant state resources for which other important programs will compete.

It is therefore the legislature's intent to reduce faculty salary disparities and achieve more competitive salaries for full-time state-funded teaching and research faculty at Washington state institutions of higher education as funds are available.

The legislature further intends that the salary increases which are provided by this chapter shall be based upon documented disparities in faculty salaries relative to those at peer institutions and be distributed within each institution on the basis of evidence of each faculty member's contribution to the profession, the institution, and the community.

The legislature intends that the salary increases which are provided by this chapter shall not be distributed on an across-the-board basis.

In as much as there is a lack of information concerning the salary disparity between community college faculty and their counterparts in other states, the legislature also intends to establish an objective measure of competitive salaries for community college faculty. The legislature finds it necessary to conduct a national survey of community college faculty salaries which will be the basis for determining competitive salary levels for community colleges in Washington state.

The legislature further finds that in addition to the critical issue of faculty salaries, there is substantial need for additional funding in the areas of student scholarships, student loans, and enhancement of undergraduate education.

NEW SECTION. Sec. 24. DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Washington state institutions of higher education' means the University of Washington, Washington State University, Central Washington University, Eastern Washington University, Western Washington University, The Evergreen State College, and all community college districts within the jurisdiction of the state board for community college education.

(2) 'Research institutions' means the University of Washington and Washington State University.

(3) 'Regional institutions' means Central Washington University, Eastern Washington University, Western Washington University, and The Evergreen State College.

(4) 'Peer institutions' means those institutions most comparable to Washington's public institutions of higher education, including Washington's community college system, as determined by the office of financial management on the basis of similarity in role and mission, undergraduate or graduate education emphasis, research emphasis, program offerings at the doctorate, masters, professional, bachelors, and associate degree levels, and institutional size.

(5) 'Peer institution groups' means (a) for the University of Washington: The University of Arizona, the University of California at Berkeley, the University of California at Los Angeles, the University of Illinois, the University of Iowa, the University of Michigan, the University of North Carolina, and the University of Oregon; (b) for Washington State University: The University of California at Davis, the University of California at Santa Barbara, the University of Illinois, Purdue University, Iowa State University, Michigan State University, North Carolina State University, and Oregon State University; and (c) for the regional universities and The Evergreen State College: Northern Arizona University, California State University at Chico, California State University at Hayward, Western Illinois University, Northern Michigan University, Western Carolina University, and Portland State University.

(6) 'Faculty salary disparity' means, for each Washington institution of higher education, the extent to which average salaries for its eligible faculty are below the average salaries received by full-time state-funded teaching and research faculty at its designated peer institutions.

(7) 'Eligible faculty' means full-time state-funded teaching and research faculty including primary support personnel who are appointed with a faculty title and paid a full-time equivalent salary.

(8) 'Merit' means excellence in performance, consistent with the role and mission of each respective institution and its individual colleges, schools, and departments as evidenced by (a) evaluations of teaching effectiveness, (b) contribution to the institution and its students, the profession, and the community, and (c) where applicable, the professional recognition of research and publications.

NEW SECTION. Sec. 25. APPLICATION OF CHAPTER. This chapter applies only to eligible faculty at Washington state institutions of higher education.

This chapter shall not prevent the granting of salary increases, on terms consistent with this chapter, to research faculty supported by moneys other than state funds at Washington institutions of higher education if sufficient moneys exist to support the increases.

This chapter shall not preclude eligible faculty from receiving general salary increases granted by the legislature to state employees through the normal appropriations process, but these general salary increases shall be fully recognized by the office of financial management or the higher education coordinating board, or both, in updating reports of faculty salary disparities at each Washington institution of higher education.

NEW SECTION. Sec. 26. PEER GROUP COMPARISONS. The office of financial management shall annually identify the faculty salary disparities between Washington state's research and regional institutions of higher education and their respective peer institutions. The office of financial management shall report these disparities no later than January 15, 1987, and no later than January 15 of each subsequent year. The office of financial management shall concurrently identify and report the level of appropriation from the higher education improvement account necessary to eliminate the faculty salary disparities.

NEW SECTION. Sec. 27. COMMUNITY COLLEGE SURVEY. The office of financial management, in conjunction with the higher education coordinating board, shall conduct, or designate a recognized consulting firm to conduct, a national survey to determine average salaries for full-time instructional faculty at a representative sample of two-year institutions of higher education in other states. The sample shall be constructed to reflect, to the greatest extent possible, the nature and composition of Washington state's community college system, with particular emphasis given to similarity in (1) degree and program offerings; (2) enrollment levels; (3) types of communities served; and (4) degree of reliance on state funding. Based on the findings of this survey, the office of financial management shall prepare a report no later than January 15, 1987, and no later than January 15 of each subsequent year, that identifies the faculty salary disparity for Washington state's community college system. The report shall also identify the level of appropriation necessary to eliminate the community college faculty salary disparity.

NEW SECTION. Sec. 28. DISTRIBUTION PLAN REQUIREMENTS FOR FOUR-YEAR INSTITUTIONS. Each research and regional institution shall submit to the higher education coordinating board by March 15, 1987, and by March 15 of each subsequent year, a plan to distribute, solely on the basis of merit, the moneys provided under this chapter to their eligible faculty. Each plan shall be consistent with the role and mission of the institution and its colleges and schools, provide for the involvement of faculty in assessing merit, and be specific to each college and school within the institution. Evidence which documents faculty salary disparities by college and school and professorial rank shall be prepared to support and accompany each plan. For The Evergreen State College, the faculty disparities shall be identified to major disciplines or departments and by an appropriate proxy for professorial rank.

NEW SECTION. Sec. 29. DISTRIBUTION PLAN REQUIREMENTS FOR COMMUNITY COLLEGES. The state board for community college education shall submit to the higher education coordinating board by March 15, 1987, and by March 15 of each subsequent year, a plan to distribute, solely on the basis of merit, the moneys provided by this chapter to their eligible faculty. The plan shall be consistent with the role and mission of the community college system and each individual community college, provide for faculty involvement in assessing merit, and be specific to each community college. Evidence which documents faculty salary disparities by college and major instructional department shall be prepared to support and accompany the plan.

Each community college district shall submit a plan to the state board for community college education to distribute the moneys provided by this chapter to their eligible faculty on the basis of documented objective merit procedures developed and adopted by each district with the participation of the district's faculty. Each plan shall be consistent with the role and mission of each community college, provide for faculty involvement in assessing merit, and be specific to major instructional departments within each community college. Evidence which documents faculty salary disparities by major instructional department shall be prepared to support and accompany each plan.

NEW SECTION. Sec. 30. REVIEW AND APPROVAL OF PLANS. The higher education coordinating board shall review the plans submitted by the state board for community college education and each research and regional institution to certify whether each plan meets the requirements and intent of this chapter. By April 15, 1987, and by April 15 of each subsequent year, the higher education coordinating board shall approve only those plans which meet the requirements of this chapter.

If any institution's distribution plan is not submitted to the higher education coordinating board by March 15 of any year, or if the institution's plan has not been approved by the higher education coordinating board by April 15 of that year, the office of financial management shall retain in the higher education improvement account that portion of the appropriated moneys the institution would have otherwise received from the account. By September 15, 1987,

and by September 15 of each subsequent year, each institution and the state board for community college education shall report to the higher education coordinating board on how their respective plan was implemented. The report shall specify the salary adjustments received by the eligible faculty of each school and college and be detailed by department and professorial rank within each school and college.

NEW SECTION. Sec. 31. **REPORTS ON IMPLEMENTATION.** By November 15, 1987, and by November 15 of each subsequent year, the higher education coordinating board shall submit to the ways and means committees of the senate and the house of representatives a report that documents the extent to which the faculty salary adjustments at each Washington state institution of higher education are being implemented in conformance with the plans approved by the higher education coordinating board. The report shall specify the salary adjustments received at each institution and shall provide detail on the distribution of these adjustments by the schools and colleges at each institution, including the distributions to major instructional departments by professorial rank.

NEW SECTION. Sec. 32. **HIGHER EDUCATION IMPROVEMENT ACCOUNT.** (1) The higher education improvement account is hereby created in the state treasury. The account shall only be used as provided in this chapter.

(2) Moneys in the account shall be subject to legislative appropriation according to the following priorities:

(a) Not less than twenty percent of the moneys in the account shall be used for student scholarships, student loans, and the enhancement of undergraduate education according to the annual plan submitted to the legislature by the board under this chapter.

(b) As much of the moneys in the account as needed that remain after distribution under (a) of this subsection shall be used to fund faculty salaries to bring them as close as funds in the account permit to the average salary of each institution's peer group.

(3) Funding levels attained for the purposes of subsection (2) of this section shall be maintained in succeeding years from the account and not from the general fund.

NEW SECTION. Sec. 33. As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Consideration' means all proceeds received, whether in cash, credits, or property, of any kind or nature, without any deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services, or other costs, interest, or discount allowed, or any other expense whatsoever, except that deductions are allowed for returned merchandise.

(2) 'Department' means the department of revenue.

(3) 'Motor vehicle' means all vehicles, engines, machines, or mechanical contrivances which are propelled by internal combustion engines or motors.

(4) 'Oil company' means every corporation, association, joint-stock association, partnership, limited partnership, copartnership, natural individual or individuals, and any business conducted by a trustee or trustees wherein evidence of ownership is evidenced by certificate or written instrument, formed for or engaged in the sale or the importation of petroleum products within this state.

(5) 'Person' means any oil company subject to tax under this chapter.

(6) 'Petroleum products' means any product of the industrial processing of crude oil and its fractionation products manufactured or refined or used for the generation of power used in an internal combustion engine for the generation of power to propel motor vehicles of any kind or character on the public highways. Petroleum products include but are not limited to gasoline, diesel fuel, kerosene, propane, and any other product of crude oil used for such purpose. Petroleum products do not include any product used for residential heating purposes or in the generation of electricity by a public utility or municipality.

(7) 'Petroleum revenue' means all consideration derived from the first sale of petroleum products otherwise subject to liquid fuel taxes to wholesale or retail dealers in this state for marketing and distribution or to a direct user. If the consideration derived from the sale to a wholesale dealer includes federal gasoline taxes, the taxes shall not be considered a part of the petroleum revenue. If no consideration is received or if the transaction involves a person owned or controlled by the selling entity or a division within the selling entity and the consideration does not reflect the consideration which would have been received in an arm's length transaction with an unrelated person, then the selling entity shall be deemed to have received from such sale revenue equal to the consideration it would have received in an arm's length transaction with an unrelated person. Receipts from the sale of petroleum products are allocable to this state if the property is delivered or shipped to a purchaser located within this state regardless of the F.O.B. point or other conditions of the sale. The importation of petroleum products into this state upon which this tax has not been imposed or collected shall constitute a sale within this state and the importing purchaser shall be deemed an oil company for the purposes of this chapter. Subsequent exportation of these imported products from the state shall constitute a deduction from taxable revenue.

NEW SECTION. Sec. 34. (1) Every oil company incorporated or organized now or hereafter by or under any law of this state or of any other state or territory or by the United States or any foreign government or dependency, and doing business in this state, shall pay an excise tax of

one percent of its petroleum revenues for the privilege of exercising its corporate franchise or of doing business, or of employing capital, or of owning or leasing property in this state in a corporate or organized capacity, or of maintaining an office in this state, or of having employees in this state, for all or any part of any calendar year.

(2) The tax imposed by this chapter is in addition to all other taxes imposed by this chapter or any other statute and shall not be permitted as a deduction in calculating any other tax imposed by the state.

(3) The tax imposed by this chapter automatically preempts any like tax or any tax on the privilege of processing or refining any petroleum product taxable under this chapter or any other refined product of crude oil imposed by any political subdivision of this state. This preemption does not extend to any local or personal or real property tax of general application or to any tax imposed by the state.

(4) The department may require purchasers of petroleum products to provide the selling oil company with documentation in such form and under such terms and conditions as the department may prescribe to substantiate any portion of its purchases which are or will be used for a nontaxable purpose.

(5) If at the time of a sale or importation of petroleum products by an oil company it cannot be reasonably determined whether the products will be used for a taxable purpose, it is presumed that the products are being used for a taxable purpose. The department may provide, in such form and under such terms as it may prescribe, a credit against any tax due and payable for any subsequent month upon submission to the department of such proof as it may require that any products presumed taxable were ultimately used for a nontaxable purpose.

(6) Any purchaser of petroleum products for a nontaxable purpose who provides documentation to an oil company pursuant to subsections (4) and (5) of this section and who subsequently sells or uses those products for a taxable purpose shall be deemed an oil company for the purposes of this chapter.

(7) The department may provide, in any case in which the purchaser is unable to provide documentation that petroleum products are used for a nontaxable purpose, for the payment of a credit based on the average wholesale price of petroleum products determined pursuant to rules adopted by the department.

(8) Any purchaser from an oil company subject to tax under this chapter who intentionally provides an oil company with false or fraudulent proof of the ultimate use of petroleum products, which enables that oil company to obtain a credit or exemption to which it is not entitled, or who directly receives a credit for taxes paid, is liable to pay to the department two hundred percent of the credit so obtained, plus interest at the rate of eighteen percent per annum.

(9) Any purchaser or user of petroleum products may, upon application to and approval by the department, elect to be deemed an oil company for the purposes of this chapter and to pay the taxes imposed by this chapter. Any purchaser or user electing to be taxed as an oil company may acquire petroleum products without the imposition of tax upon the supplier of the petroleum products.

(10) The tax imposed by this chapter shall be collected once on any petroleum products sold or used in this state.

NEW SECTION, Sec. 35. Chapter 82.32 RCW applies to the taxes imposed in this chapter, including RCW 82.32.045 on reports and returns.

NEW SECTION, Sec. 36. (1) The governor, or the governor's authorized representative, is hereby vested with authority to confer with the governor and the authorized representatives of other states with respect to reciprocal collection between this state and such other states of the tax imposed by this chapter.

(2) The governor, or the governor's representative, is authorized to join with such authorities of other states to conduct joint investigations, exchange information, hold joint hearings, and enter into compacts or interstate agreements with such other states to accomplish uniform reciprocal collection between those states who are parties to any compact or interstate agreement and this state of the tax imposed by this chapter.

NEW SECTION, Sec. 37. The department shall administer this chapter and is authorized to make the inquiries, determinations, and assessments of taxes imposed by this chapter.

NEW SECTION, Sec. 38. All taxes, interest, and penalties imposed by this chapter shall be deposited in the higher education improvement account.

NEW SECTION, Sec. 39. APPROPRIATION. The sum of seventy-five thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the higher education improvement account to the office of financial management to conduct the community college survey required in section 27 of this act.

NEW SECTION, Sec. 40. CAPTIONS. Section captions as used in this chapter do not constitute any part of the law.

NEW SECTION, Sec. 41. LEGISLATIVE DIRECTIVE. (1) Sections 23 through 32 of this act shall constitute a new chapter in Title 28B RCW.

(2) Sections 33 through 38 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION, Sec. 42. EFFECTIVE DATE. This act shall take effect July 1, 1986.*

On page 1, line 5 of the title, after "28B.52.200;" strike the remainder of the title and insert "adding new chapters to Title 28B RCW; adding a new chapter to Title 82 RCW; creating new sections; prescribing penalties; making an appropriation; and providing an effective date." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Wang moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 32 and ask the Senate for a conference thereon.

Representatives Vander Stoep, S. Wilson and Isaacson opposed the motion, and Representatives Wang and Sayan spoke in favor of it.

Mr. Vander Stoep again opposed the motion.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 32 and ask the Senate for a conference thereon, and the motion was lost by the following vote: Yeas, 47; nays, 48; excused, 3.

Voting yea: Representatives Appelwick, Armstrong, Barrett, Basich, Baugher, Belcher, Brekke, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 47.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Betrozoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Haugen, Holland, Isaacson, Kremen, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Sommers, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 48.

Excused: Representatives Lewis, Patrick, Winsley - 3.

MOTION FOR RECONSIDERATION

Mr. Smitherman, having voted on the prevailing side, moved that the House reconsider the vote by which the motion not to concur in the Senate amendments to Engrossed Substitute House Bill No. 32 failed.

POINT OF ORDER

Mr. G. Nelson: "Mr. Speaker, according to Reed's Rule 250, it is now the declaration of the Chair as to what the final action has been by this body since the prevailing side was do not concur. Could we have that ruling?"

The Speaker: "Your point is well taken at this point. Engrossed Substitute House Bill No. 32, the motion to not concur having failed to receive the votes, the House has concurred in the Senate amendments."

MOTION FOR RECONSIDERATION

Mr. Smitherman moved that the House immediately reconsider the vote by which the House failed to pass the motion to not concur in the Senate amendments and ask for a conference thereon.

MOTION

Mr. G. Nelson moved that Engrossed Substitute House Bill No. 32 be laid on the table.

POINT OF ORDER

Mr. O'Brien: "Mr. Speaker, the motion to lay on the table, in my opinion, would be out of order--"

POINT OF ORDER

Mr. Barrett: "His first remarks addressed the motion, not the point of order."

The Speaker: "He did say, 'Point of Order,' that's why I recognized him. What is your point of order, Representative O'Brien?"

Mr. O'Brien: "My point of order, Mr. Speaker, is Reed's Rule 247 speaks of motions relating to agreement or disagreement between two houses. It spells out the motions in their order, and in no way does it say that the motion to lay on the table would be in order."

SPEAKER'S RULING

The Speaker: "Representative O'Brien, Rule 16 speaks to the question of reconsideration. It is a privilege motion; it has a higher rank than a subsidiary motion, of second rank, to lay on the table. Therefore, your point is well taken.

"The question before the House is the motion to reconsider the vote by which the House defeated the motion to not concur. That is the question."

A division was called.

ROLL CALL

The Clerk called the roll on motion for reconsideration of the vote by which the House failed to pass the motion not to concur in the Senate amendments to Engrossed Substitute House Bill No. 32, and the motion was carried by the following vote: Yeas, 48; nays, 47; excused, 3.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 48.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Braddock, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Haugen, Holland, Isaacson, Kremen, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 47.

Excused: Representatives Lewis, Patrick, Winsley - 3.

MOTION

On motion of Mr. J. King, further consideration of Engrossed Substitute House Bill No. 32 was deferred.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447 with the following amendments:

On page 3, after line 35, insert the following:

"NEW SECTION, Sec. 5. For purposes of this chapter:

(1) 'Refuse collection business' means every person who receives waste for transfer, storage, or disposal including but not limited to all collection services, public or private dumps, transfer stations, and similar operations.

(2) 'Person' shall have the meaning given in RCW 82.04.030 or any later, superseding section.

(3) 'Waste' means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage.

(4) 'Taxpayer' means that person upon whom the refuse collection tax is imposed.

NEW SECTION, Sec. 6. There is imposed on each person using the services of a refuse collection business a refuse collection tax equal to three and six-tenths percent of the consideration charged for the services.

NEW SECTION, Sec. 7. The person collecting the charges made for using the refuse collection business shall collect the tax imposed in section 6 of this act. If any person charged with collecting the tax fails to bill the taxpayer for the tax, or in the alternative has not notified the taxpayer in writing of the imposition of the tax, or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of the person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax.

NEW SECTION, Sec. 8. Taxes collected under this chapter shall be held in trust until paid to the state. Taxes so received by the state shall be deposited in the public works assistance account created in RCW 43.155.050. Any person collecting the tax who appropriates or converts the tax collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the

tax imposed by this chapter to the person charged with collection of the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

The tax shall be due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

The tax shall be due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted shall be applied first to payment of the refuse collection tax and this tax shall have priority over all other claims to the amount remitted.

NEW SECTION. Sec. 9. The refuse collection tax shall not apply to any agency, division, or branch of the federal government or to services rendered under a contract therewith.

NEW SECTION. Sec. 10. To prevent pyramiding and multiple taxation of a single transaction, this tax shall not apply to any refuse collection business using the services of another refuse collection business for the transfer, storage, or disposal of the waste collected during the transaction.

To be eligible for this exemption, a person first must be certified by the department of revenue as a refuse collection business.

NEW SECTION. Sec. 11. Chapter 82.32 RCW applies to the tax imposed under this chapter.

NEW SECTION. Sec. 12. The department of revenue shall have the power to enforce the tax imposed in this chapter through appropriate rules.

Sec. 13. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 10, chapter 471, Laws of 1985 and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, sewerage collection, light and power, and telegraph businesses: Three and six-tenths percent;

(b) Gas distribution business: Three and six-tenths percent;

(c) Urban transportation business: Six-tenths of one percent;

(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(e) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(f) Water distribution (~~and refuse collection~~) businesses(~~es~~): Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses(~~(--seventy percent of the moneys collected under subsection (1) of this section on refuse collection businesses--)~~) and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050.

NEW SECTION. Sec. 14. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 15. Sections 5 through 12 of this act shall constitute a new chapter in Title 82 RCW."

Renumber the remaining section consecutively

On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 39.04.010, 39.04.020, 39.04.050, 39.04.070, and 82.16.020; adding a new chapter to Title 82 RCW; creating a new section; repealing RCW 39.04.090; and prescribing penalties." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Haugen, the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 1447, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Haugen, Hine and Brough as conferees on Engrossed Substitute House Bill No. 1447.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 1986

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1614 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 2, chapter 424, Laws of 1985 (uncodified) is amended to read as follows:

This act shall take effect on ~~((July 1, 1986))~~ January 1, 1988.

NEW SECTION. Sec. 2. The legislature recognizes that a program to require a person to possess a valid driver's license as a prerequisite for the registration of motor vehicles can help improve highway safety in the state. The legislature also recognizes that such a program should be carefully analyzed and planned before implementation to ensure that it is as cost effective as possible.

NEW SECTION. Sec. 3. The legislative transportation committee shall review the merits and costs of implementing the program established by chapter 424, Laws of 1985, including data on deaths and injuries caused by unlicensed drivers, and report back to the legislature prior to January 1, 1987.

Sec. 4. Section 46.08.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 26, Laws of 1983 and by section 1, chapter 77, Laws of 1983 and RCW 46.01.140 are each reenacted and amended to read as follows:

The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle upon the public highways of this state, the applicant shall pay to the director, county auditor, or other agent a fee of one dollar for each application in addition to any other fees required by law. Applicants for certificates of ownership shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law. These additional fees, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his expenses in handling the application: PROVIDED, That an agent of the county auditor is entitled to an additional service charge of ~~((one dollar and seventy-five cents))~~ two dollars: PROVIDED FURTHER, That if the fee is collected by the state patrol or the department of transportation, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

Sec. 5. Section 12, chapter 380, Laws of 1985 and RCW 46.01.140 are each amended to read as follows:

The county auditor, if appointed by the director of licensing shall carry out the provisions of this title relating to the licensing of vehicles and the issuance of vehicle license number plates under the direction and supervision of the director and may with the approval of the director appoint assistants as special deputies to accept applications and collect fees for vehicle licenses and transfers and to deliver vehicle license number plates.

At any time any application is made to the director, the county auditor, or other agent pursuant to any law dealing with licenses, registration, or the right to operate any vehicle upon the public highways of this state, excluding applicants already paying such fee under RCW 46.16.070 or 46.16.085, the applicant shall pay to the director, county auditor, or other agent a fee of one dollar for each application in addition to any other fees required by law. Applicants for certificates of ownership, including applicants paying fees under RCW 46.16.070 or 46.16.085, shall pay to the director, county auditor, or other agent a fee of three dollars in addition to any other fees required by law. These additional fees, if paid to the county auditor as agent of the director, or if paid to an agent of the county auditor, shall be paid to the county treasurer in the same manner as other fees collected by the county auditor and credited to the county current expense fund. If the fee is paid to another agent of the director, the fee shall be used by the agent to defray his expenses in handling the application: PROVIDED, That an agent of the county auditor is entitled to an additional service charge of ~~((one dollar and seventy-five cents))~~ two dollars: PROVIDED FURTHER, That if the fee is collected by the state patrol or the department of transportation, as agent for the director, the fee so collected shall be certified to the state treasurer and deposited to the credit of the motor vehicle fund. All such filing fees collected by the director or branches of his office shall be certified to the state treasurer and deposited to the credit of the highway safety fund.

NEW SECTION. Sec. 6. Section 5 of this act shall take effect at the same time as does chapter 380, Laws of 1985.

Sec. 7. Section 44, chapter 170, Laws of 1965 ex. sess. as last amended by section 39, chapter 136, Laws of 1979 ex. sess. and RCW 46.01.230 are each amended to read as follows:

(1) The department of licensing is authorized to accept checks and money orders for payment of drivers' licenses, certificates of ownership and registration, motor vehicle excise taxes, gross weight fees, and other fees and taxes collected by the department, in accordance with ((regulations)) rules adopted by the director. The director's ((regulations)) rules shall duly provide for the public's convenience consistent with sound business practice and shall encourage the annual renewal of vehicle registrations by mail to the department, authorizing checks and money orders for payment. Such ((regulations)) rules shall contain provisions for cancellation of any registrations, licenses, or permits paid for by checks or money orders which are not duly paid and for the necessary accounting procedures in such cases: PROVIDED, That any bona fide purchaser for value of a vehicle shall not be liable or responsible for any prior uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle may be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270 ((as now or hereafter amended)).

(2) It is a traffic infraction to fail to surrender within ten days to the department or any authorized agent of the department any certificate, license, or permit after being notified by certified mail that such certificate, license, or permit has been canceled pursuant to this section.

(3) Whenever registrations, licenses, or permits have been paid for by checks that have been dishonored by nonacceptance or nonpayment, a reasonable handling fee in an amount not to exceed ten dollars may be assessed for each such instrument. The director shall make rules allowing agents or subagents, appointed or approved by the director pursuant to RCW 46.01.140, to collect restitution, and where they have collected restitution, to retain the reasonable handling fee.

NEW SECTION. Sec. 8. A new section is added to chapter 46.01 RCW to read as follows:

No civil suit or action may ever be commenced or prosecuted against any county auditor, or against any other government officer or entity, or against any other person, by reason of any act done or omitted to be done in connection with the titling, licensing, or registration of vehicles or vessels while administering duties and responsibilities as an agent of the director of licensing, or as an agent of an agent of the director of licensing, pursuant to RCW 46.01.140. However, this section does not bar the state of Washington or the director of licensing from bringing any action, whether civil or criminal, against any such agent, nor shall it bar a county auditor or other agent of the director from bringing an action against his or her agent.

NEW SECTION. Sec. 9. Section 8 of this act shall apply retroactively to all claims for which actions have not been filed before the effective date of section 8 of this act.

NEW SECTION. Sec. 10. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 8 through 10 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 2 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 46.01.140 and 46.01.230; amending section 2, chapter 424, Laws of 1985 (uncodified); reenacting and amending RCW 46.01.140; adding a new section to chapter 46.01 RCW; creating new sections; prescribing penalties; declaring an emergency; and providing an effective date."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Walk moved that the House refuse to concur in the Senate amendments to Engrossed House Bill No. 1614, and ask the Senate for a conference thereon.

POINT OF ORDER

Mr. Zellinsky: "Mr. Speaker, I would like a ruling on scope and object of the Senate amendment, please."

SPEAKER'S RULING

The Speaker: "Representative Zellinsky, the Speaker has examined Engrossed House Bill No. 1614 and the Senate amendment to that by the Committee on Transportation in the Senate. It's an act that deals with the prerequisite of the issuance of

vehicle licenses. The Speaker has also examined the amendment and it also speaks to civil suits or actions that may be commenced or prosecuted against any county auditor or any government officer or entity against any other persons or any other actions and so forth. The Speaker has examined both the amendment and the underlying bill and the Speaker finds that the amendment broadens the scope and object of the bill and is, therefore, out of order. Your point is well taken. The body needs to know that if the motion does not pass, the bill must go to the House committee of origin."

Mr. Appelwick spoke in favor of the motion.

POINT OF PARLIAMENTARY INQUIRY

Mr. Barrett: "Mr. Speaker, is it possible for committees to have more meetings before sine die?"

The Speaker: "Yes."

The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Fisher, Walk and Van Luven as conferees on Engrossed House Bill No. 1614.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1795 with the following amendments:

On page 1, line 20 after "or" strike the remainder of the subsection and insert "the formula by which the calculation of support is made:"

On page 1, line 27 after "has" insert "or parties have"

On page 2, line 18 after "or" strike the remainder of the subsection and insert "the formula by which the calculation of support is made:"

On page 2, line 25 after "has" insert "or parties have"

On page 3, line 10 after "or" strike the remainder of the subsection and insert "the formula by which the calculation of support is made:"

On page 3, line 17 after "has" insert "or parties have"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House refused to concur in the Senate amendments to House Bill No. 1795, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Armstrong, Appelwick and G. Nelson as conferees on House Bill No. 1795.

SENATE AMENDMENT TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754 with the following amendment:

On page 1, line 22 after "organization." insert "Any recipient of a sales tax deferral under RCW 82.60 or RCW 82.61 shall sign first source contracts with the department."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. McMullen moved that the House refuse to concur in the Senate amendment to Engrossed Substitute House Bill No. 1754, and ask the Senate for a conference thereon.

Ms. Unsoeld spoke against the motion.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House refuse to concur in the Senate amendment to Engrossed Substitute House Bill No. 1754 and ask the Senate for a conference thereon, and the motion was carried by the following vote: Yeas, 58; nays, 37; excused, 3.

Voting yea: Representatives Appelwick, Armstrong, Barrett, Basich, Baugher, Betrozoff, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Fuhrman, Gallagher, Hankins, Hargrove, Haugen, Hine, Holland, King J, King P, King R, Leonard, Long, Madsen, May, McMullen, Miller, Nealey, Nutley, O'Brien, Peery, Prince, Rayburn, Sayan, Schmidt, Schoon, Scott, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Todd, van Dyke, Vander Stoep, Vekich, West, Williams B, Williams J, Wilson K, Wilson S, Zellinsky, and Mr. Speaker - 58.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Belcher, Bond, Braddock, Brekke, Cole, Ebersole, Fisch, Fisher, Grimm, Hastings, Isaacson, Jacobsen, Kremen, Locke, Lundquist, Lux, Nelson D, Nelson G, Niemi, Padden, Rust, Sanders, Silver, Smith C, Sommers, Tilly, Unsoeld, Valle, Van Luven, Walk, Walker, Wang, Wineberry - 37.

Excused: Representatives Lewis, Patrick, Winsley - 3.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Grimm, McMullen and Schoon as conferees on Engrossed Substitute House Bill No. 1754.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1804 with the following amendments:

On page 2, beginning on line 22 strike everything through "29.21.370," on line 34

Re number the remaining sections consecutively and correct any internal references accordingly.

On page 3, line 11 after "equal" strike "one-third" and insert "forty percent"

On page 1, line 1 of the title after "53.04.020" strike "and 53.12.020"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Haugen, the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 1804, and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1399 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. The sentencing guidelines commission shall study robbery of controlled substances and consider whether this type of robbery should be defined as a separate felony or whether additional sentencing enhancements are needed. The commission shall study the sentences for this type of robbery that have been imposed under the sentencing reform act. The commission shall deliver its recommendations to the legislature by January 1, 1987.

Sec. 2. Section 9A.56.010, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 382, Laws of 1985 and RCW 9A.56.010 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) 'Appropriate lost or misdelivered property or services' means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

(2) 'By color or aid of deception' means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;

(3) 'Credit card' means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any

other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer;

(4) 'Deception' occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) 'Deprive' in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs;

(6) 'Obtain control over' in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(7) 'Wrongfully obtains' or 'exerts unauthorized control' means:

(a) To take the property or services of another; or

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, partner, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, partnership, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his or her own unauthorized use or to the use of any person other than the true owner or person entitled thereto;

(8) 'Owner' means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(9) 'Receive' includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(10) 'Services' includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(11) 'Stolen' means obtained by theft, robbery, or extortion;

(12) Value. (a) 'Value' means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars;

(13) 'Shopping cart' means a basket mounted on wheels or similar container generally used in a retail establishment by a customer for the purpose of transporting goods of any kind;

(14) 'Parking area' means a parking lot or other property provided by retailers for use by a customer for parking an automobile or other vehicle.

Sec. 3. Section 9A.04.110, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.04.110 are each amended to read as follows:

In this title unless a different meaning plainly is required:

(1) 'Acted' includes, where relevant, omitted to act;

(2) 'Actor' includes, where relevant, a person failing to act;

(3) 'Assault' is:

(a) An act done with intent to cause fear in another of immediate bodily harm or death to that person or another;

(b) The intentional infliction of or attempt to inflict bodily harm upon another; or

(c) An intentional touching which would be offensive to a reasonable person or which creates an unreasonable risk of bodily harm to another;

(4) 'Benefit' is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;

~~((4))~~ (5) (a) 'Bodily injury,' ((or)) 'physical injury,' or 'bodily harm' means physical pain or injury, illness, or an impairment of physical condition;

(b) 'Substantial bodily harm' means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;

(c) 'Great bodily harm' means bodily injury which creates a probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily part or organ;

~~((5))~~ (6) 'Building', in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;

~~((6))~~ (7) 'Deadly weapon' means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a 'vehicle' as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or ~~((serious bodily injury))~~ substantial bodily harm;

~~((7))~~ (8) 'Dwelling' means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;

~~((8))~~ (9) 'Government' includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;

~~((9))~~ (10) 'Governmental function' includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;

~~((10))~~ (11) 'Indicted' and 'indictment' include 'informed against' and 'information', and 'informed against' and 'information' include 'indicted' and 'indictment';

~~((11))~~ (12) 'Judge' includes every judicial officer authorized alone or with others, to hold or preside over a court;

~~((12))~~ (13) 'Malice' and 'maliciously' shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty;

~~((13))~~ (14) 'Officer' and 'public officer' means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;

~~((14))~~ (15) 'Omission' means a failure to act;

~~((15))~~ (16) 'Peace officer' means a duly appointed city, county, or state law enforcement officer;

~~((16))~~ (17) 'Pecuniary benefit' means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;

~~((17))~~ (18) 'Person', 'he', and 'actor' include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;

~~((18))~~ (19) 'Place of work' includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;

~~((19))~~ (20) 'Prison' means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;

~~((20))~~ (21) 'Prisoner' includes any person held in custody under process of law, or under lawful arrest;

((21)) (22) 'Property' means anything of value, whether tangible or intangible, real or personal:

((22)) (23) 'Public servant' means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;

((23)) (24) 'Signature' includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;

((24)) (25) 'Statute' means the Constitution or an act of the legislature or initiative or referendum of this state;

((25)) (26) 'Threat' means to communicate, directly or indirectly the intent:

(a) To cause bodily injury in the future to the person threatened or to any other person; or

(b) To cause physical damage to the property of a person other than the actor; or

(c) To subject the person threatened or any other person to physical confinement or restraint; or

(d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or

(e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or

(f) To reveal any information sought to be concealed by the person threatened; or

(g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

(i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships.

((26)) (27) 'Vehicle' means a 'motor vehicle' as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

((27)) (28) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

NEW SECTION. Sec. 4. (1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:

(a) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or

(b) Administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(c) Assaults another and inflicts great bodily harm.

(2) Assault in the first degree is a class A felony.

NEW SECTION. Sec. 5. (1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

(a) Intentionally assaults another and thereby inflicts substantial bodily harm; or

(b) Assaults another with a deadly weapon; or

(c) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(d) With intent to commit a felony, assaults another.

(2) Assault in the second degree is a class B felony.

NEW SECTION. Sec. 6. (1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver by a public or private transit company while that person is operating or is in control of a vehicle owned or operated by the transit company; or

(c) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm.

(2) Assault in the third degree is a class C felony.

NEW SECTION. Sec. 7. (1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, he or she assaults another.

(2) Assault in the fourth degree is a gross misdemeanor.

Sec. 8. Section 2, chapter 105, Laws of 1979 ex. sess. as amended by section 20, chapter 263, Laws of 1984 and RCW 10.99.020 are each amended to read as follows:

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

(1) 'Family or household members' means spouses, former spouses, adult persons related by blood or marriage, persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

(2) 'Domestic violence' includes but is not limited to any of the following crimes when committed by one family or household member against another:

- (a) Assault in the first degree (~~((RCW 9A.36.016))~~) (section 4 of this 1986 act);
 - (b) Assault in the second degree (~~((RCW 9A.36.020))~~) (section 5 of this 1986 act);
 - (c) (~~((Simple))~~) Assault (~~((RCW 9A.36.040))~~) in the third degree (section 6 of this 1986 act);
 - (d) Assault in the fourth degree (section 7 of this 1986 act);
 - (e) Reckless endangerment (RCW 9A.36.050);
 - ~~((f))~~ (f) Coercion (RCW 9A.36.070);
 - ~~((g))~~ (g) Burglary in the first degree (RCW 9A.52.020);
 - ~~((h))~~ (h) Burglary in the second degree (RCW 9A.52.030);
 - ~~((i))~~ (i) Criminal trespass in the first degree (RCW 9A.52.070);
 - ~~((j))~~ (j) Criminal trespass in the second degree (RCW 9A.52.080);
 - ~~((k))~~ (k) Malicious mischief in the first degree (RCW 9A.48.070);
 - ~~((l))~~ (l) Malicious mischief in the second degree (RCW 9A.48.080);
 - ~~((m))~~ (m) Malicious mischief in the third degree (RCW 9A.48.090);
 - ~~((n))~~ (n) Kidnapping in the first degree (RCW 9A.40.020);
 - ~~((o))~~ (o) Kidnapping in the second degree (RCW 9A.40.030);
 - ~~((p))~~ (p) Unlawful imprisonment (RCW 9A.40.040);
 - ~~((q))~~ (q) Violation of the provisions of a restraining order restraining the person or excluding the person from a residence (RCW 26.09.300);
 - ~~((r))~~ (r) Violation of the provisions of a protection order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, or 26.50.130);
 - ~~((s))~~ (s) Rape in the first degree (RCW ~~((9.79-170))~~ 9A.44.040); and
 - ~~((t))~~ (t) Rape in the second degree (RCW ~~((9.79-180))~~ 9A.44.050).
- (3) 'Victim' means a family or household member who has been subjected to domestic violence.

NEW SECTION. Sec. 9. The following acts or parts of acts are each repealed:

- (1) Section 9A.36.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.010;
- (2) Section 9A.36.020, chapter 260, Laws of 1975 1st ex. sess., section 5, chapter 38, Laws of 1975-76 2nd ex. sess., section 9, chapter 244, Laws of 1979 ex. sess. and RCW 9A.36.020;
- (3) Section 9A.36.030, chapter 260, Laws of 1975 1st ex. sess., section 10, chapter 244, Laws of 1979 ex. sess., section 1, chapter 140, Laws of 1982 and RCW 9A.36.030;
- (4) Section 9A.36.040, chapter 260, Laws of 1975 1st ex. sess., section 18, chapter 263, Laws of 1984, section 8, chapter 303, Laws of 1985 and RCW 9A.36.040; and
- (5) Section 28A.87.140, chapter 223, Laws of 1969 ex. sess., section 61, chapter 199, Laws of 1969 ex. sess., section 318, chapter 258, Laws of 1984 and RCW 28A.87.140.

NEW SECTION. Sec. 10. The enactment of section 9 of this act does not have the effect of terminating or in any way modifying any criminal liability in existence prior to the effective date of this act, nor affecting any proceeding instituted under the sections repealed.

NEW SECTION. Sec. 11. Sections 4 through 7 of this act are each added to chapter 9A.36 RCW.

NEW SECTION. Sec. 12. Sections 3 through 10 of this act shall take effect on July 1, 1986.

Sec. 13. Section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 186, Laws of 1985 and by section 19, chapter 455, Laws of 1985 and RCW 9A.04.080 are each reenacted and amended to read as follows:

Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b), within seven years after their commission; for violations of RCW 9A.82.060 or 9A.82.080, within six years after their commission; for bigamy, within three years of the time specified in RCW 9A.64.010; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission: PROVIDED, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, six, seven, and ten years respectively: AND FURTHER PROVIDED, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint, or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of

such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside.

Sec. 14. Section 9A.64.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.64.010 are each amended to read as follows:

(1) A person is guilty of bigamy if he intentionally marries or purports to marry another person when either person has a living spouse.

(2) In any prosecution under this section, it is a defense that at the time of the subsequent marriage or purported marriage:

(a) The actor reasonably believed that the prior spouse was dead; or

(b) A court had entered a judgment purporting to terminate or annul any prior disqualifying marriage and the actor did not know that such judgment was invalid; or

(c) The actor reasonably believed that he was legally eligible to marry.

(3) The limitation imposed by RCW 9A.04.080 on commencing a prosecution for bigamy does not begin to run until the death of the prior or subsequent spouse of the actor or until a court enters a judgment terminating or annulling the prior or subsequent marriage.

(4) Bigamy is a class C felony.

Sec. 15. Section 2, chapter 234, Laws of 1984 (uncodified) is amended to read as follows:

(1) The joint legislative committee on the criminal justice system shall survey and study crime prevention, the causes of crime, and how the administration of the criminal justice system impacts crime.

(2) The committee shall submit its findings and recommendations thereon to the governor, the legislature, and the judicial branch of state government. A final report shall be prepared and submitted by January 1, ~~((1986))~~ 1987, on which date the committee shall cease to exist.

(3) The committee shall conduct a study for the legislature to determine whether the sentencing reform act has addressed the high rate of minority incarceration in Washington. The committee shall determine whether there are significant statistical differences in the arrest, charging, conviction, and sentencing of minorities. The committee is also directed to determine the extent to which recommended prosecutor charging and plea bargaining guidelines set forth in the sentencing reform act are being followed around the state and whether uniform, mandatory standards should be adopted. The committee shall complete this report for the legislature by January 1, 1987.

Sec. 16. Section 2, chapter 335, Laws of 1981 and RCW 43.10.232 are each amended to read as follows:

(1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate crimes and initiate and conduct prosecutions upon the request of or with the concurrence of any of the following:

~~((+))~~ (a) The county prosecuting attorney of the jurisdiction in which the offense has occurred;

~~((#))~~ (b) The governor of the state of Washington; or

~~((#))~~ (c) A majority of the committee charged with the oversight of the organized crime intelligence unit.

(2) Such request or concurrence shall be communicated in writing to the attorney general.

(3) Prior to any prosecution by the attorney general under this section, the attorney general and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorneys' fees associated with any such prosecution.

Sec. 17. Section 3, chapter 137, Laws of 1981 as last amended by section 5, chapter 346, Laws of 1985 and RCW 9.94A.030 are each amended to read as follows:

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

(1) 'Commission' means the sentencing guidelines commission.

(2) 'Community corrections officer' means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) 'Community service' means compulsory service, without compensation, performed for the benefit of the community by the offender. For purposes of the interstate compact for out of state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(4) 'Community supervision' means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

(5) 'Confinement' means total or partial confinement as defined in this section.

(6) 'Conviction' means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(7) 'Crime-related prohibition' means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall

not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(8) (a) 'Criminal history' means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) 'Criminal history' includes a defendant's prior convictions ((or pleas of guilty)) in juvenile court if: (i) The ((guilty plea or)) conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); ((and)) (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant ((had not reached his or her twenty-third birthday)) was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(9) 'Department' means the department of corrections.

(10) 'Determinate sentence' means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through 'earned early release' can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(11) 'Drug offense' means any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403).

(12) 'Escape' means escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), wilful failure to return from furlough (RCW 72.66.060), or wilful failure to return from work release (RCW 72.65.070).

(13) 'Felony traffic offense' means vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), or felony hit-and-run injury-accident (RCW 46.52.020(4)).

(14) 'Fines' means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

((+2)) (15)(a) 'First-time offender' means any person who is convicted of a felony not classified as a violent offense or a sex offense under this chapter, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

((+3)) (16) 'Nonviolent offense' means an offense which is not a violent offense.

(17) 'Offender' means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms 'offender' and 'defendant' are used interchangeably.

((+4)) (18) 'Partial confinement' means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

((+5)) (19) 'Restitution' means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

((+6)) (20) 'Serious traffic offense' means driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)).

(21) 'Serious violent offense' is a subcategory of violent offense and means murder in the first degree, murder in the second degree, assault in the first degree, kidnapping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies.

(22) 'Sentence range' means the sentencing court's discretionary range in imposing a non-applicable sentence.

((+7)) (23) 'Sex offense' means a felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes.

(24) 'Total confinement' means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

((+8)) (25) 'Victim' means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

((+9)) (26) 'Violent offense' means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation of or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, ~~((and)) vehicular homicide, and vehicular assault;~~

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection ~~((19)) (26)~~(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection ~~((19)) (26)~~ (a) or (b) of this section.

Sec. 18. Section 4, chapter 137, Laws of 1981 as amended by section 2, chapter 192, Laws of 1982 and RCW 9.94A.040 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum;

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

~~(7) ((By January 10, 1983, the commission shall recommend its standard sentence ranges and standards to the legislature by providing the recommendations to the chief clerk of the house of representatives and secretary of the senate. If the commission has prepared an additional list of standard sentence ranges, as provided under subsection (6) of this section, then the commission shall include such list along with its recommendations.~~

~~((8)) Every two years,))~~ The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.

~~((9)) (8)~~ The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

~~((10)) (9)~~ The commission shall exercise its duties under this section in conformity with chapter 34.04 RCW, as now existing or hereafter amended.

Sec. 19. Section 7, chapter 137, Laws of 1981 and RCW 9.94A.070 are each amended to read as follows:

~~((1) At its regular session convening in 1983, the legislature shall enact laws approving or modifying either the standards recommended by the commission, or the additional list of standard sentence ranges consistent with prison capacity in the event an additional list has~~

been submitted pursuant to RCW 9.94A.040(6). The standards so adopted shall take effect on July 1, 1984:

(2)) Revisions or modifications of standard sentence ranges or other standards, together with any additional list of standard sentence ranges, shall be submitted to the legislature at least every two years (~~and shall become effective as provided under subsection (1) of this section on July first of the year in which they are submitted~~).

Sec. 20. Section 12, chapter 137, Laws of 1981 as last amended by section 6, chapter 209, Laws of 1984 and RCW 9.94A.120 are each amended to read as follows:

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

(1) Except as authorized in subsections (2) (~~and~~), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

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

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

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

(5) In sentencing a first-time offender (~~other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.04.020~~), the court may waive the imposition of a sentence within the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

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

(7) (a) When an offender is convicted of (~~any~~) a sex offense other than a violation of (chapter 9A.44 RCW or RCW 9A.04.020 except) RCW 9A.44.040 or RCW 9A.44.050 and has no prior convictions (~~of chapter 9A.44 RCW, RCW 9A.04.020~~) for a sex offense or any other felony sexual offenses in this or any other state, the sentencing court, on its own motion or the motion of the state or the defendant, may order an examination to determine whether the defendant is amenable to treatment.

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

- (i) Devote time to a specific employment or occupation;
- (ii) Undergo available outpatient sex offender treatment for up to two years, or inpatient sex offender treatment not to exceed the standard range of confinement for that offense. A

community mental health center may not be used for such treatment unless it has an appropriate program designed for sex offender treatment:

- (iii) Remain within prescribed geographical boundaries and notify the court or the community corrections officer of any change in the offender's address or employment;
- (iv) Report as directed to the court and a community corrections officer;
- (v) Pay a fine, (~~make restitution~~;) accomplish some community service work, or any combination thereof; or
- (vi) Make recoupment to the victim for the cost of any counseling required as a result of the offender's crime.

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

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

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

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

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

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

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

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

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW ((9A-20-020)).

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

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

(13) A departure from the standards in RCW 9.94A.400(1) and (2) governing whether sentences are to be served consecutively or concurrently is an exceptional sentence subject to the

limitations in subsections (2) and (3) of this section, and may be appealed by the defendant or the state as set forth in RCW 9.94A.210(2) through (6).

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

Sec. 21. Section 19, chapter 137, Laws of 1981 as amended by section 10, chapter 209, Laws of 1984 and RCW 9.94A.190 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided for in subsection (3) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400.

Sec. 22. Section 2, chapter 115, Laws of 1983 as amended by section 16, chapter 209, Laws of 1984 and RCW 9.94A.310 are each amended to read as follows:

(1) TABLE 1
Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
XI	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 180- 240
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
VIII	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
VII	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
VI	13m 12+ 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102
V	9m 6- 12	13m 12+ 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y 41- 54	5y 51- 68	6y 62- 82	7y 72- 96
IV	6m 3- 9	9m 6- 12	13m 12+ 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y2m 53- 70	6y2m 63- 84
III	2m 1- 3	5m 3- 8	8m 4- 12	11m 9- 12	14m 12+ 16	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y 51- 68
II	0-90 Days	4m 2- 6	6m 3- 9	8m 4- 12	13m 12+ 14	16m 14- 18	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57
I	0-60 Days	0-90 Days	3m 2- 5	4m 2- 6	5m 3- 8	8m 4- 12	13m 12+ 14	16m 14- 18	20m 17- 22	2y2m 22- 29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

- (a) 24 months ((6) for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1((3)) (RCW 9A.40.020))
- (b) 18 months ((6) for Burglary 1((3)) (RCW 9A.52.020))
- (c) 12 months ((6) for Assault 2 (RCW 9A.36.020), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), ((Delivery or Possession of a controlled substance with intent to deliver)) or any drug offense
- Sec. 23. Section 3, chapter 115, Laws of 1983 as amended by section 17, chapter 209, Laws of 1984 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.010)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
	Leading Organized Crime (RCW 9A.82.060(1)(a))
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Statutory Rape 1 (RCW 9A.44.070)

- ~~((Employing, using, or permitting minor to engage in sexually explicit conduct for commercial use (RCW 9.68A.020)))~~
 Explosive devices prohibited (RCW 70.74.180)
 Endangering life and property by explosives with threat to human being (RCW 70.74.270)
 Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))
Inciting Criminal Profiteering (RCW 9A.82.061(1)(b))
- VIII Arson 1 (RCW 9A.48.020)
 Rape 2 (RCW 9A.44.050)
 Promoting Prostitution 1 (RCW 9A.88.070)
 Selling heroin for profit (RCW 69.50.410)
- VII Burglary 1 (RCW 9A.52.020)
 Vehicular Homicide (RCW 46.61.520)
 Introducing Contraband 1 (RCW 9A.76.140)
 Statutory Rape 2 (RCW 9A.44.080)
 Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
~~((Sending, bringing into the state, possessing, publishing, printing, etc., obscene matter involving minor engaged in sexually explicit conduct (RCW 9.68A.030)))~~
Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))
Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Bribery (RCW 9A.68.010)
 Manslaughter 2 (RCW 9A.32.070)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
 Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 Incest 1 (RCW 9A.64.020(1))
 Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
 Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(α)(1)(i))
Intimidating a Judge (RCW 9A.72.160)
- V Rape 3 (RCW 9A.44.060)
 Kidnapping 2 (RCW 9A.40.030)
 Extortion 1 (RCW 9A.56.120)
 Incest 2 (RCW 9A.64.020(2))
 Perjury 1 (RCW 9A.72.020)
Extortionate Extension of Credit (RCW 9A.82.020)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- IV Rendering Criminal Assistance 1 (RCW 9A.76.070)
 Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW 9A.36.020)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malicious Harassment (RCW 9A.36.080)
 Wilful Failure to Return from Furlough (RCW 72.66.060)
 Hit and Run -- Injury Accident (RCW 46.52.020(4))
 Vehicular Assault (RCW 46.61.522)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(α)(1)(ii) through (iv))
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Statutory Rape 3 (RCW 9A.44.090)
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)
 Assault 3 (RCW 9A.36.030)
 Unlawful possession of firearm or pistol by felon (RCW 9.41.040)

- Harassment (RCW 9A.46.020)
- Promoting Prostitution 2 (RCW 9A.88.080)
- Willful Failure to Return from Work Release (RCW 72.65.070)
- Introducing Contraband 2 (RCW 9A.76.150)
- ~~((Communicating))~~ Communication with a Minor for Immoral Purposes (RCW (9A.44.110)) 9.68A.090
- Patronizing a Juvenile Prostitute (RCW 9.68A.100)
- Escape 2 (RCW 9A.76.120)
- Perjury 2 (RCW 9A.72.030)
- Intimidating a Public Servant (RCW 9A.76.180)
- Tampering with a Witness (RCW 9A.72.120)
- Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
- Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
- Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
- Possession of Stolen Property 1 (RCW 9A.56.150)
- Theft 1 (RCW 9A.56.030)
- Theft of Livestock 2 (RCW 9A.56.080)
- ~~((Welfare Fraud (RCW 74.08.33+))~~
- Burglary 2 (RCW 9A.52.030)
- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- ~~((Auto Theft (Taking and Riding))~~ Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- ~~((Eluding))~~ Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of ((Bank)) Checks or Drafts (RCW 9A.56.060)
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))

Sec. 24. Section 4, chapter 115, Laws of 1983 as amended by section 18, chapter 209, Laws of 1984 and RCW 9.94A.330 are each amended to read as follows:

TABLE 3
OFFENDER SCORE MATRIX
Prior Adult Convictions

Current Offenses	<u>(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)</u>				
	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
Serious Violent	3	2	2	2	1
Burglary 1	2	2	2	2	1
Other Violent	2	2	2	2	1
((Vehicular Homicide	0	0	0	2	0))
Felony Traffic	1	1	1	2	1
Escape	0	0	0	0	1
Burglary 2	1	2	1	1	1
Other Non-Violent	1	1	1	1	1
Drug	1	1	1	1	1

Current Offenses	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	1	1	0	1	1
Burglary 1	2	1	0	1	1
Other Violent	1	1	0	1	1
((Vehicular Homicide	0	1	1	0	0))
Felony Traffic	1	1	1	1	1
Escape	0	0	0	0	0
Burglary 2	2	1	0	1	1
Other Non-Violent	1	1	0	1	1
Drug	1	1	0	1	2

Prior Juvenile Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

Current Offenses	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
Serious Violent	3	2	2	2	1/2
Burglary 1	2	2	2	2	1/2
Other Violent	2	2	2	2	1/2
((Vehicular Homicide	0	0	0	2	0))
Felony Traffic	1/2	1/2	1/2	2	1/2
Escape	0	0	0	0	1/2
Burglary 2	1/2	2	1/2	1/2	1/2
Other Non-Violent	1/2	1/2	1/2	1/2	1/2
Drug	1/2	1/2	1/2	1/2	1/2

Current Offenses	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	1/2	1/2	0	1/2	1/2
Burglary 1	1	1/2	0	1/2	1/2
Other Violent	1/2	1/2	0	1/2	1/2
((Vehicular Homicide	0	1/2	1/2	0	0))
Felony Traffic	1/2	1/2	1/2	1/2	1/2
Escape	0	0	0	0	0
Burglary 2	1	1/2	0	1/2	1/2
Other Non-Violent	1/2	1/2	0	1/2	1/2
Drug	1/2	1/2	0	1/2	1

~~((Definitions: Serious Violent: Murder 1, Murder 2, Assault 1, Kidnapping 1, Rape 1
 Escape: Escape 1, Escape 2, Willful Failure to Return From Work Release or Furlough
 Serious Traffic: Driving While Intoxicated, Actual Physical Control, Reckless Driving, Hit-and-Run
 Felony Traffic: Felony Hit-and-Run, Vehicular Assault, Attempting to Elope a Police Officer
 Drug: All felony violations of chapter 69.50 RCW except possession of a controlled substance))~~

Sec. 25. Section 7, chapter 115, Laws of 1983 as amended by section 19, chapter 209, Laws of 1984 and RCW 9.94A.360 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules ~~((are))~~, partially summarized in Table 3, RCW 9.94A.330, are as follows:

The offender score is ~~((computed in the following way:))~~ the sum of points accrued under subsections (1) through (14) of this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed 'other current offenses' within the meaning of RCW 9.94A.400.

(2) Except as provided in subsections (3) and (13) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions. Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(3) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

((2)) (4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

((3)) (10) If the present conviction is for Burglary 1, count prior((s)) convictions as in subsection ((5)) (8) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

((4)) (11) If the present conviction is for ~~(Vehicular Homicide, only)~~ a felony traffic offense count ~~(the following crimes as part of the offender score:)~~ two points for each adult or juvenile prior conviction for Vehicular Homicide~~(, Vehicular Assault, Felony Hit and Run (RCW 46.52.020(4)), Hit and Run (RCW 46.52.020(5)), Driving While Intoxicated (RCW 46.61.502), Actual Physical Control (RCW 46.61.504), Reckless Driving (RCW 46.61.500), Attempting to Elude a Police Officer (RCW 46.61.500))~~. Count two points for each adult or juvenile Vehicular Homicide conviction, one point for each other adult felony traffic or serious traffic conviction, and 1/2 point for each other juvenile felony traffic or serious traffic conviction.

(5) If the present conviction is for a violent offense and not covered in subsections (2), (3), (4), or (8) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction); count one point for each adult, and 1/2 point for each juvenile, prior conviction for each other felony offense or serious traffic offense.

~~((66)) (12) If the present conviction is for a drug offense count two points for each adult prior felony drug offense conviction and one point for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.~~

~~(13) If the present conviction is for escape (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120; Willful Failure to Return from Furlough, RCW 72.66.060; and Willful Failure to Return from Work Release, RCW 72.65.070), count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.~~

~~((67)) (14) If the present conviction is for Burglary 2, count priors as in subsection ((69)) (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.~~

~~((68) If the present conviction is for a violation of chapter 69.50 RCW, except for possession of a controlled substance (RCW 69.50.401(d)), count two points for each adult prior felony drug conviction (chapter 69.50 RCW, except RCW 69.50.401(d)), and one point for each juvenile drug conviction. All other adult and juvenile felonies are scored as in subsection (5) of this section if the current drug conviction is violent, or as in subsection (9) of this section if the current drug conviction is nonviolent.~~

~~(9) If the present conviction is for a nonviolent offense and not covered by subsection (6), (7), or (8) of this section, count one point for each prior adult felony conviction and one point for each prior juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony.~~

~~(10) For all offender scores, the fractional totals shall be rounded down to the nearest whole number.~~

~~(11) In the case of multiple prior convictions for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. The conviction for the offense that yields the highest offender score is used.~~

~~(12) Class A prior felony convictions are always included in the offender score. Class B prior felony convictions are not included if the offender has spent ten years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. Class C prior felony convictions and serious traffic convictions as defined in RCW 9.94A.330 are not included if the offender has spent five years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. This subsection applies to both adult and juvenile prior convictions.~~

~~The designation of out-of-state convictions shall be covered by the offense definitions and sentences provided by Washington law.~~

~~The offender score is the sum of points accrued under subsections (1) through (12) of this section.))~~

~~Sec. 26. Section 8, chapter 115, Laws of 1983 as amended by section 20, chapter 209, Laws of 1984 and RCW 9.94A.370 are each amended to read as follows:~~

~~(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.~~

~~(2) In determining any sentence, the trial court may ((use)) rely on no more information than is admitted by the plea agreement, ((and)) or admitted ((to or)), acknowledged, or proved in a trial or at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The ((real)) facts shall be deemed ((proven)) proved at the ((evidentiary)) hearing by a preponderance of the evidence. ((Real)) Facts that establish the elements of ((a higher crime;)) a more serious crime(;) or additional crimes ((cannot)) may not be used to go outside the presumptive sentence range except upon stipulation or when specifically provided for in RCW 9.94A.390(2), (c) and (d).~~

~~Sec. 27. Section 10, chapter 115, Laws of 1983 as amended by section 24, chapter 209, Laws of 1984 and RCW 9.94A.390 are each amended to read as follows:~~

~~If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).~~

~~The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence(;). The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.~~

~~(1) Mitigating Circumstances~~

~~((1))~~ (a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

~~((2))~~ (b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

~~((3))~~ (c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

~~((4))~~ (d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

~~((5))~~ (e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

~~((6))~~ (f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

~~((7))~~ (g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(2) Aggravating Circumstances

~~((1))~~ (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

~~((2))~~ (b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

~~((3))~~ (c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

~~((a))~~ (i) The current offense involved multiple victims or multiple incidents per victim;

~~((b))~~ (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

~~((c))~~ (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

~~((d))~~ (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

~~((4))~~ (d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify ~~((a))~~ a current offense as a major VUCSA:

~~((a))~~ (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

~~((b))~~ (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

~~((c))~~ (iii) The current offense involved the manufacture of controlled substances for use by other parties; or

~~((d))~~ The offender possessed a firearm during the commission of the offense; or

~~((e))~~ (iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

~~((f))~~ (v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

~~((g))~~ (vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

~~((h))~~ (e) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW ~~((9.94A.400))~~ 9.94A.010.

~~(The above considerations are illustrative only and are not intended to be exclusive reasons for exceptional sentences.)~~

Sec. 28. Section 11, chapter 115, Laws of 1983 as amended by section 25, chapter 209, Laws of 1984 and RCW 9.94A.400 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, whenever a person is ~~((convicted of))~~ to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as ~~((criminal history. All sentences so determined shall be served concurrently. Separate crimes encompassing the same criminal conduct))~~ if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime ~~((in determining criminal history))~~. Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(e) or any other provision of RCW 9.94A.390.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's (~~prior convictions as~~) criminal history in the offender score and the sentence range for other serious violent offenses shall be determined by using (~~a criminal history~~) an offender score of zero. The sentence range for any (~~remaining~~) offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run (~~consecutively~~) concurrently with any felony (~~sentences previously~~) sentence which has been imposed by any court in this or another state or by a federal court(;) subsequent to the commission of the crime being sentenced unless the court pronouncing the (~~subsequent~~) current sentence expressly orders that they be served (~~concurrently~~) consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, (~~this~~) that sentence shall run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences.

Sec. 29. Section 12, chapter 115, Laws of 1983 as amended by section 26, chapter 209, Laws of 1984 and RCW 9.94A.410 are each amended to read as follows:

For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the crime, and multiplying the range by 75 percent.

In calculating an offender score, count each prior conviction as if the present conviction were for the completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

Sec. 30. Section 15, chapter 115, Laws of 1983 and RCW 9.94A.440 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A Prosecuting Attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

(i) It has not been enforced for many years; and

(ii) Most members of society act as if it were no longer in existence; and

(iii) It serves no deterrent or protective purpose in today's society; and

(iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimis Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

(i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table ((13)) below for the crimes within these categories.

((TABLE 13))

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping

1st Degree Assault

1st Degree Rape

1st Degree Robbery

1st Degree Statutory Rape

1st Degree Arson

2nd Degree Kidnaping

2nd Degree Assault

2nd Degree Rape

2nd Degree Robbery

1st Degree Burglary

1st Degree Manslaughter

2nd Degree Manslaughter

1st Degree Extortion

Indecent Liberties

2nd Degree Statutory Rape

Incest

((Negligent)) Vehicular Homicide

Vehicular Assault

3rd Degree Rape

3rd Degree Statutory Rape

2nd Degree Extortion

1st Degree Promoting Prostitution
 Intimidating a Juror
 Communication with a Minor
 Intimidating a Witness
 Intimidating a Public Servant
 Bomb Threat (if against person)
 3rd Degree Assault
 Unlawful Imprisonment
 Promoting a Suicide Attempt
 Riot (if against person)
 CRIMES AGAINST PROPERTY/OTHER CRIMES
 2nd Degree Arson
 1st Degree Escape
 2nd Degree Burglary
 1st Degree Theft
 1st Degree Perjury
 1st Degree Introducing Contraband
 1st Degree Possession of Stolen Property
 Bribery
 Bribing a Witness
 Bribe received by a Witness
 Bomb Threat (if against property)
 1st Degree Malicious Mischief
 2nd Degree Theft
 2nd Degree Escape
 2nd Degree Introducing Contraband
 2nd Degree Possession of Stolen Property
 2nd Degree Malicious Mischief
 1st Degree Reckless Burning
 Taking a Motor Vehicle without Authorization
 Forgery
 ((~~Welfare Fraud~~))
 2nd Degree Perjury
 2nd Degree Promoting Prostitution
 Tampering with a Witness
 Trading in Public Office
 Trading in Special Influence
 Receiving/Granting Unlawful Compensation
 Bigamy
 Eluding a Pursuing Police Vehicle
 Wilful Failure to Return from Furlough
 Riot (if against property)
 Thefts of Livestock
 ALL OTHER UNCLASSIFIED FELONIES
 Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
- (b) Will result in restitution to all victims.

(2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:

- (a) Charging a higher degree;
- (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

GUIDELINES/COMMENTARY:

Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and

(3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

(1) Probable cause exists to believe the suspect is guilty; and

(2) The suspect presents a danger to the community or is likely to flee if not apprehended;

or

(3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

(1) Polygraph testing;

(2) Hypnosis;

(3) Electronic surveillance;

(4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Sec. 31. Section 7, chapter 14, Laws of 1975 1st ex. sess. as amended by section 4, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.070 are each amended to read as follows:

(1) A person over thirteen years of age is guilty of statutory rape in the first degree when the person engages in sexual intercourse with another person who is less than eleven years old.

(2) Statutory rape in the first degree is a class A felony. No person convicted of statutory rape in the first degree shall be granted a deferred or suspended sentence except ~~((for the purpose of commitment to an inpatient treatment facility))~~ under RCW 9.94A.120(7).

Sec. 32. Section 9A.56.080, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 174, Laws of 1977 ex. sess. and RCW 9A.56.080 are each amended to read as follows:

(1) Every person who, ~~((without lawful authority and))~~ with intent to sell or exchange and to deprive or defraud the lawful owner thereof, willfully takes, leads, or transports away, conceals, withholds, slaughters, or otherwise appropriates ((to his own use)) any horse, mule, cow, heifer, bull, steer, swine, or sheep ~~((shall be))~~ is guilty of theft of livestock in the first degree.

(2) A person who commits what would otherwise be theft of livestock in the first degree but without intent to sell or exchange, and for the person's own use only, is guilty of theft of livestock in the second degree.

(3) Theft of livestock in the first degree is a class B felony.

(4) Theft of livestock in the second degree is a class C felony.

Sec. 33. Section 9, chapter 155, Laws of 1979 as last amended by section 1, chapter 43, Laws of 1984 and RCW 13.50.050 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section and RCW 13.50.010.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom

a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8).

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any conviction for any adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW for any juvenile adjudication of guilt for a class A offense.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

(a) The person making the motion is at least twenty-three years of age;

(b) The person has not subsequently been convicted of a felony;

(c) No proceeding is pending against that person seeking the conviction of a criminal offense; and

(d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

Sec. 34. Section 11, chapter 137, Laws of 1981 as last amended by section 6, chapter 443, Laws of 1985 and RCW 9.94A.110 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

NEW SECTION, Sec. 35. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 115, Laws of 1983 and RCW 9.94A.300; and

(2) Section 8, chapter 443, Laws of 1985 and RCW 9.94A.122.

NEW SECTION, Sec. 36. The sentencing guidelines commission shall consider methods of increasing sentence ranges for offenders who commit a series of physical or sexual abuse offenses. The consideration shall include, but not be limited to, the addition of an aggravating factor under RCW 9.94A.390, changes to the offender scoring rules under RCW 9.94A.390, and amendments to the criminal code. The commission shall consult with organizations concerned with child and sexual abuse as well as the Washington defender association, Washington association of prosecuting attorneys, and the superior court judges association. The commission shall present its recommendations to the 1987 legislature.

NEW SECTION, Sec. 37. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 38. Sections 17 through 35 of this act shall take effect July 1, 1986.*

On page 1, line 1 of the title, after "felons;" strike the remainder of the title and insert "amending RCW 9A.56.010, 9A.04.110, 10.99.020, 43.10.232, 9.94A.030, 9.94A.040, 9.94A.070, 9.94A.120, 9.94A.190, 9.94A.310, 9.94A.320, 9.94A.330, 9.94A.360, 9.94A.370, 9.94A.390, 9.94A.400, 9.94A.410, 9.94A.440, 9A.44.070, 9A.56.080, 13.50.050, and 9.94A.110; amending section 2, chapter 234, Laws of 1984 (uncodified); reenacting and amending RCW 9A.04.080; adding new sections to chapter 9A.36 RCW; creating new sections; repealing RCW 9A.36.010, 9A.36.020, 9A.36.030, 9A.36.040, 28A.87.140, 9.94A.300, and 9.94A.122; prescribing penalties; and providing effective dates."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do not concur in the Senate amendments to Substitute House Bill No. 1399 and ask the Senate for a conference thereon.

POINT OF ORDER

Mr. Barrett: "Mr. Speaker, I would challenge the scope and object of the Senate amendments on this bill and ask for your ruling."

SPEAKER'S RULING

The Speaker: "The Speaker has examined Substitute House Bill No. 1399, which is 'An Act Relating to sentencing of adult felons....' the sentencing act of 1981, and the Senate amendments, the striking Senate amendment. The effect of the Senate amendment appears to deal with several additional subjects--robbery of controlled substances, business partnerships, minority prison population, etc. The Speaker finds, upon examination of the underlying bill and the Senate amendments thereto, that your point is well taken. The Senate amendments are beyond the scope and object of the original bill. The question before the House is the motion not to concur in the Senate amendments and request a conference thereon."

POINT OF ORDER

Mr. Locke: "Mr. Speaker, if the Speaker's ruling is that they are beyond the scope and object of the bill, is the proper motion simply then to not concur or should the motion include the request for a conference committee?"

SPEAKER'S RULING

The Speaker: "Representative Armstrong has made the usual motion to not concur in the Senate amendments and ask the Senate for a conference thereon. Reed's Rule 240 provides it is appropriate to ask for a conference, 'Whenever a disagreement as to amendments between the two houses has reached such a phase that it seems likely to be final....' Whether we have reached such a phase will be determined by this vote. Your point is not well taken."

POINT OF PARLIAMENTARY INQUIRY

Mr. Prince: "Mr. Speaker, you ruled that the amendments were beyond the scope and object, which means that the Senate should take them away, therefore, we have nothing really to confer on. Right?"

The Speaker: "If for some reason the body wants possibly to have a conference on the underlying bill, they would vote with this motion. We did this earlier this evening. It's the same issue with the same point."

POINT OF PARLIAMENTARY INQUIRY

Mr. Armstrong: "Mr. Speaker, if this vote not to concur and to request a conference fails, what happens to the underlying bill?"

The Speaker: "That is a hypothetical situation, Representative Armstrong. Rule 12(C) states that in that particular case, the bill would go to the committee in the House of origin, which would be the House Committee on Judiciary."

Mr. Armstrong spoke in favor of the motion.

POINT OF PARLIAMENTARY INQUIRY

Mr. Padden: "Mr. Speaker, would the proper motion under Rule 12(C) be simply to not concur, rather than do not concur and ask for a conference?"

The Speaker: "The Speaker will hold this under advisement and we will have a ruling for you tomorrow."

SENATE AMENDMENTS TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1593 with the following amendments:

On page 1, line 21, after "membership" insert "or professional privileges"

On page 1, after line 23, insert the following:

"NEW SECTION. Sec. 4. The department of social and health services shall not require a certificate of need for the commencement of obstetrical services by an existing hospital as defined in RCW 70.41.020."

On page 1, line 1, after "facilities" insert "creating a new section" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTIONS

On motion of Ms. Brekke, the House concurred in the Senate amendment to page 1, line 21 of Substitute House Bill No. 1593.

Mr. Day moved that the House do not concur in the Senate amendment to page 1, line 23 and the title amendment, and ask the Senate to recede therefrom.

POINT OF ORDER

Ms. Brekke: "Mr. Speaker, I raise a question of scope and object on this amendment."

SPEAKER'S RULING

The Speaker: "Representative Brekke, the Speaker has examined the underlying bill, Substitute House Bill 1593, and has examined the Senate amendment on page 1, line 23. The underlying bill deals with standards and procedures for the considering of applications for staff membership or professional privileges. The amendment deals with the requirement for certificate of need. After examining both, the Speaker finds that the Senate amendment broadens the scope and object of Substitute House Bill 1593. Therefore, it is out of order. Your point is well taken."

The motion to not concur and ask the Senate to recede from the amendments to Substitute House Bill No. 1593 carried.

MOTION

On motion of Mr. J. King, the House adjourned until 1:00 p.m., Sunday, March 9, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FIFTY-SIXTH DAY

AFTERNOON SESSION

House Chamber, Olympia, Wash., Sunday, March 9, 1986

The House was called to order at 1:00 p.m. by the Speaker. The Clerk called the roll and all members were present except Representatives May, Van Luven and Winsley, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Jennifer Sinner and Amy Weimer. Prayer was offered by Reverend Harold De Jong, Protestant Chaplain of St. Peter Hospital of Olympia.

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

MESSAGE FROM THE GOVERNOR

March 8, 1986

To the Honorable,
House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 8, 1986, Governor Gardner approved the following House bills, entitled:

HOUSE BILL NO. 1599: Relating to snowmobiles;

HOUSE BILL NO. 1702: Relating to community residential programs for the developmentally disabled.

Sincerely,
Terry Sebring,
Legal Counsel to the Governor

MESSAGE FROM THE SENATE

March 8, 1986

Mr. Speaker:

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 3182,
SENATE BILL NO. 3193,
ENGROSSED SENATE BILL NO. 3278,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3416,
SUBSTITUTE SENATE BILL NO. 3419,
SUBSTITUTE SENATE BILL NO. 3453,
ENGROSSED SUBSTITUTE SENATE BILL NO. 3458,
SECOND SUBSTITUTE SENATE BILL NO. 3487,
SUBSTITUTE SENATE BILL NO. 3847,
REENGROSSED SUBSTITUTE SENATE BILL NO. 4305,
ENGROSSED SUBSTITUTE SENATE BILL NO. 4418,
ENGROSSED SUBSTITUTE SENATE BILL NO. 4465,
ENGROSSED SENATE BILL NO. 4481,
SENATE BILL NO. 4506,
SUBSTITUTE SENATE BILL NO. 4525,
SENATE BILL NO. 4535,
SENATE BILL NO. 4538,
SENATE BILL NO. 4540,
SUBSTITUTE SENATE BILL NO. 4544,
SUBSTITUTE SENATE BILL NO. 4571,
ENGROSSED SENATE BILL NO. 4582,
SENATE BILL NO. 4584,
SUBSTITUTE SENATE BILL NO. 4596.

ENGROSSED SENATE BILL NO. 4601,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4658,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4659,
 SUBSTITUTE SENATE BILL NO. 4661,
 SUBSTITUTE SENATE BILL NO. 4665,
 SUBSTITUTE SENATE BILL NO. 4676,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4683,
 SENATE BILL NO. 4691,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4717.
 Bill Gleason, Assistant Secretary.

SECOND READING

HOUSE CONCURRENT RESOLUTION NO. 25, by Representatives D. Nelson, Jacobsen, Long, Sutherland, Todd, Unsoeld, Miller and Wang

Requesting that all means be utilized by state government to prevent United States department of energy from declaring Hanford as a safe repository without characterization studies having been completed.

The resolution was read the second time. On motion of Mr. D. Nelson, Substitute House Concurrent Resolution No. 25 was substituted for House Concurrent Resolution No. 25 and the substitute concurrent resolution was placed on the calendar for second reading.

Substitute House Concurrent Resolution No. 25 was read the second time. On motion of Mr. Appelwick, the rules were suspended, the second reading considered the third, and the resolution was placed on final passage.

Mr. D. Nelson spoke in favor of the resolution, and Ms. Hankins spoke against it. The resolution was adopted.

MOTION

On motion of Mr. J. King, SENATE BILL NO. 3910 and SENATE BILL NO. 4560 were rereferred from the second reading calendar to Committee on Rules.

On motion of Mr. J. King, SENATE BILL NO. 4662 and ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 4941 were rereferred from the third reading calendar to Committee on Rules.

On motion of Mr. J. King, Substitute House Concurrent Resolution No. 25 was ordered immediately transmitted to the Senate.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 4762, and requests a conference thereon. The President has appointed the following members as conferees: Senators McDermott, Gaspard, Lee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Braddock, the House granted the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 4762.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Grimm, Braddock and B. Williams as conferees on Engrossed Substitute Senate Bill No. 4762.

MESSAGES FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587, and the President has appointed the following members as conferees: Senators Warnke, Goltz, Sellar.

Sidney R. Snyder, Secretary.

March 9, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on HOUSE BILL NO. 1708, and the President has appointed the following members as conferees: Senators Warnke, Moore, Metcalf.

Sidney R. Snyder, Secretary.

March 9, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, and the President has appointed the following members as conferees: Senators Bottiger, Warnke, Hayner.

Sidney R. Snyder, Secretary.

March 9, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on HOUSE BILL NO. 1795, and the President has appointed the following members as conferees: Senators Talmadge, Owen, Hayner.

Sidney R. Snyder, Secretary.

March 9, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870, and the President has appointed the following members as conferees: Senators Moore, Wojahn, Pullen.

Sidney R. Snyder, Secretary.

SENATE AMENDMENTS TO HOUSE BILL

SUBSTITUTE HOUSE BILL NO. 1399:

The House resumed consideration of the Senate message. For previous action, see Journal, 55th Day, March 8, 1986.

The Speaker: "The question before the House is the motion by Representative Armstrong that the House do not concur in the Senate amendments to Substitute House Bill No. 1399 and ask the Senate for a conference thereon.

"Representative Padden has raised a Point of Parliamentary Inquiry as to whether the proper motion under Rule 12C would be simply to not concur rather than do not concur and ask for a conference. The Speaker would like to take a few extra moments to explain his ruling on this inquiry, because the rule in question, House Rule 12C, was amended this session which raises some issues that have not been presented to the body before.

"House Rule 12C prohibits Senate amendments which change the scope and object of House bills just as House Rule 12E proscribes House amendments which change the scope and object of the bill. Prior to this year, our House rules provided that when a Senate amendment to a House bill was beyond the scope and object of the bill, the bill would be referred to committee to take the same course as for original bills. Given the limited length of our legislative sessions, such a referral usually had the effect of killing the bill. House Rule 12C now provides that a motion to nonconcur may be adopted prior to referring the bill to committee, but should this motion fail, the bill would be referred to committee. The purpose of this rule change was to allow the body to keep bills alive while still respecting the Speaker's ruling on scope and object. Should this bill come back to us a second time, the

Speaker's ruling on scope and object would still apply. In other words, an amendment which the Speaker has ruled beyond the scope and object of a bill under Rule 12C or under Rule 12E may not, at some later time, be adopted by the House.

"The amendment to House Bill 1399 which the Speaker ruled beyond the scope and object of the bill last night, was a striking amendment which contained many provisions, some of which changed the scope and object and some which did not. Should this bill go to conference and be before us again with language that changes the scope and object of the bill, the Speaker would rule the House could not adopt such language based on the scope and object ruling of last night. The only exception to this ruling would be the case where the two houses choose to grant the powers of Free Conference. At that point, where the question before the House is the adoption of a Free Conference Report, our House rules on scope and object are superseded by Joint Rule 8 which provides that a Free Conference Committee may consider new items within the scope and object of the title of the bill.

"Your parliamentary inquiry also raises the question as to whether or not it is proper to ask for a conference when making the motion to not concur in the Senate amendments. As the Speaker ruled last night, under Reed's Rule 240 as well as Reed's Rule 245, it is proper to ask for a conference at any time where a disagreement between the houses cannot be resolved through the concurrence/nonconcurrence process. The Speaker finds that the motion before us does not violate the purpose or the intent of House Rule 12C which prevents the House from concurring in or otherwise adopting language which changes the scope and object of the bill. Therefore, Representative Armstrong's motion is in order. I hope that this clarifies the Speaker's interpretation of this matter."

Mr. Armstrong spoke in favor of the motion and it was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Armstrong, Locke and Padden as conferees on Substitute House Bill No. 1399.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 588 with the following amendments:

On page 1, line 25, after "persons" delete "employed" and insert "who established membership"

On page 3, line 2, after "persons" delete "employed" and insert "who established membership"

On page 8, line 5, after "persons" delete "employed" and insert "who established membership"

On page 8, following line 25, insert the following:

"NEW SECTION, Sec. 7. Until June 1, 1987, the director is authorized to retroactively suspend any administrative action initiated on or after January 1, 1986, to recover pension overpayments from retirees who have returned to covered employment."

On page 1, following line 1 of the title, delete "and"

On page 1, line 3 of the title, after "41.40.650" add "; and creating a new section" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Sommers, the House concurred in the Senate amendments to Substitute House Bill No. 588.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 588 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 588 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 92; nays, 3; excused, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nealey, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 92.

Voting nay: Representatives King R, Nelson D, Wang - 3.

Excused: Representatives May, Van Luven, Winsley - 3.

Substitute House Bill No. 588 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1182 with the following amendments:

On page 2, line 4 after "from" strike "July 1, 1985, to January 1, 1986," and insert "the effective date of this act, to January 1, 1987,"

On page 2, line 6 after "January 1," strike "1986," and insert "1987,"

On page 2, line 35 after "January 1," strike "1988," and insert "1989,"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Walk, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 1182.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1182 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1182 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 75; nays, 20; excused, 3.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Brooks, Brough, Cole, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smitherman, Sommers, Sutherland, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Walker, Wang, West, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 75.

Voting nay: Representatives Addison, Barnes, Bond, Bristow, Chandler, Crane, Dobbs, Fuhrman, Hastings, Nealey, Padden, Sanders, Smith C, Smith L, Tanner, van Dyke, Vekich, Walk, Williams B, Williams J - 20.

Excused: Representatives May, Van Luven, Winsley - 3.

Engrossed Substitute House Bill No. 1182 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

STATEMENT FOR THE JOURNAL

My vote on ESHB 1182 as amended by the Senate was recorded as "Yea." It was my intent to vote "Nay" on final passage of this bill.

JEAN MARIE BROUGH, 30th District.

STATEMENT FOR THE JOURNAL

My vote on ESHB 1182 as amended by the Senate was recorded as "Yea." It was my intent to vote "Nay" on final passage of this bill.

BRUCE HOLLAND, 47th District.

STATEMENT FOR THE JOURNAL

My vote on ESHB 1182 as amended by the Senate was recorded as "Yea." It was my intent to vote "Nay" on final passage of this bill.

MIKE PATRICK, 47th District.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1337 with the following amendments:

On page 1, after the enacting clause, insert the following:

"Sec. 1. Section 10, chapter 164, Laws of 1985 and RCW 43.168.100 are each amended to read as follows:

The committee may make grants of state funds to local governments which qualify as 'entitlement communities' under the federal law authorizing community development block grants. These grants may only be made on the condition that the entitlement community provide the committee with assurances that it will: (1) Spend the grant moneys for purposes and in a manner which satisfies state constitutional requirements; (2) spend the grant moneys for purposes and in a manner which would satisfy federal requirements (~~dealing with the entitlement community's spending of federal community development block grant funds, assuming the grant moneys were block grant funds received from the federal government~~); and (3) spend double the amount of the grant for loans to businesses from the federal funds received by the entitlement community (~~as community development block grant funds~~)."

Renumber the remaining section consecutively.

On page 1, after the enacting clause, insert the following:

"NEW SECTION. Sec. 2. A new section is added to chapter 43.168 RCW to read as follows:

The Washington state development loan fund committee is specifically authorized to operate as a licensed small business investment corporation under the provisions of the Small Business Investment Act of 1958, Public Law 85-699, as amended, if it can qualify thereunder, and if the committee shall determine that such operation would reasonably serve to carry out the purposes of the operation of the fund.

Sec. 3. Section 5, chapter 164, Laws of 1985 and RCW 43.168.050 are each amended to read as follows:

(1) The committee may only approve an application providing a loan for a project which the committee finds:

(a) Is located within a distressed area and may reasonably be expected to increase employment or maintain threatened employment;

(b) Has been approved by the director as conforming to federal rules and regulations governing the spending of federal community development block grant funds;

(c) Will be of public benefit and for a public purpose, and that the benefits, including increased or maintained employment, improved standard of living, and the employment of disadvantaged workers, will primarily accrue to residents of the distressed area;

(d) Will probably be successful;

(e) Would probably not be completed without the loan because other capital or financing at feasible terms is unavailable or the return on investment is inadequate.

(2) The committee may not approve an application if it fails to provide for adequate reporting or disclosure of financial data to the committee. The committee may require an annual or other periodic audit of the project books.

(3) The committee may require that the project be managed in whole or in part by a local development organization and may prescribe a management fee to be paid to such organization by the recipient of the loan or grant.

(4) (a) Except as provided in (b) of this subsection, the committee shall not approve any application which would result in a loan or grant in excess of three hundred fifty thousand dollars.

(b) The committee may approve an application which results in a loan or grant of up to seven hundred thousand dollars if the application has been approved by the director.

(5) The committee shall fix the terms and rates pertaining to its loans.

(6) Should there be more demand for loans than funds available for lending, the committee shall provide loans for those projects which will lead to the greatest amount of employment or benefit to a community. In determining the 'greatest amount of employment or benefit' the committee shall also consider the employment which would be saved by its loan.

(7) To the extent permitted under federal law the committee shall require applicants to provide for the transfer of all payments of principal and interest on loans to the Washington state development loan fund created under this chapter. Under circumstances where the federal law does not permit the committee to require such transfer, the committee shall give priority to applications where the applicants on their own volition make commitments to provide for the transfer.

(8) The committee shall not approve any application to finance or help finance a shopping mall."

Renumber the remaining sections consecutively.

On page 1, line 2 of the title, after "committee;" insert "amending RCW 43.168.050; amending RCW 43.168.100; adding a new section to chapter 43.168 RCW;" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Fisher moved that the House do concur in the Senate amendments to House Bill No. 1337.

POINT OF ORDER

Mr. Schoon: "Mr. Speaker, I would like to challenge the Senate amendments on scope and object of House Bill 1337."

SPEAKER'S RULING

The Speaker: "The Speaker has examined House Bill 1337, which deals with exempting the Washington State Development Loan Fund Committee from the conflict of interest act. The Senate amendment expands the duties of the Washington State Development Loan Fund Committee a number of ways, and in addition, it increases the limits of the loan grants to \$700,000. After examining both, Representative Schoon, the Speaker believes the Senate amendments have, in fact, broadened the scope and object of the bill. Your point is well taken."

MOTION

On motion of Ms. Fisher, the House refused to concur in the Senate amendments to House Bill No. 1337 and asked the Senate to recede therefrom.

Representative Van Luyen appeared at the bar of the House.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1339 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 2, chapter 10, Laws of 1972 ex. sess. as last amended by section 1, chapter 441, Laws of 1985 and RCW 28A.27.010 are each amended to read as follows:

(1) All parents in this state of any child eight years of age and under eighteen years of age shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.02.201(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section; or

(c) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.41.130 and 28A.41.140, as now or hereafter amended, and shall not affect school district compliance with the provisions of RCW 28A.58.754, as now or hereafter amended;

(d) The child is fifteen years of age or older and:

(i) The school district superintendent determines that such child has already attained a reasonable proficiency in the branches required by law to be taught in the first nine grades of the public schools of this state;

(ii) The child is regularly and lawfully engaged in a useful or remunerative occupation;

(iii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iv) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.04.135.

(2) A parent for the purpose of this chapter means a parent, guardian, or person having legal custody of a child.

(3) An approved private school for the purposes of this chapter shall be one approved under regulations established by the state board of education pursuant to RCW 28A.04.120 as now or hereafter amended.

(4) For the purposes of this chapter, instruction shall be home-based if it consists of planned and supervised instructional and related educational activities, including a curriculum and instruction in the basic skills of occupational education, science, mathematics, language, social studies, history, health, reading, writing, spelling, and the development of an appreciation of art and music, provided for a number of hours equivalent to the total annual program hours per grade level established for approved private schools under RCW 28A.02.201 and 28A.02-.240 and if such activities are:

(a) Provided by a parent who is instructing his or her child only and are supervised by a certificated person. A certificated person for purposes of this chapter shall be a person certified under chapter 28A.70 RCW. For purposes of this section, "supervised by a certificated person" means: The planning by the certificated person and the parent of objectives consistent with this subsection; a minimum each month of an average of one contact hour per week with the child being supervised by the certificated person; and evaluation of such child's progress by the certificated person. The number of children supervised by the certificated person shall not exceed thirty for purposes of this subsection; or

(b) Provided by a parent who is instructing his or her child only and who has either earned forty-five college level quarter credit hours or its equivalent in semester hours or has completed a course in home-based instruction at a postsecondary institution or a vocational-technical institute; or

(c) Provided by a parent who is deemed sufficiently qualified to provide home-based instruction by the superintendent of the local school district in which the child resides.

(5) The legislature recognizes that home-based instruction is less structured and more experiential than the instruction normally provided in a classroom setting. Therefore, the provisions of subsection (4) of this section relating to the nature and quantity of instructional and related educational activities shall be liberally construed.

Sec. 2. Section 1, chapter 201, Laws of 1979 ex. sess. and RCW 28A.27.020 are each amended to read as follows:

If a juvenile required to attend school under the laws of the state of Washington fails to attend school without valid justification recurrently or for an extended period of time, the juvenile's school, where appropriate, shall:

(1) Inform the juvenile's custodial parent, parents or guardian by a notice in writing in English and, if different, in the primary language of the custodial parent, parents or guardian and by other means reasonably necessary to achieve notice of the fact that the juvenile has failed to attend school without valid justification recurrently or for an extended period of time;

(2) Schedule a conference or conferences with the custodial parent, parents or guardian and juvenile at a time and place reasonably convenient for all persons included for the purpose of analyzing the causes of the juvenile's absences; and

(3) Take steps to eliminate or reduce the juvenile's absences(~~(including)~~). These steps shall include, where appropriate, adjusting the juvenile's school program or school or course assignment, providing more individualized or remedial instruction, preparing the juvenile for employment with specific vocational courses or work experience, or both, ((or) and assisting the parent or student to obtain supplementary services that might eliminate or ameliorate the cause or causes for the absence from school.

Sec. 3. Section 2, chapter 201, Laws of 1979 ex. sess. and RCW 28A.27.022 are each amended to read as follows:

If action taken by a school pursuant to RCW 28A.27.020 is not successful in substantially reducing a student's absences from school, any of the following actions may be taken: (1) The attendance officer of the school district through its attorney may petition the juvenile court to assume jurisdiction under this chapter for the purpose of alleging a violation of RCW 28A.27.010 by the parent; or (2) a petition alleging a violation of RCW 28A.27.010 by a child may be filed with the juvenile court by the parent of such child or by the attendance officer of the school district through its attorney at the request of the parent. If the court assumes jurisdiction in such an instance, the provisions of this chapter, except where otherwise stated, shall apply.

Sec. 4. Section 28A.27.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 56, chapter 275, Laws of 1975 1st ex. sess. and RCW 28A.27.040 are each amended to read as follows:

To aid in the enforcement of RCW 28A.27.010 through 28A.27.130, attendance officers shall be appointed and employed as follows: In incorporated city districts the board of directors shall annually appoint one or more attendance officers. In all other districts the educational service district superintendent shall appoint one or more attendance officers or may act as such himself.

The compensation of attendance officer in city districts shall be fixed and paid by the board appointing him. The compensation of attendance officers when appointed by the educational service district superintendents shall be paid by the respective districts. An educational service district superintendent shall receive no extra compensation if acting as attendance officer.

Any sheriff, constable, city marshal or regularly appointed policeman may be appointed attendance officer.

The attendance officer shall be vested with police powers, the authority to make arrests and serve all legal processes contemplated by RCW 28A.27.010 through 28A.27.130, and shall have authority to enter all places in which children may be employed, for the purpose of making such investigations as may be necessary for the enforcement of RCW 28A.27.010 through 28A.27.130. The attendance officer is authorized to take into custody the person of any child eight years of age and not over fourteen years of age, who may be a truant from school, and to conduct such child to his parents, for investigation and explanation, or to the school which he should properly attend. The attendance officer shall institute proceedings against any officer, parent, guardian, person, company or corporation violating any provisions of RCW 28A.27.010 through 28A.27.130, and shall otherwise discharge the duties prescribed in RCW 28A.27.010 through 28A.27.130, and shall perform such other services as the educational service district superintendent or the superintendent of any school or its board of directors may deem necessary. However, the attendance officer shall not institute proceedings against the child under RCW 28A.27.022 except as set forth under RCW 28A.27.022.

The attendance officer shall keep a record of his transactions for the inspection and information of any school district board of directors, the educational service district superintendent or the city superintendent, and shall make a detailed report to the city superintendent or the educational service district superintendent as often as the same may be required.

Sec. 5. Section 28A.27.100, chapter 223, Laws of 1969 ex. sess. as amended by section 6, chapter 201, Laws of 1979 ex. sess. and RCW 28A.27.100 are each amended to read as follows:

Any person violating any of the provisions of either RCW 28A.27.010 or 28A.27.090 shall be fined not more than twenty-five dollars for each day of unexcused absence from school. However, a child found to be in violation of RCW 28A.27.010 shall be required to attend school and shall not be fined. Failure by a child to comply with an order issued under this section shall not be punishable by detention for a period greater than that permitted pursuant to a contempt proceeding against a child under chapter 13.32A RCW. It shall be a defense for a ((person)) parent charged with violating RCW 28A.27.010 to show that he or she exercised reasonable diligence in attempting to cause a child in his or her custody to attend school or that the juvenile's school did not perform its duties as required in RCW 28A.27.020. Any fine imposed pursuant to this section may be suspended upon the condition that a ((person)) parent charged with violating RCW 28A.27.010 shall participate with the school and the juvenile in a supervised plan for the juvenile's attendance at school or upon condition that the ((person)) parent attend a conference or conferences scheduled by a school for the purpose of analyzing the causes of a child's absence.

Attendance officers shall make complaint for violation of the provisions of RCW 28A.27.010 through 28A.27.130 (~~by any person eighteen years of age or over~~) to a justice of the peace, justice court judge or to a judge of the superior court.

Sec. 6. Section 28A.27.110, chapter 223, Laws of 1969 ex. sess. as amended by section 7, chapter 201, Laws of 1979 ex. sess. and RCW 28A.27.110 are each amended to read as follows:

The county prosecuting attorney or the attorney for the school district shall act as attorney for the complainant in all court proceedings relating to the compulsory attendance of children as required by RCW 28A.27.010 through 28A.27.130 except for those petitions filed against a child by the parent without the assistance of the school district.

NEW SECTION. Sec. 7. The school district attendance officer shall report biannually to the educational service district superintendent, in the instance of petitions filed alleging a violation by a child under RCW 28A.27.022:

- (1) The number of petitions filed by a school district or by a parent;
- (2) The frequency of each action taken under RCW 28A.27.020 prior to the filing of such petition;
- (3) When deemed appropriate under RCW 28A.27.020, the frequency of delivery of supplemental services; and
- (4) Disposition of cases filed with the juvenile court, including the frequency of contempt orders issued to enforce a court's order under RCW 28A.27.100.

The educational service district superintendent shall compile such information and report annually to the superintendent of public instruction. The superintendent of public instruction shall compile such information and report to the committees of the house of representatives and the senate by January 1, 1988."

On page 1, line 1 of the title, after "attendance," strike the remainder of the title and insert "amending RCW 28A.27.010, 28A.27.020, 28A.27.022, 28A.27.040, 28A.27.100, and 28A.27.110; and creating a new section." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Ebersole moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1339.

Representatives Ebersole, Betrozoff and Long spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1339 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1339 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 90; nays, 6; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Krømen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nealey, Nelson D, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Zellinsky, and Mr. Speaker - 90.

Voting nay: Representatives Belcher, Fisher, Locke, Niemi, Unsoeld, Wineberry - 6.

Excused: Representatives May, Winsley - 2.

Engrossed House Bill No. 1339 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 803 with the following amendment:

Strike everything after the enacting clause and insert the following:

"NEW SECTION, Sec. 1. As used in this chapter:

(1) 'Basic necessities of life' means food and shelter, and shall include clothing and health care under circumstances in which the clothing or health care are necessary to protect or preserve life.

(2)(a) 'Bodily injury,' 'physical injury,' or 'bodily harm' means physical pain or injury, illness, or an impairment of physical condition;

(b) 'Substantial bodily harm' means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;

(c) 'Great bodily harm' means bodily injury which creates a probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily part or organ.

(3) 'Child' means a person under eighteen years of age.

(4) 'Dependent person' means a person who, because of physical or mental disability, is dependent upon another person to provide the basic necessities of life.

(5) 'Parent' has its ordinary meaning and also includes a guardian and the authorized agent of a parent or guardian.

NEW SECTION, Sec. 2. (1) A parent of a child or the person entrusted with the physical custody of a child or dependent person is guilty of criminal mistreatment in the first degree if he or

she recklessly causes substantial bodily harm to a child or dependent person by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the first degree is a class C felony.

NEW SECTION. Sec. 3. (1) A parent of a child or the person entrusted with the physical custody of a child or dependent person is guilty of criminal mistreatment in the second degree if he or she recklessly either (a) creates an imminent and substantial risk of death or substantial bodily harm, or (b) causes bodily harm by withholding any of the basic necessities of life.

(2) Criminal mistreatment in the second degree is a gross misdemeanor.

NEW SECTION. Sec. 4. Sections 2 and 3 of this act do not apply to a decision to withdraw life support systems made in accordance with law by a health care professional and family members or others with a legal duty to care for the patient.

NEW SECTION. Sec. 5. In any prosecution for criminal mistreatment because of a parent's failure to provide medical treatment for his or her child, it is a defense that the parent relied on treatment by spiritual means alone through prayer for healing in accordance with bona fide religious beliefs which were genuinely held by such parent, unless the parent had reasonable cause to believe that the life of the child was substantially and seriously threatened or that permanent physical damage could result to such child for failure to provide medical treatment.

NEW SECTION. Sec. 6. Sections 1 through 5 of this act shall constitute a new chapter in Title 9A RCW."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House refused to concur in the Senate amendments to Substitute House Bill No. 803 and asked the Senate to recede therefrom.

SENATE AMENDMENT TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1462 with the following amendment:

On page 2, line 34 strike subsection (6) and renumber the remaining subsection consecutively.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Zellinsky moved that the House do not concur in the Senate amendment to House Bill No. 1462 and ask the Senate to recede therefrom.

Mr. West opposed the motion, and Representatives Lux and Brooks spoke in favor of it.

The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1463 with the following amendments:

On page 6, line 20, after "(g)" strike "The" and insert "On or before December 1 of each year, the"

On page 6, line 21, strike "at the beginning of each biennium"

On page 21, beginning on line 21, strike all of subsection (4) and insert:

"(4) All conveyances, including aircraft, vehicles, or vessels, which are used, or intended for use, ~~((to transport or))~~ in any manner to facilitate the ~~((transportation, for the purpose of))~~ sale ~~((or receipt))~~ of property described in paragraphs (1) or (2), but:"

On page 21, strike all of subsection (iii) and insert: "~~((iii)) A conveyance is not subject to forfeiture for a violation of RCW 69.50.401(d).;~~"

Reletter the remaining subsections accordingly and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTIONS

Ms. Brekke moved that the House do not concur in the Senate amendments to Engrossed House Bill No. 1463 and ask the Senate for a conference thereon.

Mr. Lewis moved that the House do concur in the Senate amendments to Engrossed House Bill No. 1463.

Representatives Lewis, Brooks and Day spoke in favor of the motion, and Ms. Brekke opposed it.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the Senate amendments to Engrossed House Bill No. 1463, and the motion was carried by the following vote: Yeas, 53; nays, 43; excused, 2.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Baugher, Betrozoff, Bond, Bristow, Brooks, Brough, Chandler, Day, Dobbs, Doty, Fuhrman, Gallagher, Hargrove, Hastings, Holland, Isaacson, King P, Kremen, Lewis, Long, Lundquist, McMullen, Miller, Nealey, Nelson G, Niemi, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Tanner, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Sloep, Walker, West, Williams J, Wilson S, Zellinsky - 53.

Voting nay: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Grimm, Hankins, Haugen, Hine, Jacobsen, King J, King R, Leonard, Locke, Lux, Madsen, Nelson D, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Sommers, Sutherland, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams B, Wilson K, Wineberry, and Mr. Speaker - 43.

Excused: Representatives May, Winsley - 2.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1463 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1463 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Sloep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives May, Winsley - 2.

Engrossed House Bill No. 1463 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 495 with the following amendments:

On page 1, line 9, after "authorize" insert "a procedure for"

On page 1, line 10, after "over" insert "Colville tribal"

On page 1, line 16, after "over" insert "non-Colville tribal Indians,"

On page 1, line 27, after "all" strike the remainder of the the subsection and insert "tribal lands or allotted lands lying within the Colville Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States, but shall not include those lands which lie north of the present reservation which were included in original reservation boundaries created in 1872 and which are referred to as the 'Diminished Reservation'"

On page 2, line 9, after "governor" strike "shall" and insert "may"

On page 2, line 18, after "jurisdiction" insert "and is approved by a majority vote of those elected to the legislature in the next regular session following acceptance by the United States government as described in this section"

On page 2, beginning on line 4, strike all material through "non-Indians." on line 19 and insert the following:

"NEW SECTION. Sec. 4. Whenever the governor receives resolutions from the business council of the confederated tribes of the Colville reservation and a resolution of the county legislative authorities for both Okanogan and Ferry counties requesting the retrocession by the state of all or any measure of the criminal jurisdiction acquired by the state pursuant to section 5, chapter 36, Laws of 1963 over lands of the Colville Indian reservation, and each county resolution has been approved by the voters of the respective counties after submission at the next succeeding general election following the passage of such resolutions, then and only then, the governor shall, within ninety days of such election, issue a proclamation retroceding to the United States the criminal jurisdiction previously acquired by the state over such reservation. However, the state of Washington shall retain jurisdiction as provided in RCW 37.12.010. The proclamation of retrocession shall not become effective until it is accepted by an officer of the United States government in accordance with 25 U.S.C. Sec. 1323 (82 Stat. 78, 79) and in accordance with procedures established by the United States for acceptance of such retrocession of jurisdiction. The Colville tribes shall not exercise criminal or civil jurisdiction over non-Indians."

On page 2, line 18, strike all language after "jurisdiction." through "non-Indians" on line 19 and insert "The Colville tribes shall not exercise criminal or civil jurisdiction over non-Indians."

On page 2, line 18, after "any" insert "tribal"

On page 2, line 20, after "proceeding" strike "pending before" and insert "which has been filed with"

On page 2, line 21, after "preceding the" insert "effective date of"

On page 2, line 21, after "state" insert "or local government"

On page 2, line 21, after "state" strike "immediately"

On page 2, line 24, beginning with "For" strike all language through "proceeding." on line

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and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendments to page 1, line 9; page 1, line 27; page 2, line 9; page 2, line 18 by Senator Barr, page 2, lines 18 and 21 after "any" insert "tribal" and page 2, lines 20 and 21, and on page 2, line 24.

Mr. Padden spoke in favor of the motion and it was carried.

Mr. Armstrong moved that the House refuse to concur in the Senate amendments to page 1, lines 10 and 16; page 2, line 4 and page 2, line 18 (striking language), and ask the Senate to recede therefrom.

The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 573 with the following amendments:

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

"NEW SECTION. Sec. 4. A new section is added to chapter 60.04 RCW to read as follows:

Any owner of real property subject to a recorded claim of lien under RCW 60.04.060, or the contractor or subcontractor who disputes the correctness or validity of the claim of lien may record, either before or after the commencement of an action to enforce the claim of lien, in the office of the county recorder or auditor in the county where the claim of lien was recorded, a bond issued by an insurance company authorized to issue surety bonds in the state, that is acceptable to the lien claimant and contains a description of the claim of lien and real property involved, and in an amount equal to the greater of five thousand dollars or two and one-half times the amount of the claim of lien if it is twenty thousand dollars or less, and in an amount equal to the greater of thirty thousand dollars or two times the amount of claim of lien if it is in excess of twenty thousand dollars. If the claim of lien affects more than one parcel of real property and is segregated to each parcel, the bond may be segregated the same as in the claim of lien. A separate bond shall be required for each claim of lien. The condition of the bond shall be to guarantee the payment of the judgment entered in any action to recover the amount claimed in a claim of lien, or on the claim asserted in the claim of lien. The effect of

recording a bond shall be to release the real property described in the claim of lien from the lien and any action brought to recover the amount claimed. Unless otherwise prohibited by law, if no action is filed to recover on a claim of lien within the time specified in RCW 60.04.100 the surety shall be discharged from liability under the bond. If such an action is timely filed, then on payment of any judgment entered in the action or on payment of the full amount of the bond to the holder of the judgment, whichever is less, the surety shall be discharged from liability under the bond.

NEW SECTION. Sec. 5. A new section is added to chapter 60.28 RCW to read as follows:

Every person, firm, or corporation furnishing materials, supplies, or equipment to be used in the construction, performance, carrying on, prosecution, or doing of any work for the state, or any county, city, town, district, municipality, or other public body, shall give to the contractor of the work a notice in writing, which notice shall cover the material, supplies, or equipment furnished or leased during the sixty days preceding the giving of such notice as well as all subsequent materials, supplies, or equipment furnished or leased, stating in substance and effect that such person, firm, or corporation is and/or has furnished materials and supplies, or equipment for use thereon, with the name of the subcontractor ordering the same, and that a lien against the retained percentage may be claimed for all materials and supplies, or equipment furnished by such person, firm, or corporation for use thereon, which notice shall be given by (1) mailing the same by registered or certified mail in an envelope addressed to the contractor, or (2) by serving the same personally upon the contractor or the contractor's representative and obtaining evidence of such service in the form of a receipt or other acknowledgement signed by the contractor or the contractor's representative, and no suit or action shall be maintained in any court against the retained percentage to recover for such material, supplies, or equipment or any part thereof unless the provisions of this section have been complied with."

In line 2 of the title, after "property;" strike "and" and after "4.16.300" insert "; adding a new section to chapter 60.04 RCW; and adding a new section to chapter 60.28 RCW" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 573.

Mr. Padden spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 573 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 573 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives May, Winsley - 2.

Engrossed Substitute House Bill No. 573 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1479 with the following amendment:

On page 2, after line 20, strike all new language through "programs." on line 35 and insert:

"No program may be certified by the department in any county, where the county legislative authority has prohibited methadone treatment. Counties may license methadone treatment programs based on compliance with the department's treatment regulations under this section and section one of this act. Counties shall be authorized to monitor methadone treatment programs for compliance with the department's treatment regulations under this section and section one of this act. Any county legislative authority may limit the number of licenses granted in that county where such number is based on methadone programs per population provided that such number shall not be less than the number of clinics certified in such county as of the effective date of this act."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Brekke, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 1479.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1479 as amended by the Senate.

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

POINT OF INQUIRY

Ms. Leonard yielded to question by Mr. Locke.

Mr. Locke: "Representative Leonard, you're the prime sponsor of Engrossed Substitute House Bill 1479, and you participated in the drafting of the Senate amendments to which we concur. I have a question with respect to the language of that Senate amendment where it says, the counties 'may limit the number of licenses granted in that county where such number is based on methadone programs per population....' Do you mean by 'per population,' per general population?"

Ms. Leonard: "Yes."

Mr. Locke: "The effect of the Senate amendment deletes the amendment that I offered on the House floor and my amendment authorized counties to establish treatment standards more restrictive than the state standards. In negotiating and helping to write the Senate floor amendment which inserts the language on page 2, line 20, and which, in effect, strikes my amendment, is it your intent by this language that the counties may not impose stricter licensing standards than the state standards, other than limiting the number of licenses granted in the county?"

Ms. Leonard: "That is correct."

Representatives Brooks, Locke and Padden spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1479 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives May, Winsley - 2.

Engrossed Substitute House Bill No. 1479 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed SECOND SUBSTITUTE HOUSE BILL NO. 1505 with the following amendments:

On page 3, line 33 after "benefits," insert "No program participant shall be entitled to participate in the program more than nine months."

On page 5, beginning on line 16 strike all of section 11 and renumber the remaining sections consecutively.

On page 1, line 2 of the title strike "; and making an appropriation" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Smitherman, the House concurred in the Senate amendments to page 1, line 2 and page 5, line 16 of Second Substitute House Bill No. 1505.

Mr. Smitherman moved that the House do not concur in the Senate amendment to page 3, line 33 and ask the Senate to recede therefrom.

Representatives Smitherman and L. Smith spoke in favor of the motion and it was carried.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature finds that the sexual offender treatment programs at western and eastern state hospitals, while not proven to be totally effective, may be of some benefit in positively affecting the behavior of certain sexual offenders. Given the significance of the problems of sexual assault and sexual abuse of children, it is therefore appropriate to review and revise these treatment efforts.

At the same time, concerns regarding the lack of adequate security at the existing programs must be satisfactorily addressed. In an effort to promote public safety, it is the intent of the legislature to transfer the responsibility for felony sexual offenders from the department of social and health services to the department of corrections.

Therefore, on and after July 1, 1987, no person convicted of a felony sexual offense may be committed under RCW 9.94A.120(7)(b) to the department of social and health services at eastern state hospital or western state hospital. Any person committed before July 1, 1987, to the department of social and health services under RCW 9.94A.120(7)(b) and still in the custody of the department of social and health services on June 30, 1993, shall be transferred to the custody of the department of corrections. On and after July 1, 1987, any person eligible for evaluation or treatment under RCW 9.94A.120(7)(b) shall be committed to the department of corrections.

NEW SECTION. Sec. 2. (1) In cooperation and consultation with the mental health division of the department of social and health services, the department of corrections shall develop a plan for the administration of a sexual offender treatment program. In developing the plan, the department of corrections may consult with private agencies providing counseling to sex offenders. The plan shall include:

- (a) Criteria to determine amenability to treatment;
- (b) A description of the structure and organization of the program and program options, including staffing requirements;
- (c) The treatment methods and the number and characteristics of offenders proposed to be served;
- (d) The selection of the location or locations of the program within the existing institutions operated by the department of corrections, including identification of alternative sites within the existing institutions operated by the department of corrections;
- (e) An analysis of a proposal to permit selected offenders to participate in the program only during the last two or three years of their term of confinement;
- (f) Program security;
- (g) Program costs;
- (h) A description of the mechanisms and procedures to be used to collect valid and reliable data on program completion rates, recidivism rates, and escape rates;
- (i) A method for tracking offenders who have been released which method can be used to determine the efficacy of the treatment program;

(j) An analysis and description of other treatment models; and

(k) Negotiations with the exclusive bargaining representative of the employees affected to provide preferential consideration for job retention, including but not limited to interagency transfer or promotion during the period of transition.

(2) Any consultation, information, or other services necessary for the development of the plan, shall upon request by the department of corrections be provided to the department of corrections by the department of social and health services, the legislative budget committee, the office of financial management, the administrator for the courts, and the data processing authority and shall be provided without charge to the department of corrections.

(3) The plan shall be submitted to the legislature by January 1, 1987, and shall take effect on July 1, 1987, unless otherwise directed by law.

Sec. 3. Section 12, chapter 137, Laws of 1981 as last amended by section 6, chapter 209, Laws of 1984 and RCW 9.94A.120 are each amended to read as follows:

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

(1) Except as authorized in subsections (2) ~~((and))~~; (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

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

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

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

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

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

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

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

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

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

(f) Pay a fine ~~(; make restitution;)~~ and/or accomplish some community service work.

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

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

After receipt of the reports, the court shall then determine whether the offender and the community will benefit from use of this special sexual offender sentencing alternative. If the court determines that both the offender and the community will benefit from use of this provision, the court shall then impose a sentence within the sentence range and, if this sentence is less than six years of confinement, the court may suspend the execution of the sentence and place the offender on community supervision for up to two years. As a condition of the suspended sentence, the court may impose other sentence conditions including up to six months of

confinement, not to exceed the sentence range of confinement for that offense, crime-related prohibitions, and requirements that the offender perform any one or more of the following:

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

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

(b) When an offender is convicted of any felony sexual offense and is sentenced before July 1, 1987, to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.

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

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

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

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

After June 30, 1993, (b) of this subsection shall cease to have effect.

(c) Whenever a court sentences a person convicted of a sex offense committed after July 1, 1986, to a term of confinement of more than one year, including a sentence under (b) of this subsection, the court may also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to two years of community supervision. The conditions of supervision shall be limited to:

- (i) Crime-related provisions;
- (ii) A requirement that the offender report to a community corrections officer at regular intervals; and
- (iii) A requirement to remain within or without stated geographical boundaries.

The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. In no case may the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.

If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense from funds provided for this purpose to the department of corrections. Reimbursement rates for such purposes shall be established based on a formula determined by the office of financial management and reestablished each even-numbered year. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.

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

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

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW (~~9A.20.020~~).

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

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

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

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

Sec. 4. Section 12, chapter 137, Laws of 1981 as last amended by section 3, chapter ... (ESHB 1598), Laws of 1986 and RCW 9.94A.120 are each amended to read as follows:

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

(1) Except as authorized in subsections (2), (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

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

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

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

(5) In sentencing a first-time offender, other than a person convicted of a violation of chapter 9A.44 RCW or RCW 9A.64.020, the court may waive the imposition of a sentence within

the sentence range and impose a sentence which may include up to ninety days of confinement in a facility operated or utilized under contract by the county and a requirement that the offender refrain from committing new offenses. The sentence may also include up to two years of community supervision, which, in addition to crime-related prohibitions, may include requirements that the offender perform any one or more of the following:

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

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

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

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

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

(b) When an offender is convicted of any felony sexual offense and is sentenced ~~((before)) on or after July 1, 1987, to a term of confinement of more than one year but less than six years, the sentencing court may, on its own motion or on the motion of the offender or the state, ~~((order the offender committed for up to thirty days to the custody of the secretary of the department of social and health services at the Eastern State Hospital or the Western State Hospital for evaluation and report to the court on the offender's amenability to treatment at these facilities. If the secretary of the department of social and health services cannot begin the evaluation within thirty days of the court's order of commitment, the offender shall be transferred to the state for confinement pending an opportunity to be evaluated at the appropriate facility. The court shall review the reports and may order that the term of confinement imposed be served in the sexual offender treatment programs at Western State Hospital or Eastern State Hospital, as determined by the secretary of the department of social and health services, only if the report indicates that the offender is amenable to the treatment program provided at these facilities. The offender shall be transferred to the state pending placement in the treatment program. Any offender who has escaped from the treatment program shall be referred back to the sentencing court.~~~~

~~If the offender does not comply with the conditions of the treatment program, the secretary of the department of social and health services may refer the matter to the sentencing court. The sentencing court shall commit the offender to the department of corrections to serve the balance of his term of confinement)) request the department of corrections to evaluate whether~~

the offender is amenable to treatment and the department may place the offender in a treatment program within a correctional facility operated by the department.

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

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

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

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

(iv) Undergo available outpatient treatment.

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

Nothing in (b) of this subsection shall confer eligibility for such programs for offenders convicted and sentenced prior to July 1, 1987.

After June 30, 1993, (b) of this subsection shall cease to have effect.

(c) Whenever a court sentences a person convicted of a sex offense committed after July 1, 1986, to a term of confinement of more than one year, including a sentence under (b) of this subsection, the court may also order, in addition to the other terms of the sentence, that the offender, upon release from confinement, serve up to two years of community supervision. The conditions of supervision shall be limited to:

(i) Crime-related provisions;

(ii) A requirement that the offender report to a community corrections officer at regular intervals; and

(iii) A requirement to remain within or without stated geographical boundaries.

The length and conditions of supervision shall be set by the court at the time of sentencing. However, within thirty days prior to release from confinement and throughout the period of supervision, the length and conditions of supervision may be modified by the sentencing court, upon motion of the department of corrections, the offender, or the prosecuting attorney. The period of supervision shall be tolled during any time the offender is in confinement for any reason. In no case may the period of supervision, in combination with the other terms of the offender's sentence, exceed the statutory maximum term for the offender's crime, as set forth in RCW 9A.20.021.

If the offender violates any condition of supervision, the sentencing court, after a hearing conducted in the same manner as provided for in RCW 9.94A.200, may order the offender to be confined for up to sixty days in the county jail at state expense from funds provided for this purpose to the department of corrections. Reimbursement rates for such purposes shall be established based on a formula determined by the office of financial management and reestablished each even-numbered year. An offender may be held in jail at state expense pending the hearing, and any time served while awaiting the hearing shall be credited against confinement imposed for a violation. Even after the period of supervision has expired, an offender may be confined for a violation occurring during the period of supervision. The court shall retain jurisdiction for the purpose of holding the violation hearing and imposing a sanction.

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

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

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

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

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

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

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

NEW SECTION, Sec. 5. Nothing contained in this act shall be construed to alter any existing collective bargaining unit existing on the effective date of this section or the provisions of any collective bargaining agreement existing on the effective date of this section until such agreement has expired or until any such bargaining unit has been modified by action of the state personnel board as provided by law.

NEW SECTION, Sec. 6. During the remainder of the 1985-1987 biennium, upon authorization of the office of financial management, the department of social and health services shall reimburse the department of corrections as is necessary for the department of corrections to provide custody to those persons determined not to be amenable to treatment or those persons referred to court by the department of social and health services for failure to comply with the conditions of the program and committed to the department of corrections.

NEW SECTION, Sec. 7. A new section is added to chapter 72.01 RCW to read as follows:

(1) For purposes of this section only, "assault" means an unauthorized touching of an employee by a resident, patient, or juvenile offender resulting in physical injury to the employee.

(2) In recognition of the hazardous nature of employment in state institutions, the legislature hereby provides a supplementary program to reimburse institutional care employees of the departments of social and health services and of veterans affairs for some of their costs attributable to their being the victims of assault by residents, patients, or juvenile offenders. This program shall be limited to the reimbursement provided in this section.

(3) An employee is only entitled to receive the reimbursement provided in this section if the secretary of social and health services or director of veterans affairs, or the secretary's or director's designee, finds that each of the following has occurred:

(a) A resident or patient has assaulted the employee and as a result thereof the employee has sustained demonstrated physical injuries which have required the employee to miss days of work;

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and

(c) The department of labor and industries has approved the employee's workers' compensation application pursuant to chapter 51.32 RCW.

(4) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(5) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(6) The employee shall not be entitled to the reimbursement provided in subsection (4) of this section for any workday for which the director, secretary or applicable designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(7) The reimbursement shall only be made for absences which the director, secretary or applicable designee, believes are justified.

(8) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(9) While the employee is receiving reimbursement under this section, the employee shall continue to receive service credit under chapter 41.32 or 41.40 RCW, whichever is appropriate, and the respective employee and employer contributions to the retirement system shall also continue to be made, under the appropriate chapter, on the regular compensation the employee would have received had not the disability occurred.

(10) All reimbursement payments required to be made to employees under this section shall be made by the employing department. The payments shall be considered as a salary or

wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(11) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

NEW SECTION, Sec. 8. Section 8, chapter 443, Laws of 1985 and RCW 9.94A.122 are each repealed.

NEW SECTION, Sec. 9. Section 4 of this act shall take effect July 1, 1987.

NEW SECTION, Sec. 10. Sections 1, 2, 3, 5, 6, and 8 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

In line 1 of the title of the bill, after "9.94A.120;" insert "adding a new section to chapter 72.01 RCW;"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1498.

POINT OF ORDER

Mr. Braddock: "Mr. Speaker, I would ask for a ruling on scope and object of the Senate amendments."

The Speaker advised the body that he would take the point of order under advisement for a later ruling.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1631 with the following amendments:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 36, chapter 177, Laws of 1980 and RCW 74.46.360 are each amended to read as follows:

(1) The depreciation base shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation which has been incurred during periods that the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The depreciation base of the assets will not exceed such fair market value.

(2) The historical cost of donated assets, or of assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) ~~((Subparagraph (4)))~~ The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. This subsection is inoperative for any transfer of ownership of any asset occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: PROVIDED, HOWEVER, That this subsection shall apply

to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis.

(c) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(d) Where the depreciable asset is a donation or distribution between related organizations, the base shall be the lesser of (i) fair market value, less salvage value, or (ii) the depreciation base the related organization had or would have had for the asset under a contract with the department.

(5) If the net book value of the assets in the nursing home as of January 1, 1985 is below one thousand dollars per licensed bed using the standard lives and methods as stated in RCW 74.46.350 and 74.46.370, the depreciation base shall be one thousand dollars per bed.

NEW SECTION. Sec. 2. The legislative budget committee shall conduct a study of the changes in the state reimbursement system for nursing homes, RCW 74.46.840, resulting from requirements of the Federal Deficit Reduction Act of 1984, (DEFRA) (P.L. 98-369). The study shall include analysis of the effects of these changes on: (1) Nursing home sales since July 18, 1984, the effective date of DEFRA; (2) capital formation for nursing home purchases and sales; and (3) leased nursing homes. The study shall also review adjustments other states may be making as a result of DEFRA. The legislative budget committee shall report the results of this study, including recommendations for any needed legislation, to the ways and means committees of the senate and house of representatives by December 1, 1986.

NEW SECTION. Sec. 3. If ownership of a nursing home is conveyed on or before October 1, 1984, pursuant to an agreement entered into after July 1, 1984, the agreement shall be deemed legally enforceable under state law for the purposes of property reimbursement under federal law notwithstanding the absence of a legal description of the property in the agreement.

NEW SECTION. Sec. 4. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "reimbursement," strike "and"

On page 1, line 2 of the title, after "74.46.360" insert "; creating new sections; and declaring an emergency"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Braddock, the House refused to concur in the Senate amendments to House Bill No. 1631 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Grimm, Sommers and Tilly as conferees on House Bill No. 1631.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1633 with the following amendments:

On page 3 after line 35, insert the following:

*NEW SECTION. Sec. 3. A new section is added to chapter 84.33 RCW to read as follows:

(1) If no later than thirty days after removal of classification or designation the owner applies for classification under RCW 84.34.020 (2) or (3), then the classified or designated forest land shall not be considered removed from classification or designation for purposes of the compensating tax under RCW 84.33.120 or 84.33.140 until the application for current use classification under RCW 84.34.030 is denied or the property is removed from designation under RCW 84.34.108. Upon removal from designation under RCW 84.34.108, the amount of compensating tax due shall be equal to:

(a) The difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land when removed from designation under RCW 84.34.108 multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number equal to the number of years, commencing with assessment year 1975, for which such land was assessed and valued as forest land, but in no event greater than ten, minus the total number of years in excess of ten that the land was classified or designated under this chapter and classified under chapter 84.34 RCW.

(2) Nothing in this section authorizes the continued classification or designation under this chapter or defers or reduces the compensating tax imposed upon forest land not transferred to

classification under subsection (1) of this section which does not meet the necessary definitions of forest land under RCW 84.33.100."

Renumber the sections consecutively and correct any internal references accordingly.

On page 3, after line 35, insert the following:

"**NEW SECTION.** Sec. 3. A new section is added to chapter 82.04 RCW, to be codified within RCW 82.04.020 through 82.04.212, to read as follows:

'Plantation Christmas trees' means Christmas trees which are exempt from the timber excise tax under RCW 84.33.170.

Sec. 4. Section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 25, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.050 are each amended to read as follows:

(1) 'Sale at retail' or 'retail sale' means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a 'sale at retail' or 'retail sale' even though such property is resold or utilized as provided in (a), (b), (c), or (d) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term 'sale at retail' or 'retail sale' shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term 'janitorial services' shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term 'janitorial services' does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a 'sale at retail' or 'retail sale' even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term 'sale at retail' or 'retail sale' shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, seedlings, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including plantation Christmas trees and milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects, but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 5. Section 82.04.100, chapter 15, Laws of 1961 as last amended by section 2, chapter 148, Laws of 1985 and RCW 82.04.100 are each amended to read as follows:

'Extractor' means every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, lakes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees other than plantation Christmas trees, or other natural products, or takes fish, or takes, cultivates, or raises shellfish, or other sea or inland water foods or products. 'Extractor' does not include persons performing under contract the necessary labor or mechanical services for others ~~(or)~~; persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession; or persons who fell, cut, or take plantation Christmas trees from the person's own land or from land in which the person has a present right of possession.

Sec. 6. Section 82.04.330, chapter 15, Laws of 1961 as last amended by section 1, chapter 148, Laws of 1985 and by section 10, chapter 414, Laws of 1985 and RCW 82.04.330 are each reenacted and amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon the person's own lands or upon land in which the person has a present right of possession, any agricultural or horticultural produce or crop, or of raising upon the person's own lands or upon land in which the person has a present right of possession, any plantation Christmas tree or any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising ~~((Christmas trees or))~~ timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter. As used in this section, 'fish' means fish which are cultivated or raised entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.'

Renumber the sections consecutively and correct any internal references accordingly.

On page 1, line 2 of the title, after "entities," strike "and" and after "84.33.073" insert "; and adding a new section to chapter 84.33 RCW"

On page 1, line 2 of the title, after "84.33.035" strike "and 84.33.073" and insert ", 84.33.073, 82.04.050, and 82.04.100; reenacting and amending RCW 82.04.330; and adding a new section to chapter 82.04 RCW"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Braddock moved that the House do not concur in the Senate amendments to House Bill No. 1633 and ask the Senate for a conference thereon.

POINT OF ORDER

Mr. Smitherman: "Mr. Speaker, I would ask for a ruling on scope and object."

SPEAKER'S RULING

The Speaker: "The title of the original bill is 'An Act Relating to taxation of timber harvest by public entity....' The amendment sent to us by the Senate deals with Christmas trees, exempting the sales tax on the retail and the B&O tax on wholesale. In addition, the first amendment deals with open space classification and timber lands. The Speaker, after examining the title of the original bill and the Senate amendments, finds that your point is well taken and the amendments are out of order."

Representatives Appelwick and B. Williams spoke in favor of the motion not to concur.

The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Appelwick, Grimm and Hastings as conferees on House Bill No. 1633.

SENATE AMENDMENT TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1709 with the following amendment:

On page 42, beginning on line 7, strike everything through "(uncodified)." on page 88, line 12 and insert the following:

"FIRE PROTECTION BOARD"

NEW SECTION. Sec. 54. A new section is added to chapter 43.63A RCW to read as follows:

The legislature finds that fire protection services at the state level are provided by different, independent state agencies. This has resulted in a lack of a comprehensive state-level focus for state fire protection services, funding, and policy. It is the intent of the legislature to consolidate fire protection services into a single state agency and to create a state board with the responsibility of (1) establishing a comprehensive state policy regarding fire protection services and (2) advising the director of community development and the director of fire protection on matters relating to their duties under state law. It is also the intent of the legislature that the fire protection services program created herein will assist local fire protection agencies in program development without encroaching upon their historic autonomy.

NEW SECTION. Sec. 55. A new section is added to chapter 43.63A RCW to read as follows:

There is created the state fire protection policy board consisting of ten members appointed by the governor:

(1) Three representatives of fire chiefs. At least one shall be from a fire department east of the Cascade mountains and at least one shall be from a fire department west of the Cascade mountains. One shall be from a fire protection district;

(2) One insurance industry representative;

(3) One representative of cities and towns;

(4) One representative of counties;

(5) Two full-time, paid, career fire fighters;

(6) One volunteer fire fighter; and

(7) One representative of fire commissioners.

The governor, the commissioner of public lands, the insurance commissioner, the chairperson of the commission for vocational education or its successor organization, and the director of fire protection or their designees, shall be nonvoting ex officio members of the board. If an ex officio member of the board elects to send a designee to any or all meetings of the

board, then that designee shall be selected from the immediate staff of that ex officio member and may not be a person who otherwise serves as a member of the board.

In making the appointments required under subsections (1) through (7) of this section, the governor shall (a) seek the advice of and consult with organizations involved in fire protection; and (b) ensure that racial minorities, women, and persons with disabilities are represented.

The terms of the appointed members of the board shall be three years and until a successor is appointed and qualified. However, initial board members shall be appointed as follows: Three members to terms of one year, three members to terms of two years, and four members to terms of three years. In the case of a vacancy of a member appointed under subsections (1) through (7) of this section, the governor shall appoint a new representative to fill the unexpired term of the member whose office has become vacant. A vacancy shall occur whenever an appointed member ceases to be employed in the occupation the member was appointed to represent.

The appointed members of the board shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

The board shall select its own chairperson and shall meet at the request of the governor or the chairperson and at least four times per year.

NEW SECTION. Sec. 56. A new section is added to chapter 43.63A RCW to read as follows:

Except for matters relating to the statutory duties of the director of community development which are to be carried out through the director of fire protection, the board shall have the responsibility of developing a comprehensive state policy regarding fire protection services. In carrying out its duties, the board shall:

- (1) Adopt a state fire protection master plan;
- (2) Monitor fire protection in the state and develop objectives and priorities to improve fire protection for the state's citizens;
- (3) Establish and promote state arson control programs and ensure development of local arson control programs;
- (4) Provide representation for local fire protection services to the governor in state-level fire protection planning matters such as, but not limited to, hazardous materials;
- (5) Seek and solicit grants, gifts, bequests, devices, and matching funds for use in furthering the objectives and duties of the board, and establish procedures for administering them;
- (6) Promote mutual aid and disaster planning for fire services in this state;
- (7) Assure the dissemination of information concerning the amount of fire damage including that damage caused by arson, and its causes and prevention;
- (8) Submit annually a report to the governor containing a statement of its official acts pursuant to this chapter, and make such studies, reports, and recommendations to the governor and the legislature as are requested;
- (9) Adopt a state fire training and education master plan;
- (10) Develop and adopt a master plan for the construction, equipping, maintaining, and operation of necessary fire service training and education facilities, but the authority to construct, equip, and maintain such facilities is subject to chapter 43.19 RCW;
- (11) Develop and adopt a master plan for the purchase, lease, or other acquisition of real estate necessary to establish and operate fire service training and education facilities in a manner provided by law;
- (12) Adopt standards for state-wide fire service training and education courses including courses in arson detection and investigation for personnel of fire, police, and prosecutor's departments;

(13) Assure the administration of any legislation enacted by the legislature in pursuance of the aims and purposes of any acts of Congress insofar as the provisions thereof may apply;

(14) Cooperate with the common schools, community colleges, institutions of higher education, and any department or division of the state, or of any county or municipal corporation in establishing and maintaining instruction in fire service training and education in accordance with any act of Congress and legislation enacted by the legislature in pursuance thereof and in establishing, building, and operating training and education facilities.

This section does not apply to forest fire service personnel and programs. Industrial fire departments and private fire investigators may participate in training and education programs under this chapter for a reasonable fee established by rule.

NEW SECTION. Sec. 57. A new section is added to chapter 43.63A RCW to read as follows:

In regards to the statutory duties of the director of community development which are to be carried out through the director of fire protection, the board shall serve in an advisory capacity in order to enhance the continuity of state fire protection services. In this capacity, the board shall:

(1) Advise the director of community development and the director of fire protection on matters pertaining to their duties under law; and

(2) Advise the director of community development and the director of fire protection on all budgeting and fiscal matters pertaining to the duties of the director of fire protection and the board.

NEW SECTION. Sec. 58. A new section is added to chapter 43.63A RCW to read as follows:

(1) Wherever the term state fire marshal appears in the Revised Code of Washington or the Washington Administrative Code it shall mean the director of fire protection.

(2) The director of community development shall appoint an assistant director who shall be known as the director of fire protection. The board, after consulting with the director, shall prescribe qualifications for the position of director of fire protection. The board shall submit to the director a list containing the names of three persons whom the board believes meet its qualifications. If requested by the director, the board shall submit one additional list of three persons whom the board believes meet its qualifications. The appointment shall be from one of the lists of persons submitted by the board.

(3) The director of fire protection may designate one or more deputies and may delegate to those deputies his or her duties and authorities as deemed appropriate.

(4) The director of community development, through the director of fire protection, shall, after consultation with the board, prepare a biennial budget pertaining to fire protection services. Such biennial budget shall be submitted as part of the department's budget request.

(5) The director of fire protection shall designate a deputy who shall be known as the state coordinator for radioactive and hazardous waste emergency response programs. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency;

(d) Undertaking other duties in this area that are deemed appropriate by the board and the director.

(6) The director of community development, through the director of fire protection, shall implement and administer, within the constraints established by budgeted resources, the policies of the board and all duties of the director of community development which are to be carried out through the director of fire protection.

(7) The director of community development, through the director of fire protection, shall seek the advice of the board in carrying out his or her duties under law.

NEW SECTION, Sec. 59. A new section is added to chapter 43.63A RCW to read as follows:

The department may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in section 56 of this act.

NEW SECTION, Sec. 60. A new section is added to chapter 43.63A RCW to read as follows:

The department may: (1) impose and collect fees for fire service training; and (2) establish and set fee schedules for fire service training.

NEW SECTION, Sec. 61. A new section is added to chapter 43.63A RCW to read as follows:

The fire service training account is hereby established in the state treasury. The department shall deposit in the account all fees received by the department for fire service training. Moneys in the account may be appropriated only for fire service training.

Sec. 62. Section 1, chapter 349, Laws of 1977 ex. sess. as amended by section 12, chapter 470, Laws of 1985 and RCW 28C.50.010 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the ~~((state fire protection board))~~ department of community development, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of one million dollars, or so much thereof as may be required to finance such projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 63. Section 5, chapter 349, Laws of 1977 ex. sess. as amended by section 13, chapter 470, Laws of 1985 and RCW 28C.50.050 are each amended to read as follows:

The 1977 state fire service training center bond retirement fund is hereby created in the state treasury for the purpose of the payment of principal of and interest on the bonds authorized to be issued pursuant to this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the ~~((state fire protection board))~~ department of community development.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on such bonds. Not less than thirty days prior to the date on which any such interest or principal and interest payment is due, the state treasurer

shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on such payment date.

Sec. 64. Section 1, chapter 225, Laws of 1979 ex. sess. as last amended by section 14, chapter 470, Laws of 1985 and RCW 28C.51.010 are each amended to read as follows:

For the purpose of providing needed capital improvements consisting of the planning, acquisition, construction, remodeling, furnishing and equipping of a state fire service training center for the ~~((state fire protection board))~~ department of community development, the state finance committee is authorized to issue general obligation bonds of the state of Washington in the sum of six million dollars, or so much thereof as may be required, to finance these projects, and all costs incidental thereto. No bonds authorized by this chapter shall be offered for sale without prior legislative appropriation, and these bonds shall be paid and discharged within thirty years of the date of issuance in accordance with Article VIII, section 1 of the state Constitution.

Sec. 65. Section 5, chapter 225, Laws of 1979 ex. sess. as amended by section 15, chapter 470, Laws of 1985 and RCW 28C.51.050 are each amended to read as follows:

The 1977 state fire service training center bond retirement fund in the state treasury shall be used for the purpose of the payment of principal of and interest on the bonds and notes authorized under this chapter or, if the legislature so determines, for any bonds and notes hereafter authorized and issued for the ~~((state fire protection board))~~ department of community development.

The state finance committee, on or before June 30th of each year, shall certify to the state treasurer the amount required in the next succeeding twelve months for the payment of the principal of and the interest coming due on the bonds. Not less than thirty days prior to the date on which any interest or principal and interest payment is due, the state treasurer shall withdraw from any general state revenues received in the state treasury and deposit in the 1977 state fire service training center bond retirement fund an amount equal to the amount certified by the state finance committee to be due on the payment date.

Sec. 66. Section .05.32, chapter 79, Laws of 1947 as amended by section 16, chapter 470, Laws of 1985 and RCW 48.05.320 are each amended to read as follows:

(1) Each authorized insurer shall promptly report to the ~~((state fire protection board))~~ director of community development, through the director of fire protection, upon forms as prescribed and furnished by ~~((the board))~~ him or her, each fire loss of property in this state reported to it and whether the loss is due to criminal activity or to undetermined causes.

(2) Each such insurer shall likewise report to the ~~((board))~~ director of community development, through the director of fire protection, upon claims paid by it for loss or damage by fire in this state. Copies of all reports required by this section shall be promptly transmitted to the state insurance commissioner.

Sec. 67. Section .33.03, chapter 79, Laws of 1947 as amended by section 17, chapter 470, Laws of 1985 and RCW 48.48.030 are each amended to read as follows:

(1) The ~~((state fire protection board, through the state fire marshal or any deputy state fire marshal))~~ director of community development, through the director of fire protection or his or her authorized deputy, shall have authority at all times of day and night, in the performance of duties imposed by this chapter, to enter upon and examine any building or premises where any fire has occurred and other buildings and premises adjoining or near thereto.

(2) The ~~((state fire protection board, through the state fire marshal or any deputy state fire marshal))~~ director of community development, through the director of fire protection or his or her authorized deputy, shall have authority at any reasonable hour to enter into any public building or premises or any building or premises used for public purposes to inspect for fire hazards.

~~((3) Within his or her jurisdiction a resident fire marshal may exercise like powers as are conferred by subsections (1) and (2) of this section upon the state fire protection board. Such power in a resident fire marshal shall not be to the exclusion of any power of the state fire protection board.))~~

Sec. 68. Section .33.04, chapter 79, Laws of 1947 as amended by section 18, chapter 470, Laws of 1985 and RCW 48.48.040 are each amended to read as follows:

(1) ~~((In jurisdictions within this state other than those in which there is in force a comprehensive local fire prevention and safety code, the state fire protection board, through the state fire marshal or any deputy fire marshal.))~~ The director of community development, through the director of fire protection or his or her authorized deputy, shall have authority to enter upon all premises and into all buildings except private dwellings for the purpose of inspection to ascertain if any fire hazard exists, and to require conformance with minimum standards for the prevention of fire and for the protection of life and property against fire and panic as to use of premises, and may adopt by reference nationally recognized standards applicable to local conditions.

(2) ~~((A resident fire marshal shall have authority to enforce within his or her jurisdiction such ordinances and laws relative to fire prevention and safety and use of premises as may be in force therein. In areas outside those covered by such local fire prevention and safety codes:~~

the jurisdiction of any such resident fire marshal shall be subordinate to that of the state fire protection board:

(3) in areas covered by such fire prevention and safety codes the state fire protection board)) The director of community development, through the director of fire protection or his or her authorized deputy, may, upon request by the chief fire official or the local governing body or of taxpayers of such area, assist in the enforcement of any such code.

Sec. 69. Section 1, chapter 70, Laws of 1972 ex. sess. as last amended by section 19, chapter 470, Laws of 1985 and RCW 48.48.045 are each amended to read as follows:

Standards for construction relative to fire prevention and safety for all schools under the jurisdiction of the superintendent of public instruction and state board of education shall be established by the state fire protection board(~~(-which)~~). The director of community development, through the director of fire protection, shall adopt such nationally recognized fire and building codes and standards as may be applicable to local conditions. After the approval of such standards by the superintendent of public instruction and the state board of education, the ~~((state fire protection board))~~ director of community development, through the director of fire protection, shall make or cause to be made plan reviews and construction inspections as may be necessary to insure compliance with said codes and standards.

Political subdivisions of the state having and enforcing such fire and building codes and standards at least equal to or higher than those ~~((by the state fire protection board))~~ adopted as provided for in this section shall be exempted from the plan review and construction inspection provisions of this section within their respective subdivision for as long as such codes and standards are enforced.

Sec. 70. Section .33.05, chapter 79, Laws of 1947 as amended by section 20, chapter 470, Laws of 1985 and RCW 48.48.050 are each amended to read as follows:

(1) If the ~~((state fire marshal or the marshal's))~~ director of community development, through the director of fire protection or his or her authorized deputy, finds in any building or premises subject to their inspection under this chapter, any combustible material or flammable conditions or fire hazards dangerous to the safety of the building, premises, or to the public, he or she shall by written order require such condition to be remedied, and such order shall forthwith be complied with by the owner or occupant of the building or premises.

(2) An owner or occupant aggrieved by any such order made by the ~~((state fire marshal or a deputy state fire marshal))~~ director of community development, through the director of fire protection or his or her deputy, may ~~((within five days after the date of the order appeal to the state fire protection board))~~ appeal such order pursuant to chapter 34.04 RCW. If the ((state fire protection board confirms the)) order is confirmed, the order shall remain in force and be complied with by the owner or occupant.

(3) Any owner or occupant failing to comply with any such order not appealed from or with any order so confirmed shall be punishable by a fine of not less than ten dollars nor more than fifty dollars for each day such failure exists.

Sec. 71. Section .33.06, chapter 79, Laws of 1947 as last amended by section 21, chapter 470, Laws of 1985 and RCW 48.48.060 are each amended to read as follows:

(1) The chief of each organized fire department, the sheriff or other designated county official, and the designated city or town official shall investigate the cause, origin, and extent of loss of all fires occurring within their respective jurisdictions, as determined by this subsection, and shall forthwith notify the ~~((state fire protection board))~~ director of community development, through the director of fire protection, of all fires of criminal, suspected, or undetermined cause occurring within their respective jurisdictions. The county fire marshal shall also be notified of and investigate all such fires occurring in unincorporated areas of the county. Fire departments shall have the responsibility imposed by this subsection for areas within their jurisdictions. Sheriffs or other designated county officials shall have responsibility imposed by this subsection for county areas not within the jurisdiction of a fire department, unless such areas are within the boundaries of a city or town, in which case the designated city or town official shall have the responsibility imposed by this subsection. For the purposes of this subsection, county officials shall be designated by the county legislative authority, and city or town officials shall be designated by the appropriate city or town legislative or executive authority. In addition to the responsibility imposed by this subsection, any sheriff or chief of police may assist in the investigation of the cause, origin, and extent of loss of all fires occurring within his or her respective jurisdiction.

(2) The ~~((state fire protection board))~~ director of community development, through the director of fire protection or his or her deputy, may investigate any fire for the purpose of determining its cause, origin, and the extent of the loss. The ~~((state fire protection board))~~ director of community development, through the director of fire protection or his or her deputy, shall assist in the investigation of those fires of criminal, suspected, or undetermined cause when requested by the reporting agency. In the investigation of any fire of criminal, suspected, or undetermined cause, the ~~((state fire protection board, the state fire marshal, deputy state fire marshals, or resident fire marshals, acting within their jurisdiction, are))~~ director of community development and the director of fire protection or his or her deputy, are vested with police powers to enforce the laws of this state. To exercise these powers, ~~((state deputy and resident~~

~~fire marshals~~) authorized deputies must receive prior written authorization from the ~~((state fire protection board))~~ director of community development, through the director of fire protection, and shall have completed a course of training prescribed by the Washington state criminal justice training commission.

Sec. 72. Section 2, chapter 181, Laws of 1980 as amended by section 22, chapter 470, Laws of 1985 and RCW 48.48.065 are each amended to read as follows:

(1) ~~((Beginning September 1, 1980:))~~ The chief of each organized fire department, or the sheriff or other designated county official having jurisdiction over areas not within the jurisdiction of any fire department, shall report statistical information and data to the ~~((state fire protection board))~~ director of community development, through the director of fire protection, on each fire occurring within the official's jurisdiction. Reports shall be consistent with the national fire incident reporting system developed by the United States fire administration and rules established by the ((state fire marshal)) director of community development, through the director of fire protection. The ((state fire protection board)) director of community development, through the director of fire protection, and the department of natural resources shall jointly determine the statistical information to be reported on fires on land under the jurisdiction of the department of natural resources.

(2) The ~~((state fire protection board))~~ director of community development, through the director of fire protection, shall analyze the information and data reported, compile a report, and distribute a copy annually by January 31 to each chief fire official in the state. Upon request, the ((state fire protection board)) director of community development, through the director of fire protection, shall also furnish a copy of the report to any other interested person at cost.

Sec. 73. Section .33.07, chapter 79, Laws of 1947 as amended by section 23, chapter 470, Laws of 1985 and RCW 48.48.070 are each amended to read as follows:

In the conduct of any investigation into the cause, origin, or loss resulting from any fire, the ~~((state fire protection board))~~ director of community development and the director of fire protection shall have the same power and rights relative to securing the attendance of witnesses and the taking of testimony under oath as is conferred upon the insurance commissioner under RCW 48.03.070. False swearing by any such witness shall be deemed to be perjury and shall be subject to punishment as such.

Sec. 74. Section .33.08, chapter 79, Laws of 1947 as amended by section 24, chapter 470, Laws of 1985 and RCW 48.48.080 are each amended to read as follows:

If as the result of any such investigation, or because of any information received ~~((by it, the state fire protection board)),~~ the director of community development, through the director of fire protection, is of the opinion that there is evidence sufficient to charge any person with any crime, ((#)) he or she may cause such person to be arrested and charged with such offense, and shall furnish to the prosecuting attorney of the county in which the offense was committed, the names of witnesses and all pertinent and material evidence and testimony within ((#s)) his or her possession relative to the offense.

Sec. 75. Section .33.09, chapter 79, Laws of 1947 as amended by section 25, chapter 470, Laws of 1985 and RCW 48.48.090 are each amended to read as follows:

The ~~((state fire protection board))~~ director of community development, through the director of fire protection, shall keep on file all reports of fires made to ((it or to the commissioner)) him or her pursuant to this code. Such records shall at all times during business hours be open to public inspection: except, that any testimony taken in a fire investigation may, in the discretion of the ((state fire protection board)) director of community development, through the director of fire protection, be withheld from public scrutiny. The ((state fire protection board)) director of community development, through the director of fire protection, may destroy any such report after five years from its date.

Sec. 76. Section .33.11, chapter 79, Laws of 1947 as last amended by section 26, chapter 470, Laws of 1985 and RCW 48.48.110 are each amended to read as follows:

The ~~((state fire protection board))~~ director of community development, through the director of fire protection, shall submit annually a report to the governor of this state. The report shall contain a statement of ((#s)) his or her official acts pursuant to this chapter.

Sec. 77. Section 2, chapter 80, Laws of 1979 ex. sess. as amended by section 27, chapter 470, Laws of 1985 and RCW 48.50.020 are each amended to read as follows:

As used in this chapter the following terms have the meanings indicated unless the context clearly requires otherwise.

(1) 'Authorized agency' means a public agency or its official representative having legal authority to investigate the cause of a fire and to initiate criminal proceedings or further investigations if the cause was not accidental, including the following persons and agencies:

- (a) The ~~((state fire protection board))~~ director of community development and the director of fire protection;
- (b) The prosecuting attorney of the county where the fire occurred;
- (c) The state attorney general, when engaged in a prosecution which is or may be connected with the fire;
- (d) The Federal Bureau of Investigation, or any other federal agency; and

(e) The United States attorney's office when authorized or charged with investigation or prosecution concerning the fire.

(2) 'Insurer' means any insurer, as defined in RCW 48.01.050, which insures against loss by fire, and includes insurers under the Washington F.A.I.R. plan.

(3) 'Relevant information' means information having any tendency to make the existence of any fact that is of consequence to the investigation or determination of the cause of any fire more probable or less probable than it would be without the information.

Sec. 78. Section 4, chapter 174, Laws of 1975 1st ex. sess. as last amended by section 89, chapter 370, Laws of 1985 and RCW 28C.04.040 are each amended to read as follows:

The commission for vocational education shall have the following functions:

(1) Plan development. The commission shall be responsible for complying with federal directives to insure the development and maintenance of a state plan for vocational education but initial planning shall be accomplished by the secondary and postsecondary education systems. Prior to the adoption of the state plan, the commission shall request comments from the higher education coordinating board and the advisory council for vocational education.

(2) State plan modification adjudication. Decisions on new programs and/or facilities for vocational education shall be made internally within the respective secondary or postsecondary education system in accordance with the provisions of the state plan. The commission may review such decisions to insure compliance with the state plan and avoid unnecessary duplication of current or projected programs.

Any common school or community college district, or the superintendent of public instruction, or the state board for community college education, or other interested parties as authorized by the commission, shall be afforded the opportunity to comment upon any new programs or facilities proposed. The commission, subject to dispute resolution rules adopted by said commission, shall have the final determination on any disputes arising out of such program proposals.

In adjudicating disputes between the two secondary and postsecondary education systems regarding the state plan, the commission will use at least the following criteria: Recognition that secondary education is constitutionally the responsibility of the superintendent of public instruction and that by legislative action postsecondary education is the responsibility of institutions of higher education; adhere to the general policy set forth in the state plan; consider the particular vocational need of the community, region, or state and whether the common school or community college, or both, can best respond to those needs; encourage cooperation and coordination rather than competition and program conflict between secondary and postsecondary education systems; consider the desires and preferences of the residents of the immediate program service area and of the representatives of the fields of management, labor, and agriculture which benefit from possible program offerings; and avoid unnecessary duplication of vocational education programs and facilities.

(3) Vocational education administration. The commission shall be the sole agency for the receipt and allocation of federal funds in accordance with the state plan. The supervision of the state plan shall be carried out by the commission; however, daily administration of the state plan shall be primarily the responsibility of the superintendent of public instruction and the state board for community college education: PROVIDED, That the commission shall review and approve state plan development proposals or special programs requiring personal service contracts, and activities beyond the program responsibilities of the superintendent of public instruction and the state board for community college education.

Under the state plan the commission shall make periodic compliance audits at least once a biennium of the vocational education programs individually and jointly conducted by the common schools and community colleges to insure compliance with the state plan.

The commission shall be the primary state liaison with the federal government for the state plan for vocational education.

~~(4) (Fire service training program. The commission may accept any and all donations, grants, bequests, and devices, conditional or otherwise, or money, property, service, or other things of value which may be received from the United States or any agency thereof, any governmental agency, any institution, person, firm, or corporation, public and private, to be held, used, or applied for the purposes of the fire service training program established in RCW 28C.04.140.~~

(5)) Job skills program. The commission shall have the following powers and duties for the job skills program:

(a) To collect and disseminate to interested individuals, in cooperation with and through any agencies of federal, state, and municipal government, information concerning areas of present and projected employment need, programs of skills training and education consistent therewith, and any other relevant information;

(b) To apply for, utilize, and accept grants from other federal, state, and local agencies for the purposes of matching requirements and to facilitate the purposes of RCW 28C.04.480 through 28C.04.480;

(c) To help identify, upon the request of business and industry, those educational institutions which could provide the training services sought by business and industry and to identify any existing programs which could serve the particular needs of business and industry;

(d) To provide job skills grants to educational institutions to facilitate the development of programs of job skills training and education consistent with employment needs;

(e) To work cooperatively with the employment security department to enhance and update the state's occupational information system and the state's career information system;

(f) To adopt rules to carry out its powers and duties for the job skills program.

Sec. 79. Section 1, chapter 320, Laws of 1981 and RCW 4.24.400 are each amended to read as follows:

No building warden, who acts in good faith, with or without compensation, shall be personally liable for civil damages arising from his or her negligent acts or omissions during the course of assigned duties in assisting others to evacuate industrial, commercial, governmental or multi-unit residential buildings or in attempting to control or alleviate a hazard to the building or its occupants caused by fire, earthquake or other threat to life or limb. The term 'building warden' means an individual who is assigned to take charge of the occupants on a floor or in an area of a building during an emergency in accordance with a predetermined fire safety or evacuation plan; and/or an individual selected by a municipal fire chief or the ~~((state fire marshal))~~ director of community development, through the director of fire protection, after an emergency is in progress to assist in evacuating the occupants of such a building or providing for their safety. This section shall not apply to any acts or omissions constituting gross negligence or wilful or wanton misconduct.

Sec. 80. Section 1, chapter 204, Laws of 1967 and RCW 9.40.100 are each amended to read as follows:

Any person who wilfully and without cause tampers with, molests, injures or breaks any public or private fire alarm apparatus, emergency phone, radio, or other wire or signal, or any fire fighting equipment, or who wilfully and without having reasonable grounds for believing a fire exists, sends, gives, transmits, or sounds any false alarm of fire, by shouting in a public place or by means of any public or private fire alarm system or signal, or by telephone, is guilty of a misdemeanor. This provision shall not prohibit the testing of fire alarm systems by persons authorized to do so, by a fire department or ~~((state fire marshal official))~~ the director of community development, through the director of fire protection.

Sec. 81. Section 13, chapter 253, Laws of 1957 and RCW 18.20.130 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all boarding homes to be licensed hereunder, shall be the responsibility of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to boarding homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the boarding home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall promptly make a written report to the boarding home and the department or authorized department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, authorized department, applicant or licensee shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the boarding home to be licensed meets with the approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall submit to the department or authorized department, a written report approving same with respect to fire protection before a full license can be issued. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall make or cause to be made inspections of such homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, to be equal to the minimum standards of the ~~((state fire marshal's))~~ code for boarding homes adopted by the director of community development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 82. Section 12, chapter 168, Laws of 1951 and RCW 18.46.110 are each amended to read as follows:

Fire protection with respect to all maternity homes to be licensed hereunder, shall be the responsibility of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, who shall adopt by reference, such recognized standards as may be applicable to nursing homes, places of refuge, and maternity homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the maternity home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall promptly make a written report to the department as to the manner in which the premises may qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the maternity home to be licensed meets with the approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a license can be issued. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall make or cause to be made such inspection of such maternity homes as he or she deems necessary.

In cities which have in force a comprehensive building code, the regulation of which is equal to the minimum standards of the ~~((state fire marshal's))~~ code for maternity homes adopted by the director of community development, through the director of fire protection, the building inspector and the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection and shall approve the premises before a license can be issued.

In cities where such building codes are in force, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, may, upon request by the chief fire official, or the local governing body, or of a taxpayer of such city, assist in the enforcement of any such code pertaining to maternity homes.

Sec. 83. Section 15, chapter 117, Laws of 1951 as amended by section 9, chapter 160, Laws of 1953 and RCW 18.51.140 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all nursing homes to be licensed hereunder, shall be the responsibility of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to nursing homes for the protection of life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the nursing home to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall promptly make a written report to the nursing home and the department as to the manner and time allowed in which the premises must qualify for a license and set forth the conditions to be remedied with respect to fire regulations. The department, applicant or licensee shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the nursing home to be licensed meets with the approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall submit to the department, a written report approving same with respect to fire protection before a full license can be issued. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall make or cause to be made inspections of such nursing homes at least annually.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, to be equal to the minimum standards of the ~~((state fire marshal's))~~ code for nursing homes adopted by the director of community development, through the

director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 84. Section 16, chapter 2, Laws of 1981 1st ex. sess. as amended by section 45, chapter 67, Laws of 1983 1st ex. sess. and RCW 18.51.145 are each amended to read as follows:

Inspections of nursing homes by local authorities shall be consistent with the requirements of chapter 19.27 RCW, the state building code. Findings of a serious nature shall be coordinated with the department and the ~~((state fire marshal))~~ director of community development, through the director of fire protection, for determination of appropriate actions to ensure a safe environment for nursing home residents. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall have exclusive authority to determine appropriate corrective action under this section.

Sec. 85. Section 5, chapter 134, Laws of 1983 as amended by section 16, chapter 360, Laws of 1985 and RCW 19.27A.110 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, is the only authority having jurisdiction over the approval of portable oil-fueled heaters. The sale and use of portable oil-fueled heaters is governed exclusively by RCW 19.27A.080 through 19.27A.120: PROVIDED, That cities and counties may adopt local standards as provided in RCW 19.27.040.

Sec. 86. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 40, Laws of 1984 and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

(10) By rule or regulation promulgated upon the advice of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and

distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(11) Hear and decide appeals as otherwise provided by law.

Sec. 87. Section 7, chapter 36, Laws of 1979 ex. sess. as amended by section 9, chapter 201, Laws of 1985 and RCW 43.43.710 are each amended to read as follows:

Information contained in the files and records of the section relative to the commission of any crime by any person shall be considered privileged and shall not be made public or disclosed for any personal purpose or in any civil court proceedings except upon a written order of the judge of a court wherein such civil proceedings are had. All information contained in the files of the section relative to criminal records and personal histories of persons arrested for the commission of a crime shall be available to all criminal justice agencies and, for the sole purpose of investigating the cause of fires under RCW 48.48.060(2) where the cause is suspected to be arson, to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon the filing of an application as provided in RCW 43.43.705.

Dependency record information contained in the files and records of the section shall be considered privileged and shall not be made public. Dependency record information may be disclosed as authorized by this chapter or may be disclosed to the same extent that information regarding dependency proceedings may generally be disclosed, as authorized by applicable laws or court rules.

Although no application for information has been made to the section as provided in RCW 43.43.705, the section may transmit such information in the chief's discretion, to such agencies as are authorized by RCW 43.43.705 to make application for it.

Sec. 88. Section 2, chapter 237, Laws of 1983 as amended by section 1, chapter 145, Laws of 1984 and RCW 46.37.467 are each amended to read as follows:

(1) Every automobile, truck, motorcycle, motor home, or off-road vehicle that is fueled by an alternative fuel source shall bear a reflective placard issued by the national fire protection association indicating that the vehicle is so fueled. Violation of this subsection is a traffic infraction.

(2) As used in this section 'alternative fuel source' includes propane, compressed natural gas, liquid petroleum gas, or any chemically similar gas but does not include gasoline or diesel fuel.

(3) If a placard for a specific alternative fuel source has not been issued by the national fire protection association, a placard issued by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall be required. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall develop rules for the design, size, and placement of the placard which shall remain effective until a specific placard is issued by the national fire protection association.

Sec. 89. Section 1, chapter 50, Laws of 1980 and RCW 48.48.140 are each amended to read as follows:

(1) Smoke detection devices shall be installed inside all dwelling units:

(a) Occupied by persons other than the owner on and after December 31, 1981; or

(b) Built or manufactured in this state after December 31, 1980.

(2) The smoke detection devices shall be designed, manufactured, and installed inside dwelling units in conformance with:

(a) Nationally accepted standards; and

(b) As provided by the administrative procedure act, chapter 34.04 RCW, rules and regulations promulgated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

(3) Installation of smoke detection devices shall be the responsibility of the owner. Maintenance of smoke detection devices shall be the responsibility of the tenant, who shall maintain the device as specified by the manufacturer. At the time of a vacancy, the owner shall insure that the smoke detection device is operational prior to the reoccupancy of the dwelling unit.

(4) Any owner or tenant failing to comply with this section shall be punished by a fine of not more than fifty dollars.

(5) For the purposes of this section:

(a) 'Dwelling unit' means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation; and

(b) 'Smoke detection device' means an assembly incorporating in one unit a device which detects visible or invisible particles of combustion, the control equipment, and the alarm-sounding device, operated from a power supply either in the unit or obtained at the point of installation.

Sec. 90. Section 1, chapter 258, Laws of 1983 and RCW 48.48.150 are each amended to read as follows:

(1) All premises guarded by guard animals, which are animals professionally trained to defend and protect premises or the occupants of the premises, shall be registered with the local fire department. Front entrances to residences and all entrances to business premises shall be posted in a visible location with signs approved by the ~~((state fire marshal))~~ director of

community development, through the director of fire protection, indicating that guard animals are present.

(2) A fire fighter, who reasonably believes that his or her safety is endangered by the presence of a guard animal, may without liability: (a) Refuse to enter the premises, or (b) take any reasonable action necessary to protect himself or herself from attack by the guard animal.

(3) If the person responsible for the guard animal being on the premises does not comply with subsection (1) of this section, that person may be held liable for any injury to the fire fighter caused by the presence of the guard animal.

Sec. 91. Section 4, chapter 80, Laws of 1979 ex. sess. and RCW 48.50.040 are each amended to read as follows:

(1) When an insurer has reason to believe that a fire loss reported to the insurer may be of other than accidental cause, the insurer shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in the manner prescribed under RCW 48.05.320 concerning the circumstances of the fire loss, including any and all relevant material developed from the insurer's inquiry into the fire loss.

(2) Notification of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, under subsection (1) of this section does not relieve the insurer of the duty to respond to a request for information from any other authorized agency.

Sec. 92. Section 2, chapter 110, Laws of 1982 and RCW 48.53.020 are each amended to read as follows:

(1) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may designate certain classes of occupancy within a geographic area or may designate geographic areas as having an abnormally high incidence of arson. This designation shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy.

(2) A fire insurance policy may not be issued to insure any property within a class of occupancy within a geographic area or within a geographic area designated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, as having an abnormally high incidence of arson until the applicant has submitted an anti-arson application and the insurer or the insurer's representative has inspected the property. The application shall be prescribed by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, and shall contain but not be limited to the following:

(a) The name and address of the prospective insured and any mortgagees or other parties having an ownership interest in the property to be insured;

(b) The amount of insurance requested and the method of valuation used to establish the amount of insurance;

(c) The dates and selling prices of the property, if any, during the previous three years;

(d) Fire losses exceeding one thousand dollars during the previous five years for property in which the prospective insured held an equity interest or mortgage;

(e) Current corrective orders pertaining to fire, safety, health, building, or construction codes that have not been complied with within the time period or any extension of such time period authorized by the authority issuing such corrective order applicable to the property to be insured;

(f) Present or anticipated occupancy of the structure, and whether a certificate of occupancy has been issued;

(g) Signature and title, if any, of the person submitting the application.

(3) If the facts required to be reported by subsection (2) of this section materially change, the insured shall notify the insurer of any such change within fourteen days.

(4) An anti-arson application is not required for: (a) Fire insurance policies covering one to four-unit owner-occupied residential dwellings; (b) policies existing as of June 10, 1982; or (c) the renewal of these policies.

(5) An anti-arson application shall contain a notice stating: 'Designation of a class of occupancy within a geographic area or geographic areas as having an abnormally high incidence of arson shall not be a valid reason for cancellation, refusal to issue or renew, modification, or increasing the premium for any fire insurance policy.'

Sec. 93. Section 6, chapter 110, Laws of 1982 and RCW 48.53.060 are each amended to read as follows:

Rules designating geographic areas or classes of occupancy as having an abnormally high incidence of arson, and any other rules necessary to implement this chapter shall be adopted by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, under chapter 34.04 RCW.

Sec. 94. Section 8, chapter 267, Laws of 1955 as amended by section 19, chapter 213, Laws of 1985 and RCW 70.41.080 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all hospitals to be licensed hereunder shall be the responsibility of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, who shall adopt, after approval by the department, such recognized standards as may be applicable to hospitals for the protection of

life against the cause and spread of fire and fire hazards. The department upon receipt of an application for a license, shall submit to the state fire marshal in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make an inspection of the hospital to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as adopted pursuant to this chapter, he or she shall promptly make a written report to the hospital and to the department listing the corrective actions required and the time allowed for accomplishing such corrections. The applicant or licensee shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon completion of any corrections required by him or her, and the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, shall make a reinspection of such premises. Whenever the hospital to be licensed meets with the approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall submit to the department a written report approving the hospital with respect to fire protection, and such report is required before a full license can be issued. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall make or cause to be made inspections of such hospitals at least once a year.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, to be equal to the minimum standards of the ~~((state fire marshal's))~~ code for hospitals adopted by the director of community development, through the director of fire protection, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy and they shall jointly approve the premises before a full license can be issued.

Sec. 95. Section 11, chapter 239, Laws of 1971 ex. sess. and RCW 70.62.290 are each amended to read as follows:

Rules and regulations establishing fire and life safety requirements, not inconsistent with the provisions of this chapter, shall continue to be promulgated and enforced by the ~~((state fire marshal's office))~~ director of community development, through the director of fire protection.

Sec. 96. Section 2, chapter 152, Laws of 1967 and RCW 70.75.020 are each amended to read as follows:

The standardization of existing fire protection equipment in this state shall be arranged for and carried out by or under the direction of the ~~((state fire marshal))~~ director of community development, through the director of fire protection. He or she shall provide the appliances necessary for carrying on this work, shall proceed with such standardization as rapidly as possible, and shall require the completion of such work within a period of five years from June 8, 1967: PROVIDED, That the ~~((state fire marshal))~~ director of community development, through the director of fire protection, may exempt special purpose fire equipment and existing fire protection equipment from standardization when it is established that such equipment is not essential to the coordination of public fire protection operations.

Sec. 97. Section 3, chapter 152, Laws of 1967 and RCW 70.75.030 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall notify industrial establishments and property owners having equipment, which may be necessary for fire department use in protecting the property or putting out fire, of any changes necessary to bring their equipment up to the requirements of the standard established by RCW 70.75.020, and shall render such assistance as may be available for converting substandard equipment to meet standard specifications and requirements.

Sec. 98. Section 4, chapter 152, Laws of 1967 and RCW 70.75.040 are each amended to read as follows:

Any person who, without approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, sells or offers for sale in Washington any fire hose, fire engine or other equipment for fire protection purposes which is fitted or equipped with other than the standard thread is guilty of a misdemeanor: PROVIDED, That fire equipment for special purposes, research, programs, forest fire fighting, or special features of fire protection equipment found appropriate for uniformity within a particular protection area may be specifically exempted from this requirement by order of the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

Sec. 99. Section 11, chapter 228, Laws of 1961 as amended by section 7, chapter 230, Laws of 1982 and RCW 70.77.170 are each amended to read as follows:

'License' means a nontransferable formal authorization which the ~~((state fire marshal is))~~ director of community development and the director of fire protection are permitted to issue under this chapter to engage in the act specifically designated therein.

Sec. 100. Section 27, chapter 228, Laws of 1961 as last amended by section 7, chapter 249, Laws of 1984 and RCW 70.77.250 are each amended to read as follows:

(1) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall enforce and administer this chapter.

(2) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall appoint such deputies and employees as may be necessary and required to carry out the provisions of this chapter.

(3) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may prescribe such rules relating to fireworks as may be necessary for the protection of life and property and for the implementation of this chapter.

(4) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall prescribe such rules as may be necessary to ensure state-wide minimum standards for the enforcement of this chapter. Counties, cities, and towns shall comply with such state rules. Any local rules adopted by local authorities that are more restrictive than state law as to the types of fireworks that may be sold shall have an effective date no sooner than one year after their adoption.

(5) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may exercise the necessary police powers to enforce the criminal provisions of this chapter. This grant of police powers does not prevent any other state agency or local government agency having general law enforcement powers from enforcing this chapter within the jurisdiction of the agency or local government.

Sec. 101. Section 38, chapter 228, Laws of 1961 as last amended by section 18, chapter 249, Laws of 1984 and RCW 70.77.305 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, has the power to issue licenses for the manufacture, importation, sale, and use of all fireworks in this state. A person may be licensed as a manufacturer, importer, or wholesaler under this chapter only if the person has a designated agent in this state who is registered with the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

Sec. 102. Section 40, chapter 228, Laws of 1961 as amended by section 20, chapter 230, Laws of 1982 and RCW 70.77.315 are each amended to read as follows:

Any person who desires to engage in the manufacture, importation, sale, or use of fireworks shall make a written application to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, on forms provided by him or her. Such application shall be accompanied by the annual license fee as prescribed in this chapter.

Sec. 103. Section 42, chapter 228, Laws of 1961 as last amended by section 20, chapter 249, Laws of 1984 and RCW 70.77.325 are each amended to read as follows:

(1) Application for a license shall be made annually by every person holding an existing license who wishes to continue the activity requiring the license. The application shall be accompanied by the annual license fee as prescribed in RCW 70.77.340.

(2) A person applying for an annual license as a retailer under this chapter shall file an application by June 10 of the current year. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall grant or deny the license within fifteen days of receipt of the application.

(3) A person applying for an annual license as a manufacturer, importer, or wholesaler under this chapter shall file an application by January 31 of the current year. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall grant or deny the license within ninety days of receipt of the application.

Sec. 104. Section 43, chapter 228, Laws of 1961 as amended by section 22, chapter 230, Laws of 1982 and RCW 70.77.330 are each amended to read as follows:

If the ~~((state fire marshal))~~ director of community development, through the director of fire protection, finds that the granting of such license would not be contrary to public safety or welfare, he or she shall issue a license authorizing the applicant to engage in the particular act or acts upon the payment of the license fee specified in this chapter. Licensees may transport the class of fireworks for which they hold a valid license.

Sec. 105. Section 48, chapter 228, Laws of 1961 as last amended by section 21, chapter 249, Laws of 1984 and RCW 70.77.355 are each amended to read as follows:

(1) Any adult person may secure a general license from the ~~((state fire marshal))~~ director of community development, through the director of fire protection, for the public display of fireworks within the state of Washington. A general license is subject to the provisions of this chapter relative to the securing of local permits for the public display of fireworks in any city, county, or fire protection district, except that in lieu of filing the bond or certificate of public liability insurance with the appropriate local official under RCW 70.77.260 as required in RCW 70.77.285, the same bond or certificate shall be filed with the ~~((state fire marshal))~~ director of community development, through the director of fire protection. The bond or certificate of insurance for a general license in addition shall provide that: (a) The insurer will not cancel the insured's coverage without fifteen days prior written notice to the ~~((state fire marshal))~~ director of community development, through the director of fire protection; (b) the duly licensed pyrotechnic operator required by law to supervise and discharge the public display, acting either as an employee of the insured or as an independent contractor and the state of Washington, its

officers, agents, employees, and servants are included as additional insureds, but only insofar as any operations under contract are concerned; and (c) the state is not responsible for any premium or assessments on the policy.

(2) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may issue such general licenses. The holder of a general license shall file a certificate from the ~~((state fire marshal))~~ director of community development, through the director of fire protection, evidencing the license with any application for a local permit for the public display of fireworks under RCW 70.77.260.

Sec. 106. Section 49, chapter 228, Laws of 1961 as last amended by section 22, chapter 249, Laws of 1984 and RCW 70.77.360 are each amended to read as follows:

If the ~~((state fire marshal))~~ director of community development, through the director of fire protection, finds that an application for any license under this chapter contains a material misrepresentation or that the granting of any license would be contrary to the public safety or welfare, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, may deny the application for the license.

Sec. 107. Section 50, chapter 228, Laws of 1961 as last amended by section 23, chapter 249, Laws of 1984 and RCW 70.77.365 are each amended to read as follows:

A written report by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or a local fire official, or any of their authorized representatives, disclosing that the applicant for a license, or the premises for which a license is to apply, do not meet the qualifications or conditions for a license constitutes grounds for the denial by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, of any application for a license.

Sec. 108. Section 52, chapter 228, Laws of 1961 as amended by section 30, chapter 230, Laws of 1982 and RCW 70.77.375 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon reasonable opportunity to be heard, shall revoke any license issued pursuant to this chapter, if he or she finds that:

(1) The licensee has violated any provisions of this chapter or any rule or regulations made by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, under and with the authority of this chapter;

(2) The licensee has created or caused a fire nuisance;

(3) Any licensee has failed or refused to file any required reports; or

(4) Any fact or condition exists which, if it had existed at the time of the original application for such license, reasonably would have warranted the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in refusing originally to issue such license.

Sec. 109. Section 60, chapter 228, Laws of 1961 as last amended by section 25, chapter 249, Laws of 1984 and RCW 70.77.415 are each amended to read as follows:

Every public display of fireworks shall be handled or supervised by a pyrotechnic operator licensed by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, under RCW 70.77.255.

Sec. 110. Section 63, chapter 228, Laws of 1961 as last amended by section 28, chapter 249, Laws of 1984 and RCW 70.77.430 are each amended to read as follows:

Notwithstanding RCW 70.77.255, following the revocation or expiration of a license, a licensee in lawful possession of a lawfully acquired stock of fireworks may sell such fireworks, but only under supervision of the ~~((state fire marshal))~~ director of community development, through the director of fire protection. Any sale under this section shall be solely to persons who are authorized to buy, possess, sell, or use such fireworks.

Sec. 111. Section 64, chapter 228, Laws of 1961 as amended by section 37, chapter 230, Laws of 1982 and RCW 70.77.435 are each amended to read as follows:

Any fireworks which are illegally sold, offered for sale, used, discharged, possessed or transported in violation of the provisions of this chapter or the rules or regulations of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall be subject to seizure by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or ~~((any))~~ his or her deputy ~~((state fire marshal))~~. Any fireworks seized under this section may be disposed of by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, by summary destruction at any time subsequent to thirty days from such seizure or ten days from the final termination of proceedings under the provisions of RCW 70.77.440, whichever is later.

Sec. 112. Section 65, chapter 228, Laws of 1961 as amended by section 29, chapter 249, Laws of 1984 and RCW 70.77.440 are each amended to read as follows:

(1) Any person whose fireworks are seized under the provisions of RCW 70.77.435 may within ten days after such seizure petition the ~~((state fire marshal))~~ director of community development, through the director of fire protection, to return the fireworks seized upon the ground that such fireworks were illegally or erroneously seized. Any petition filed hereunder shall be considered by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, within fifteen days after filing and an oral hearing granted the

petitioner, if requested. Notice of the decision of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall be served upon the petitioner. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may order the fireworks seized under this chapter disposed of or returned to the petitioner if illegally or erroneously seized. The determination of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, is final unless within sixty days an action is commenced in a court of competent jurisdiction in the state of Washington for the recovery of the fireworks seized by the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

(2) If the fireworks are not returned to the petitioner or destroyed pursuant to RCW 70.77-.435, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, may sell confiscated common fireworks and special fireworks that are legal for use and possession under this chapter to wholesalers licensed by the ~~((state fire marshal))~~ director of community development, through the director of fire protection. Sale shall be by public auction after publishing a notice of the date, place, and time of the auction in a newspaper of general circulation in the county in which the auction is to be held, at least three days before the date of the auction. The proceeds of the sale of the seized fireworks under this section shall be deposited in the general fund. Fireworks that are not legal for use and possession in this state shall be destroyed by the ~~((state fire marshal))~~ director of community development, through the director of fire protection.

Sec. 113. Section 67, chapter 228, Laws of 1961 and RCW 70.77.450 are each amended to read as follows:

The ~~((state fire marshal))~~ director of community development, through the director of fire protection, may make an examination of the books and records of any licensee, or other person relative to fireworks, and may visit and inspect the premises of any licensee he may deem at any time necessary for the purpose of enforcing the provisions of this chapter. The licensee, owner, lessee, manager, or operator of any such building or premises shall permit the ~~((state fire marshal))~~ director of community development, through the director of fire protection, his or her deputies, his or her salaried assistants and the chief of any city or county fire department or fire protection district and their authorized representatives to enter and inspect the premises at the time and for the purpose stated in this section.

Sec. 114. Section 68, chapter 228, Laws of 1961 as amended by section 38, chapter 230, Laws of 1982 and RCW 70.77.455 are each amended to read as follows:

All licensees shall maintain and make available to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, full and complete records showing all production, imports, exports, purchases, sales, and consumption of fireworks items by kind and class.

Sec. 115. Section 69, chapter 228, Laws of 1961 and RCW 70.77.460 are each amended to read as follows:

When reports on fireworks transactions or the payments of license fees or penalties are required to be made on or by specified dates, they shall be deemed to have been made at the time they are filed with or paid to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or, if sent by mail, on the date shown by the United States postmark on the envelope containing the report or payment.

Sec. 116. Section 70, chapter 228, Laws of 1961 and RCW 70.77.465 are each amended to read as follows:

In addition to any other reports required under this chapter, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, may, by rule or otherwise, require additional, other, or supplemental reports from licensees and other persons and prescribe the form, including verification, of the information to be given when filing such additional, other or supplemental reports.

Sec. 117. Section 8, chapter 249, Laws of 1984 and RCW 70.77.575 are each amended to read as follows:

(1) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall adopt by rule a list of the fireworks that may be sold to the public in this state pursuant to this chapter. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall file the list by October 1st of each year with the code reviser for publication, unless the previously published list has remained current.

(2) The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall provide the list adopted under subsection (1) of this section by November 1st of each year to all manufacturers, wholesalers, and importers licensed under this chapter, unless the previously distributed list has remained current.

Sec. 118. Section 9, chapter 249, Laws of 1984 and RCW 70.77.580 are each amended to read as follows:

Retailers required to be licensed under this chapter shall post prominently at each retail outlet a list of the fireworks that may be sold to the public in this state pursuant to this chapter. The posted list shall be in a form approved by the ~~((state fire marshal))~~ director of community

development, through the director of fire protection. The ((fire marshal)) director of community development, through the director of fire protection, shall make available the list.

Sec. 119. Section 2, chapter 101, Laws of 1975-'76 2nd ex. sess. and RCW 70.105.020 are each amended to read as follows:

The department after notice and public hearing shall:

(1) Adopt regulations designating as extremely hazardous wastes subject to the provisions of this chapter those substances which exhibit characteristics consistent with the definition provided in RCW 70.105.010(6);

(2) Adopt and may revise when appropriate, minimum standards and regulations for disposal of extremely hazardous wastes to protect against hazards to the public, and to the environment. Before adoption of such standards and regulations, the department shall consult with appropriate agencies of interested local governments and secure technical assistance from the department of agriculture, the department of social and health services, the department of game, the department of natural resources, the department of fisheries, the department of labor and industries, and the ((state fire marshal)) department of community development, through the director of fire protection.

Sec. 120. Section 23, chapter 302, Laws of 1971 ex. sess. as amended by section 1, chapter 123, Laws of 1972 ex. sess. and RCW 70.108.040 are each amended to read as follows:

Application for an outdoor music festival permit shall be in writing and filed with the clerk of the issuing authority wherein the festival is to be held. Said application shall be filed not less than ninety days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of two thousand five hundred dollars. Said application shall include:

(1) The name of the person or other legal entity on behalf of whom said application is made: PROVIDED, That a natural person applying for such permit shall be eighteen years of age or older;

(2) A financial statement of the applicant;

(3) The nature of the business organization of the applicant;

(4) Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival;

(5) The principal place of business of applicant;

(6) A legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of said owner to the issuance of a permit, if the land be owned by a person other than the applicant;

(7) The scheduled performances and program;

(8) Written confirmation from the local health officer that he or she has reviewed and approved plans for site and development in accordance with rules, regulations and standards adopted by the state board of health. Such rules and regulations shall include criteria as to the following and such other matters as the state board of health deems necessary to protect the public's health:

(a) Submission of plans

(b) Site

(c) Water supply

(d) Sewage disposal

(e) Food preparation facilities

(f) Toilet facilities

(g) Solid waste

(h) Insect and rodent control

(i) Shelter

(j) Dust control

(k) Lighting

(l) Emergency medical facilities

(m) Emergency air evacuation

(n) Attendant physicians

(o) Communication systems

(9) A written confirmation from the appropriate law enforcement agency from the area where the outdoor music festival is to take place, showing that traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant meeting the following conditions:

(a) One person for each two hundred persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control.

(b) The names and addresses of all traffic and crowd control personnel shall be provided to the appropriate law enforcement authority: PROVIDED, That not less than twenty percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs: PROVIDED FURTHER, That on and after February 25, 1972 any commissioned police officer or deputy sheriff who is employed and compensated by the promoter of an outdoor music festival shall not be eligible and shall not receive any benefits whatsoever from any public pension or

disability plan of which he or she is a member for the time he is so employed or for any injuries received during the course of such employment.

(c) During the hours that the festival site shall be open to the public there shall be at least one regularly commissioned police officer employed by the jurisdiction wherein the festival site is located for every one thousand persons in attendance and said officer shall be on duty within the confines of the actual outdoor music festival site.

(d) All law enforcement personnel shall be charged with enforcing the provisions of this chapter and all existing statutes, ordinances and regulations.

(10) A written confirmation from the appropriate law enforcement authority that sufficient access roads are available for ingress and egress to the parking areas of the outdoor music festival site and that parking areas are available on the actual site of the festival or immediately adjacent thereto which are capable of accommodating one auto for every four persons in estimated attendance at the outdoor music festival site.

(11) A written confirmation from the department of natural resources, where applicable, and the ~~((office of the state fire marshal))~~ director of community development, through the director of fire protection, that all fire prevention requirements have been complied with.

(12) A written statement of the applicant that all state and local law enforcement officers, fire control officers and other necessary governmental personnel shall have free access to the site of the outdoor music festival.

(13) A statement that the applicant will abide by the provisions of this chapter.

(14) The verification of the applicant warranting the truth of the matters set forth in the application to the best of the applicant's knowledge, under the penalty of perjury.

Sec. 121. Section 6, chapter 236, Laws of 1985 and RCW 70.160.060 are each amended to read as follows:

This chapter is not intended to regulate smoking in a private enclosed workplace, within a public place, even though such workplace may be visited by nonsmokers, excepting places in which smoking is prohibited by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or by other law, ordinance, or regulation.

Sec. 122. Section 1, chapter 224, Laws of 1959 as amended by section 135, chapter 141, Laws of 1979 and RCW 71.12.485 are each amended to read as follows:

Standards for fire protection and the enforcement thereof, with respect to all establishments to be licensed hereunder, shall be the responsibility of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, who shall adopt such recognized standards as may be applicable to such establishments for the protection of life against the cause and spread of fire and fire hazards. The department of social and health services, upon receipt of an application for a license, or renewal of a license, shall submit to the ~~((state fire marshal))~~ director of community development, through the director of fire protection, in writing, a request for an inspection, giving the applicant's name and the location of the premises to be licensed. Upon receipt of such a request, the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy shall make an inspection of the establishment to be licensed, and if it is found that the premises do not comply with the required safety standards and fire regulations as promulgated by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall promptly make a written report to the establishment and the department of social and health services, applicant or licensee shall notify the ~~((state fire marshal))~~ director of community development, through the director of fire protection, upon completion of any requirements made by him or her, and the state fire marshal or his or her deputy shall make a reinspection of such premises. Whenever the establishment to be licensed meets with the approval of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, he or she shall submit to the department of social and health services a written report approving same with respect to fire protection before a full license can be issued. The ~~((state fire marshal))~~ director of community development, through the director of fire protection, shall make or cause to be made inspections of such establishments at least annually. The department of social and health services shall not license or continue the license of any establishment unless and until it shall be approved by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, as herein provided.

In cities which have in force a comprehensive building code, the provisions of which are determined by the ~~((state fire marshal))~~ director of community development, through the director of fire protection, to be equal to the minimum standards of the ~~((state fire marshal))~~ director of community development, through the director of fire protection, for such establishments, the chief of the fire department, provided the latter is a paid chief of a paid fire department, shall make the inspection with the ~~((state fire marshal))~~ director of community development, through the director of fire protection, or his or her deputy, and they shall jointly approve the premises before a full license can be issued.

Sec. 123. Section 5, chapter 172, Laws of 1967 as last amended by section 8, chapter 118, Laws of 1982 and RCW 74.15.050 are each amended to read as follows:

The (~~state fire marshal~~) director of community development, through the director of fire protection, shall have the power and it shall be his or her duty:

(1) In consultation with the children's services advisory committee and with the advice and assistance of persons representative of the various type agencies to be licensed, to adopt recognized minimum standard requirements pertaining to each category of agency established pursuant to chapter 74.15 RCW and RCW 74.13.031, except foster-family homes and child-placing agencies, necessary to protect all persons residing therein from fire hazards;

(2) To make or cause to be made such inspections and investigations of agencies, other than foster-family homes or child-placing agencies, as he or she deems necessary;

(3) To make a periodic review of requirements under RCW 74.15.030(6) and to adopt necessary changes after consultation as required in subsection (1) of this section;

(4) To issue to applicants for licenses hereunder, other than foster-family homes or child-placing agencies, who comply with the requirements, a certificate of compliance, a copy of which shall be presented to the department of social and health services before a license shall be issued, except that a provisional license may be issued as provided in RCW 74.15.120.

Sec. 124. Section 8, chapter 172, Laws of 1967 as amended by section 359, chapter 141, Laws of 1979 and RCW 74.15.080 are each amended to read as follows:

All agencies subject to chapter 74.15 RCW and RCW 74.13.031 shall accord the department of social and health services (~~and the state fire marshal~~), the director of community development, and the director of fire protection, or their designees, the right of entrance and the privilege of access to and inspection of records for the purpose of determining whether or not there is compliance with the provisions of chapter 74.15 RCW and RCW 74.13.031 and the requirements adopted thereunder.

NEW SECTION. Sec. 125. All reports, documents, surveys, books, records, files, papers, or other written material in the possession of the insurance commissioner or the state fire protection board pertaining to the office of the state fire marshal or the state fire protection board shall be delivered to the custody of the department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the insurance commissioner or the state fire protection board in carrying out the powers and duties of the state fire marshal or the state fire protection board shall be transferred to the department. All funds, credits, or other assets held in connection with the state fire marshal's office or the state fire protection board shall be assigned to the department.

Any appropriations made to the insurance commissioner or the state fire protection board for the purpose of carrying out the powers and duties of the state fire marshal or the state fire protection board, shall, on the effective date of this section, be transferred and credited to the department for the purpose of carrying out the transferred powers and duties.

Whenever any question arises as to the transfer of any personnel, funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions of the state fire marshal's office or the state fire protection board, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned. All transfers made under this section shall be used to carry out the purposes of sections 54 through 124 of this act.

NEW SECTION. Sec. 126. All employees of the state fire marshal's office and the state fire protection board are transferred to the jurisdiction of the department. All classified employees subject to chapter 41.06 RCW, the state civil service law, shall be assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. All transfers made under this section shall be used to carry out the purposes of sections 54 through 124 of this act.

NEW SECTION. Sec. 127. All rules and all pending business before the state fire marshal's office or the state fire protection board on the effective date of this section shall be continued and acted upon in accordance with the provisions of sections 54 through 124 of this act. All existing contracts and obligations shall remain in full force and effect and shall be performed in accordance with the provisions of this act.

NEW SECTION. Sec. 128. The transfer of the powers, duties, functions, and personnel of the state fire marshal's office and the state fire protection board shall not affect the validity of any act performed by such employee prior to the effective date of this section.

NEW SECTION. Sec. 129. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the commission for vocational education or the state fire protection board and pertaining to fire service training shall be delivered to the custody of the department. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the commission for vocational education or the state fire protection board in fire service training shall be transferred to the department. All funds, credits, or other assets held in connection with fire service training shall be assigned to the department.

Any appropriations made to the commission for vocational education or the state fire protection board for fire service training shall, on the effective date of this section, be transferred and credited to the department.

Whenever any question arises as to the transfer of any personnel, funds, including unexpended balances within any accounts, books, documents, records, papers, files, equipment, or any other tangible property used or held in the exercise of the powers and the performance of the duties and functions transferred, the director of financial management shall make a determination as to the proper allocation and certify the same to the state agencies concerned. All transfers made under this section shall be used to carry out the purposes of sections 54 through 124 of this act.

NEW SECTION, Sec. 130. All employees of the commission for vocational education and the state fire protection board engaged in fire service training are transferred to the department. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department to perform their usual duties upon the same terms as formerly, without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service. All transfers made under this section shall be used to carry out the purposes of sections 54 through 124 of this act.

NEW SECTION, Sec. 131. All rules and all pending business before the commission for vocational education or the state fire protection board pertaining to fire service training shall be continued and acted upon in accordance with the provisions of sections 54 through 124 of this act. All existing contracts and obligations shall remain in full force and effect and shall be performed in accordance with sections 54 through 124 of this act.

NEW SECTION, Sec. 132. The transfer of the powers, duties, functions, and personnel of the commission for vocational education or the state fire protection board pertaining to fire service training shall not affect the validity of any act performed by such employee prior to the effective date of this section.

NEW SECTION, Sec. 133. If apportionments of budgeted funds are required because of the transfers directed by sections 125 through 132 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION, Sec. 134. As used in sections 125 through 133 of this act, 'department' means the department of community development.

NEW SECTION, Sec. 135. The following acts or parts of acts are each repealed:

- (1) Section 1, chapter 312, Laws of 1985 and RCW 28C.04.142;
- (2) Section 2, chapter 312, Laws of 1985 and RCW 28C.04.144;
- (3) Section 1, chapter 470, Laws of 1985 and RCW 48.48.001;
- (4) Section 2, chapter 470, Laws of 1985 and RCW 48.48.005;
- (5) Section 4, chapter 470, Laws of 1985 and RCW 48.48.011;
- (6) Section 6, chapter 470, Laws of 1985 and RCW 48.48.015;
- (7) Section 7, chapter 470, Laws of 1985 and RCW 48.48.021;
- (8) Section 8, chapter 470, Laws of 1985 and RCW 48.48.025;
- (9) Section 10, chapter 470, Laws of 1985 and RCW 48.48.028;
- (10) Section 11, chapter 470, Laws of 1985 and RCW 41.06.091;
- (11) Section 28, chapter 470, Laws of 1985 (uncodified);
- (12) Section 29, chapter 470, Laws of 1985 (uncodified);
- (13) Section 30, chapter 470, Laws of 1985 (uncodified);
- (14) Section 31, chapter 470, Laws of 1985 (uncodified);
- (15) Section 32, chapter 470, Laws of 1985 (uncodified);
- (16) Section 33, chapter 470, Laws of 1985 (uncodified);
- (17) Section 34, chapter 470, Laws of 1985 (uncodified);
- (18) Section 35, chapter 470, Laws of 1985 (uncodified); and
- (19) Section 36, chapter 470, Laws of 1985 (uncodified)."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Belcher, the House refused to concur in the Senate amendments to Substitute House Bill No. 1709 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Belcher, Perry and Hankins as conferees on Substitute House Bill No. 1709.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1827 with the following amendments:

On page 2, after line 31, strike all material down through line 33 and insert the following:
 "Sec. 4. Section 9, chapter 7, Laws of 1983 as amended by section 42, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.49.010 are each amended to read as follows:

(1) An excise tax is imposed for the privilege of using a vessel upon the waters of this state, except vessels exempt under RCW 82.49.020. The annual amount of the excise tax ~~((is one-half of one percent of fair market value, as determined under this chapter, or five dollars, whichever is greater.))~~ shall be as follows:

(a) For vessels sixteen feet or more in length but less than twenty feet, one dollar and thirty-five cents per foot, or fraction thereof;

(b) For vessels twenty feet or more in length but less than twenty-six feet, two dollars and forty cents per foot, or fraction thereof;

(c) For vessels twenty-six feet or more in length but less than thirty-two feet, three dollars and ten cents per foot, or fraction thereof;

(d) For vessels thirty-two feet or more in length but less than thirty-eight feet, three dollars and thirty-five cents per foot, or fraction thereof; and

(e) For vessels thirty-eight feet or more in length, three dollars and seventy cents per foot, or fraction thereof.

Length is determined by means of a straight line measurement of the overall length from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, and similar fittings or attachments are not included in the measurement.

(2) The excise tax upon a vessel registered for the first time in this state shall be imposed for a twelve-month period, including the month in which the vessel is registered, unless the director of licensing extends or diminishes vessel registration periods for the purpose of staggered renewal periods under RCW 88.02.050. A vessel is registered for the first time in this state when the vessel was not registered in this state for the immediately preceding registration year, or when the vessel was registered in another jurisdiction for the immediately preceding year. ~~((The excise tax on vessels required to be registered in this state on June 30, 1983, shall be paid by June 30, 1983.))~~

Sec. 5. Section 10, chapter 7, Laws of 1983 and RCW 82.49.030 are each amended to read as follows:

The excise taxes imposed under ~~((this chapter is))~~ RCW 82.49.010 and 82.49.070 are due and payable to the department of licensing or its agents at the time of registration of a vessel. The department of licensing shall not issue or renew a registration for a vessel until ~~((the tax is))~~ these taxes are paid in full.

The excise taxes collected under ~~((this chapter))~~ RCW 82.49.010 shall be deposited in the general fund. The excise taxes collected under RCW 82.49.070 shall be deposited in the vessel local excise tax account hereby created in the state treasury. Moneys in the vessel local excise tax account may be spent only for distribution to counties imposing the local tax. Distribution to the counties shall occur on a monthly basis, not later than the fifteenth day of the succeeding month after collection.

NEW SECTION. Sec. 6. A new section is added to chapter 82.49 RCW to read as follows:

(1) Any vessel which is not less than forty years old and whose hull is substantially unmodified shall be considered to be a classic vessel for the purposes of this chapter.

(2) Owners of classic vessels as described in subsection (1) of this section may, as an alternative to paying the vessel excise tax imposed in RCW 82.49.010, have the vessel appraised by the county assessor of the county in which the vessel is moored or stored. The appraised value of the vessel shall be reported to the department on a form prescribed by the department and the excise tax due and payable each year shall be paid at the rate of one-half of one percent of the appraised value of the vessel as certified by the county assessor.

(3) The fee for such appraisal shall be twenty-five dollars, payable to the county treasurer for deposit in the county current expense fund.

(4) This section shall apply to vessel registration periods beginning in 1987 and thereafter.

NEW SECTION. Sec. 7. The following acts or parts of acts are each repealed:

(1) Section 11, chapter 7, Laws of 1983 and RCW 82.49.040;

(2) Section 12, chapter 7, Laws of 1983 and RCW 82.49.050; and

(3) Section 13, chapter 7, Laws of 1983 and RCW 82.49.060.

NEW SECTION. Sec. 8. This act shall not be construed as affecting any existing right acquired or liability or obligation incurred under the sections amended or repealed in this act or under any rule, regulation, or order adopted under those sections, nor as affecting any proceeding instituted under those sections.

NEW SECTION. Sec. 9. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 10. Sections 4 through 7 of this act shall take effect July 1, 1986.

NEW SECTION. Sec. 11. Sections 1 through 3 of this act shall be effective for taxes levied for collection in 1987, and thereafter."

Renumber the sections consecutively.

On page 1, line 1 of the title, after "vessels;" strike the remainder of the title and insert "amending RCW 84.36.080, 84.08.200, 82.49.010, and 82.49.030; adding a new section to chapter 82.49 RCW; adding a new section to chapter 84.40 RCW; creating new sections; recodifying RCW 84.08.200; repealing RCW 82.49.040, 82.49.050, and 82.49.060; and providing an effective date." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Braddock moved that the House do not concur in the Senate amendments to Substitute House Bill No. 1827.

POINT OF ORDER

Mr. Smitherman: "Mr. Speaker, I would ask for a ruling on the scope and object of the amendment to Substitute House Bill 1827."

SPEAKER'S RULING

The Speaker: "The Speaker has examined Substitute House Bill 1827, which is 'An Act Relating to property taxation of ships and vessels....' The amendment adds provisions for taxation and excise tax on pleasure boats based on length. The Speaker, after examining the title which relates to property taxation of ships and vessels and looking at the amendment, which is an excise tax, finds that your point is well taken. The Senate amendment is outside the scope and object of the bill."

The Speaker stated the question before the House to be the motion not to concur and ask the Senate to recede therefrom.

POINT OF ORDER

Mr. G. Nelson: "Mr. Speaker, it is very clear that on the record it will show that Representative Braddock made a motion to do not concur."

SPEAKER'S RULING

The Speaker: "Representative Nelson, the motion to not concur by itself would automatically be to tell the Senate to recede, unless we ask for a conference thereon."

The motion carried.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1331 with the following amendments:

On page 3, line 17, after "appeals," strike "and superior court" and insert "superior courts, and district courts"

On page 4, line 18, after "on" strike "November 1, 1986," and insert "January 1, 1987."

On page 5, after line 9, insert the following:

"Sec. 7. Section 100, chapter 299, Laws of 1961 as last amended by section 1, chapter 7, Laws of 1985 and RCW 3.58.010 are each amended to read as follows:

The annual salary of each full time district court judge shall be ~~((ninety percent of the salary of a judge of a superior court: PROVIDED, That in cities having a population in excess of four hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located: PROVIDED FURTHER, That))~~ established by the Washington citizen's commission on salaries for elected officials. A member of the legislature whose term of office is partly coextensive with or extends beyond the present term of office of any of the officials whose salary is increased by virtue of the provisions of RCW 43.03.010, 2.04.092, 2.06.062, 2.08.092, and 3.58.010 shall be eligible to be appointed or elected to any of the offices the salary of which is increased hereby but he shall not be entitled to receive such increased salary until after the expiration of his present term of office and his subsequent election or reelection to the office to which he was appointed or elected respectively during his term of office as legislator."

Renumber the sections consecutively and correct all internal references accordingly.

On page 1, line 2 of the title, after "2.08.092," insert "3.58.010," and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Fisher, the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 1331, and ask the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1851 with the following amendments:

On page 6, after line 35, insert the following:

NEW SECTION, Sec. 3. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to lease amounts paid by a seller/lessee to a lessor after the effective date of this act under a sale/leaseback agreement in respect to property used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish, nor to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term: PROVIDED, That the seller/lessee previously paid the tax imposed by this chapter or chapter 82.12 RCW at the time of acquisition of the property.

NEW SECTION, Sec. 4. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to lease amounts paid by a seller/lessee to a lessor after the effective date of this act under a sale/leaseback agreement in respect to property used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish, nor to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term: PROVIDED, That the seller/lessee previously paid the tax imposed by this chapter or chapter 82.08 RCW at the time of acquisition of the property.

NEW SECTION, Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "processing;" strike the remainder of the title and insert "amending RCW 82.04.050 and 82.04.190; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Braddock moved that the House do not concur in the Senate amendments to House Bill No. 1851, and ask the Senate to recede therefrom.

POINT OF ORDER

Mr. Grimm: "Mr. Speaker, I would ask the Speaker to rule on the scope and object of the Senate amendments to House Bill 1851."

SPEAKER'S RULING

The Speaker: "The amendment added by the Senate speaks to the exemption from the sales tax for certain amounts paid by a seller/lessee to a lessor in sale/leaseback agreements of property used in those processes. After examining the title of the underlying bill and the Senate amendments, Representative Grimm, the Speaker finds that your point is well taken, the amendment is outside the scope and object of the bill."

The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1972 with the following amendments:

On page 2, after line 7, strike all material down to and including "commissioner;" on line 13 and insert the following:

"Sec. 2. Section .01.05, chapter 79, Laws of 1947 as last amended by section 9, chapter 277, Laws of 1985 and RCW 48.01.050 are each amended to read as follows:

"Insurer" as used in this code includes every person engaged in the business of making contracts of insurance, other than a fraternal benefit society. A reciprocal or interinsurance

exchange is an 'insurer' as used in this code. Two or more hospitals, as defined in RCW 70.39.020(3), which join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring against liability claims, including medical liability, through a contributing trust fund shall not be deemed an 'insurer' under this code. Two or more local governmental entities, as defined in RCW 48.62.020, which pursuant to RCW 48.62.040, 48.62.035, or any other provision of law join together and organize to form an organization for the purpose of jointly self-insuring or self-funding shall not be deemed an 'insurer' under this code. Two or more fraternal benefit societies subject to chapter 24.20 RCW which join together and organize to form an organization for the purposes of self-insuring for damage to property and against liability claims shall not be deemed an 'insurer' under this code. Two or more cooperatives operated as cooperatives under chapters 23.86, 24.06, and 24.32 RCW, or Title 23A RCW, which join and organize as a mutual corporation pursuant to chapter 24.06 RCW for the purpose of insuring or self-insuring their directors and officers against liability claims through a contributing trust fund shall not be deemed an 'insurer' under this code."

On page 1, line 1 of the title, after "48.62.040" strike the remainder of the title and insert "and 48.01.050."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. West, the House concurred in the Senate amendments to Substitute House Bill No. 1972.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1972 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1972 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsold, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives May, Winsley - 2.

Substitute House Bill No. 1972 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2014 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 20.01 RCW to read as follows:

The director shall have the authority to issue a notice of civil infraction if an infraction is committed in his or her presence or, if after investigation, the director has reasonable cause to believe an infraction has been committed. It shall be a misdemeanor for any person to refuse to properly identify himself or herself for the purpose of issuance of a notice of infraction or to refuse to sign the written promise to appear or respond to a notice of infraction. Any person wilfully violating a written and signed promise to respond to a notice of infraction shall be guilty of a misdemeanor regardless of the disposition of the notice of infraction.

NEW SECTION. Sec. 2. A new section is added to chapter 20.01 RCW to read as follows:

(1) Any person who receives a notice of infraction shall respond to such notice as provided in this section within fifteen days of the date of the notice.

(2) Any employee or agent of a licensee under this chapter is fully authorized to accept a notice of infraction on behalf of the licensee. The director shall also furnish a copy of the notice of infraction to the licensee by certified mail within five days of issuance.

(3) If the person determined to have committed the infraction does not contest the determination, that person shall respond by completing the appropriate portion of the notice of infraction and submitting it, either by mail or in person, to the court specified on the notice. A check or money order in the amount of the penalty prescribed for the infraction must be submitted with the response. When a response, which does not contest the determination, is received, an appropriate order shall be entered into the courts record and a record of the response shall be furnished to the director.

(4) If a person determined to have committed the infraction wishes to contest the determination, that person shall respond by completing the portion of the notice of the infraction requesting a hearing and submitted either by mail or in person to the court specified in the notice. The court shall notify the person in writing of the time, place, and the date of the hearing which shall not be sooner than fifteen days from the date of the notice, except by agreement.

(5) If the person determined to have committed the infraction does not contest the determination, but wishes to explain mitigating circumstances surrounding the infraction, the person shall respond by completing the portion of the notice of infraction requesting a hearing for that purpose and submitting it either by mail or in person to the court specified in the notice. The court shall notify the person in writing of the time, place and date of the hearing.

(6) If a person issued a notice of infraction fails to respond to the notice of infraction or fails to appear at the hearing requested pursuant to this section, the court shall enter an appropriate order in assessing the monetary penalty prescribed in the schedule of penalties submitted to the court by the director and shall notify the director of the failure to respond to the notice of infraction or to appear at a requested hearing.

NEW SECTION. Sec. 3. A new section is added to chapter 20.01 RCW to read as follows:

A hearing held for the purpose of contesting the determination that an infraction has been committed shall be held without jury. The court may consider the notice of infraction and any other written report submitted by the director. The person named in the notice may subpoena witnesses and has the right to present evidence and examine witnesses present in court. The burden of proof is upon the state to establish the commission of the infraction by preponderance of evidence.

After consideration of the evidence and argument, the court shall determine whether the infraction was committed. Where it is not established that the infraction was committed, an order dismissing the notice shall be entered in the court's record. When it is established that the infraction was committed, an appropriate order shall be entered in the court's record, a copy of which shall be furnished to the director. Appeal from the court's determination or order shall be to the superior court and must be appealed within ten days. The decision of the superior court is subject only to discretionary review pursuant to Rule 2.3 of the rules of appellate procedure.

NEW SECTION. Sec. 4. A new section is added to chapter 20.01 RCW to read as follows:

A hearing held for the purpose of allowing a person to explain mitigating circumstances surrounding the commission of an infraction shall be an informal proceeding. The person named in the notice may not subpoena witnesses. The determination that the infraction has been committed may not be contested at a hearing held for the purpose of explaining circumstances. After the court has heard the explanation of the circumstances surrounding the commission of the infraction, an appropriate order shall be entered in the court's record. A copy of the order shall be furnished to the director. There may be no appeal from the court's determination or order.

NEW SECTION. Sec. 5. A new section is added to chapter 20.01 RCW to read as follows:

Any person found to have committed a civil infraction under this chapter shall be assessed a monetary penalty. No monetary penalty so assessed may exceed one thousand dollars. The director shall adopt a schedule of monetary penalties for each violation of this chapter classified as a civil infraction and shall submit the schedule to the proper courts. Whenever a monetary penalty is imposed by the court, the penalty is immediately due and payable. The court may, at its discretion, grant an extension of time, not to exceed thirty days, in which the penalty must be paid. Failure to pay any monetary penalties imposed under this chapter shall be punishable as a misdemeanor.

Sec. 6. Section 1, chapter 139, Laws of 1959 as last amended by section 8, chapter 412, Laws of 1985 and RCW 20.01.010 are each amended to read as follows:

As used in this title the terms defined in this section have the meanings indicated unless the context clearly requires otherwise.

(1) 'Director' means the director of agriculture or his duly authorized representative.

(2) 'Person' means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof or assignee for the benefit of creditors.

(3) 'Agricultural product' means any unprocessed horticultural, vermicultural and its byproducts, viticultural, berry, poultry, poultry product, grain, bee, or other agricultural products, and includes mint or mint oil processed by or for the producer thereof and hay and straw baled or prepared for market in any manner or form and livestock. When used in RCW

60.13.020. 'agricultural product' means horticultural, viticultural, and berry products, hay and straw, and turf and forage seed and applies only when such products are delivered to a processor or conditioner in an unprocessed form.

(4) 'Producer' means any person engaged in the business of growing or producing any agricultural product, whether as the owner of the products, or producing the products for others holding the title thereof.

(5) 'Consignor' means any producer, person, or his agent who sells, ships, or delivers to any commission merchant, dealer, cash buyer, or agent, any agricultural product for processing, handling, sale, or resale.

(6) 'Commission merchant' means any person who receives on consignment for sale or processing and sale from the consignor thereof any agricultural product for sale on commission on behalf of the consignor, or who accepts any farm product in trust from the consignor thereof for the purpose of resale, or who sells or offers for sale on commission any agricultural product, or who in any way handles for the account of or as an agent of the consignor thereof, any agricultural product.

(7) 'Dealer' means any person other than a cash buyer, as defined in subsection (10) of this section, who solicits, contracts for, or obtains from the consignor thereof for reselling or processing, title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product from the consignor thereof for sale or processing and includes any person, other than one who acts solely as a producer, who retains title in an agricultural product and delivers it to a producer for further production or increase. For the purposes of this chapter, the term dealer includes any person who purchases livestock on behalf of and for the account of another, or who purchases cattle in another state or country and imports these cattle into this state for resale.

(8) 'Limited dealer' means any person operating under the alternative bonding provision in RCW 20.01.211.

(9) 'Broker' means any person other than a commission merchant, dealer, or cash buyer who negotiates the purchase or sale of any agricultural product, but no broker may handle the agricultural products involved or proceeds of the sale.

(10) 'Cash buyer' means any person other than a commission merchant, dealer, or broker, who obtains from the consignor thereof for the purpose of resale or processing, title, possession, or control of any agricultural product or who contracts for the title, possession, or control of any agricultural product, or who buys or agrees to buy any agricultural product by paying to the consignor at the time of obtaining possession or control of any agricultural product the full agreed price of the agricultural product, in coin or currency, lawful money of the United States. However, a cashier's check, certified check, or bankdraft may be used for the payment.

(11) 'Agent' means any person who, on behalf of any commission merchant, dealer, broker, or cash buyer, acts as liaison between a consignor and a principal, or receives, contracts for, or solicits any agricultural product from the consignor thereof or who negotiates the consignment or purchase of any agricultural product on behalf of any commission merchant, dealer, broker, or cash buyer and who transacts all or a portion of that business at any location other than at the principal place of business of his employer. With the exception of an agent for a commission merchant or dealer handling horticultural products, an agent may operate only in the name of one principal and only to the account of that principal.

(12) 'Retail merchant' means any person operating from a bona fide or established place of business selling agricultural products twelve months of each year. ~~(Any retailer may occasionally wholesale any agricultural product which he has in surplus; however, such wholesaling shall not be in excess of two percent of the retailer's gross business:)~~

(13) 'Fixed or established place of business' for the purpose of this chapter means any permanent warehouse, building, or structure, at which necessary and appropriate equipment and fixtures are maintained for properly handling those agricultural products generally dealt in, and at which supplies of the agricultural products being usually transported are stored, offered for sale, sold, delivered, and generally dealt in in quantities reasonably adequate for and usually carried for the requirements of such a business, and that is recognized as a permanent business at such place, and carried on as such in good faith and not for the purpose of evading this chapter, and where specifically designated personnel are available to handle transactions concerning those agricultural products generally dealt in, which personnel are available during designated and appropriate hours to that business, and shall not mean a residence, barn, garage, tent, temporary stand or other temporary quarters, any railway car, or permanent quarters occupied pursuant to any temporary arrangement.

(14) 'Processor' means any person, firm, company, or other organization that purchases agricultural crops from a consignor and that cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner whatsoever for eventual resale.

(15) 'Pooling contract' means any written agreement whereby a consignor delivers a horticultural product to a commission merchant under terms whereby the commission merchant may commingle the consignor's horticultural products for sale with others similarly agreeing, which must include all of the following:

(a) A delivery receipt for the consignor that indicates the variety of horticultural product delivered, the number of containers, or the weight and tare thereof;

(b) Horticultural products received for handling and sale in the fresh market shall be accounted for to the consignor with individual pack-out records that shall include variety, grade, size, and date of delivery. Individual daily packing summaries shall be available within forty-eight hours after packing occurs. However, platform inspection shall be acceptable by mutual contract agreement on small deliveries to determine variety, grade, size, and date of delivery;

(c) Terms under which the commission merchant may use his judgment in regard to the sale of the pooled horticultural product;

(d) The charges to be paid by the consignor as filed with the state of Washington;

(e) A provision that the consignor shall be paid for his pool contribution when the pool is in the process of being marketed in direct proportion, not less than eighty percent of his interest less expenses directly incurred, prior liens, and other advances on the grower's crop unless otherwise mutually agreed upon between grower and commission merchant.

(16) 'Date of sale' means the date agricultural products are delivered to the person buying the products.

(17) 'Boom loader' means a person who owns or operates, or both, a mechanical device mounted on a vehicle and used to load hay or straw for compensation.

(18) 'Conditioner' means any person, firm, company, or other organization that receives turf, forage, or vegetable seeds from a consignor for drying or cleaning.

(19) 'Seed bailment contract' means any contract meeting the requirements of chapter 15.48 RCW.

(20) 'Proprietary seed' means any seed that is protected under the Federal Plant Variety Protection Act.

(21) 'Licensed public weighmaster' means any person, licensed under the provisions of chapter 15.80 RCW, who weighs, measures, or counts any commodity or thing and issues therefor a signed certified statement, ticket, or memorandum of weight, measure, or count upon which the purchase or sale of any commodity or upon which the basic charge of payment for services rendered is based.

(22) 'Certified weight' means any signed certified statement or memorandum of weight, measure or count issued by a licensed public weighmaster in accordance with the provisions of chapter 15.80 RCW.

Sec. 7. Section 8, chapter 232, Laws of 1963 as amended by section 6, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.125 are each amended to read as follows:

Every dealer and commission merchant dealing in hay or straw shall obtain a certified vehicle tare weight and a certified vehicle gross weight for each load hauled and shall furnish the consignor with a copy of such certified weight ticket within seventy-two hours after taking delivery. It shall be a violation of this chapter for any licensee to transport hay or straw which has been purchased by weight without having obtained a certified weight ticket from the first licensed public weighmaster which would be encountered on the ordinary route to the destination where the hay or straw is to be unloaded.

Sec. 8. Section 13, chapter 139, Laws of 1959 as last amended by section 1, chapter 142, Laws of 1973 and RCW 20.01.130 are each amended to read as follows:

All fees and other moneys received by the department under the provisions of this chapter shall be paid to the director and shall be used solely for the purpose of carrying out the provisions of this chapter and rules ~~((and regulations))~~ adopted hereunder. All civil fines received by the courts as the result of notices of infractions issued by the director shall be paid to the director, less any mandatory court costs and assessments.

Sec. 9. Section 5, chapter 232, Laws of 1963 as last amended by section 4, chapter 305, Laws of 1983 and RCW 20.01.210 are each amended to read as follows:

(1) Before the license is issued to any commission merchant or dealer, or both, the applicant shall execute and deliver to the director a surety bond executed by the applicant as principal and by a surety company qualified and authorized to do business in this state as surety. Said bond shall be to the state for the benefit of qualified consignors of agricultural products in this state. All such sureties on a bond, as provided herein, shall be released and discharged from all liability to the state accruing on such bond by giving notice to the principal and the director by certified mail. Upon receipt of such notice the director shall notify the surety and the principal of the effective date of termination which shall be thirty days from the receipt of such notice by the director, but this shall not relieve, release, or discharge the surety from any liability already accrued or which shall accrue before the expiration period provided for above.

(2) The bond for a commission merchant or dealer in hay, straw or turf, forage or vegetable seed shall be not less than fifteen thousand dollars (for a commission merchant, or a dealer in turf, forage, or vegetable seed, hay, or straw). The actual amount of such bond shall be determined by dividing the annual dollar volume of the licensee's net proceeds or net payments due consignors by twelve and increasing that amount to the next multiple of five thousand dollars, except that the bond amount for dollar volume arising from proprietary seed

bailment contracts shall be computed as provided in subsection (4) of this section. Such bond for a new commission merchant or dealer in hay, straw or turf, forage or vegetable seed shall be subject to increase at any time during the licensee's first year of operation based on the average of business volume for any three months. Except as provided in subsection (3) of this section, the bond shall be not less than three thousand dollars for any other dealer.

(3) The bond for a commission merchant or dealer in livestock shall be not less than (seven thousand five hundred) ten thousand dollars. ((*) The actual amount of such bond shall be determined in accordance with the formula set forth in the packers and stockyard act of 1921 (7 U.S.C. 181), except that a commission merchant or dealer in livestock shall increase his bond by five thousand dollars for each agent he has endorsed under RCW 20.01.090.

(4) The bond for a commission merchant ((or dealer, other than a commission merchant or a dealer in turf, forage, or vegetable seed or a dealer in hay or straw.)) handling agricultural products other than livestock, hay, straw or turf, forage or vegetable seed shall not be less than seven thousand five hundred dollars. The bond for a dealer handling agricultural products other than livestock, hay, straw or turf, forage or vegetable seed shall not be less than three thousand dollars. The actual amount of such bond shall be determined by dividing the annual dollar volume of ((that commission merchant's or dealer's)) the licensee's net proceeds or net payments due consignors by fifty-two and increasing that amount to the next multiple of two thousand dollars. However, bonds above twenty-six thousand dollars shall be increased to the next multiple of five thousand dollars.

(5) ((The bond for a commission merchant or dealer in turf, forage, or vegetable seed or a dealer in hay or straw shall be determined by dividing the annual dollar volume of that commission merchant's or dealer's net proceeds or net payments due consignors by twelve and increasing that amount to the next multiple of five thousand dollars, except that the determination of bond amounts for any portion of dollar volume directly related to proprietary seed bailment contracts shall be computed as provided in subsection (4) of this section. The bond for a new commission merchant or a dealer in turf, forage, or vegetable seed or dealer in hay or straw is subject to increase at any time during the licensee's first year of operation and shall be based on the monthly average of the volume of purchases of any three months of operation.

(6)) When the annual dollar volume of any commission merchant or dealer reaches two million six hundred thousand dollars, the amount of the bond required above this level shall be on a basis of ten percent of the amount arrived at by applying the appropriate formula.

Sec. 10. Section 22, chapter 139, Laws of 1959 as amended by section 4, chapter 194, Laws of 1982 and RCW 20.01.220 are each amended to read as follows:

Any consignor of an agricultural product claiming to be injured by the fraud of any commission merchant and/or dealer or their agents may bring action upon said bond against principal, surety, and agent in any court of competent jurisdiction to recover the damages caused by such fraud. Any consignor undertaking such an action shall name the director as a party.

Sec. 11. Section 23, chapter 139, Laws of 1959 and RCW 20.01.230 are each amended to read as follows:

The director or any consignor of an agricultural product may also bring action upon said bond against both principal and surety in any court of competent jurisdiction to recover the damages caused by any failure to comply with the provisions of this chapter or the rules ((and regulations)) adopted hereunder. Any consignor undertaking such an action shall name the director as a party.

Sec. 12. Section 24, chapter 139, Laws of 1959 and RCW 20.01.240 are each amended to read as follows:

((In case of failure of a commission merchant and/or dealer to pay a consignor for an agricultural product received from said consignor, the director shall proceed forthwith)) (1) Except as provided in subsection (2) of this section, any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer shall file a claim with the director. Upon the filing of a claim under this subsection against any commission merchant or dealer handling any agricultural product, the director may, after investigation, proceed to ascertain the names and addresses of all consignor creditors of such commission merchant and((for)) dealer, together with the amounts due and owing to them by such commission merchant and((for)) dealer, and shall request all such consignor creditors to file a verified statement of their respective claims with the director. Such request shall be addressed to each known consignor creditor at his last known address.

(2) Any consignor who believes he or she has a valid claim against the bond of a commission merchant or dealer in hay or straw, shall file a claim with the director within twenty days of the licensee's default. In the case of a claim against the bond of a commission merchant or unlimited dealer in hay or straw, default occurs when the licensee fails to make payment within thirty days of the date the licensee took possession of the hay or straw. In the case of a claim against a limited dealer in hay or straw, default occurs when the licensee fails to make payment upon taking possession of the hay or straw. Upon verifying the consignor's claim either through investigation or, if necessary, an administrative action, the director shall, within ten working days of the filing of the claim, make demand for payment of the claim by

the licensee's surety without regard to any other potentially valid claim. Any subsequent claim will likewise result in a demand against the licensee's surety, subject to the availability of any remaining bond proceeds.

Sec. 13. Section 46, chapter 139, Laws of 1959 as amended by section 4, chapter 20, Laws of 1982 and RCW 20.01.460 are each amended to read as follows:

(1) ~~((Except as provided in subsection (2) of this section, a))~~ Any person who violates the provisions of this chapter or fails to comply with the rules adopted under this chapter is guilty of a gross misdemeanor, except as provided in subsections (2) and (3) of this section.

(2) Any commission merchant, dealer, or cash buyer, or any person assuming or attempting to act as a commission merchant, dealer, or cash buyer without a license is guilty of a class C felony who:

(a) Imposes false charges for handling or services in connection with agricultural products.

(b) Makes fictitious sales or is guilty of collusion to defraud the consignor.

(c) Intentionally makes false statement or statements as to the grade, conditions, markings, quality, or quantity of goods shipped or packed in any manner.

(d) ~~((Intentionally))~~ Fails to ~~((pay for agricultural products valued at more than two hundred fifty dollars within the time and in the manner required by this chapter, or attempts payment of an amount greater than two hundred fifty dollars by a check he or she knows not to be backed by sufficient funds to cover such check))~~ comply with the payment requirements set forth under RCW 20.01.010(10), 20.01.390 or 20.01.430.

(3) Any person who violates the provisions of RCW 20.01.040, 20.01.120, 20.01.125, 20.01.410 or 20.01.610 has committed a civil infraction.

Sec. 14. Section 8, chapter 305, Laws of 1983 and RCW 20.01.610 are each amended to read as follows:

The director or his appointed officers may stop a vehicle transporting hay or straw upon the public roads of this state if there is reasonable cause to believe the carrier, seller, or buyer may be in violation of this chapter. Any operator of a vehicle failing or refusing to stop when directed to do so ~~((is guilty of a misdemeanor))~~ has committed a civil infraction.

NEW SECTION. Sec. 15. A new section is added to chapter 60.13 RCW to read as follows:

A person who controls or possesses amounts payable to the preparer of dairy products or the preparer's assigns, if the preparer or preparer's assigns is not a producer-handler, which are properly encumbered by a preparer's lien upon an account receivable shall not be obligated to pay a producer amounts to which the producer's preparer lien has attached until that person receives written notice of such lien, nor shall that person be liable to the producer for any amounts paid out prior to receipt of said notice. The notice required herein shall contain the information described in RCW 60.13.040(2). If requested by the person responsible for payment of such amounts, the producer must seasonably furnish reasonable proof that the preparer lien continues to exist and unless such proof is so furnished, that person has no obligation to pay the producer. A preparer of dairy products shall provide the name of the purchaser or marketing agent of the products to the producer upon request.

Failure to furnish the written notice as provided in this section shall not affect the status of the lien established under this chapter in regard to the relationship with other creditors.

Sec. 16. Section 9-204, chapter 157, Laws of 1965 ex. sess. as last amended by section 13, chapter 41, Laws of 1981 and RCW 62A.9-204 are each amended to read as follows:

(1) Except as provided in subsection (2), a security agreement may provide that any or all obligations covered by the security agreement are to be secured by after-acquired collateral.

(2) No security interest attaches under an after-acquired property clause to consumer goods other than accessions (RCW 62A.9-314) when given as additional security unless the debtor acquires rights in them within ten days after the secured party gives value.

(3) Obligations covered by a security agreement may include future advances or other value whether or not the advances or value are given pursuant to commitment (subsection (1) of RCW 62A.9-105).

(4) A security interest cannot attach to livestock or to meat or meat products made from such livestock, where: (a) The livestock was sold to the commission merchant or dealer in livestock as defined in chapter 20.01 RCW or to a commercial feedlot by another party, (b) this other party has been paid by draft or check, and (c) the draft or check remains outstanding; PROVIDED, That a security interest may attach when the draft or check has been outstanding more than ten days.

NEW SECTION. Sec. 17. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 69, Laws of 1965 and RCW 20.01.035; and

(2) Section 29, chapter 139, Laws of 1959, section 6, chapter 305, Laws of 1983 and RCW 20.01.290."

On page 1, line 2 of the title, strike "20.01.030."

On page 1, line 3 of the title, strike "and" and after "20.01.610" insert ", and 62A.9-204" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Vekich, the House concurred in the Senate amendments to Substitute House Bill No. 2014.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2014 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2014 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison: Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives May, Winsley - 2.

Substitute House Bill No. 2014 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative May appeared at the bar of the House.

SENATE AMENDMENT TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 2083 with the following amendment:

On page 3, line 15 strike "should" and insert "shall" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Lux, the House concurred in the Senate amendment to Substitute House Bill No. 2083.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 2083 as amended by the Senate.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 2083 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Addison: Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Wang - 1.

Excused: Representative Winsley - 1.

Substitute House Bill No. 2083 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 5, 1986

Mr. Speaker:

The Senate has passed SUBSTITTUTE HOUSE BILL NO. 2080 with the following amendments:

On page 1, line 15, after "services" insert "by requiring the commissioner to assist in the establishment of a market assistance plan for providing liability insurance for day care services or"

On page 1, line 22, after "means" strike all material through "chapter" on line 23 and insert "an involuntary mechanism requiring property casualty insurers doing business in Washington to provide day care insurance to licensees on either an assigned risk basis or through a joint underwriting pool providing limits of at least one hundred thousand dollars underwritten to standards promulgated under chapter 74.15 RCW"

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

"(4) Market assistance plan means a voluntary mechanism by insurers writing liability insurance in Washington in either the admitted or nonadmitted market to provide day care insurance to a licensee in a minimum amount of one hundred thousand dollars underwritten to standards promulgated under chapter 74.15 RCW."

On page 2, line 3, after "Sec. 3." strike all material through "chapter." on line 6 and insert "(1) The commissioner shall direct all insurers writing property casualty insurance in Washington in either the admitted market or the nonadmitted market to form and put into operation with the commissioner's assistance and supervision a market assistance plan for day care insurance for licensees underwritten to standards promulgated under chapter 74.15 RCW.

(2) The commissioner may, after hearing and upon finding that day care insurance is not available to a substantial number of licensees, establish an association for day care insurance for licensees in a minimum amount of one hundred thousand dollars."

On page 2, line 17, after "occurrence." strike all material through "losses." on line 22 and insert "The commissioner shall approve rates filed by the association that are not excessive, inadequate, and unfairly discriminatory." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Lux, the House refused to concur in the Senate amendment to Substitute House Bill No. 2080 and asked the Senate to recede therefrom.

SENATE AMENDMENTS TO HOUSE JOINT RESOLUTION

March 7, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 49 with the following amendments:

On page 1, line 1, after "appeals," strike "and superior court" and insert "superior courts, and district courts"

On page 1, line 19 after "official," strike "state" and insert "public"

On page 2, line 8, after "on" strike "November 1, 1986," and insert "January 1, 1987,"

On page 2, line 13, after "vote of" strike "three-fifths" and insert "two-thirds"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Fisher, the House concurred in the Senate amendments to Engrossed Substitute House Joint Resolution No. 49.

FINAL PASSAGE OF HOUSE JOINT RESOLUTION
AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Joint Resolution No. 49 as amended by the Senate.

Mr. Barnes spoke against the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Joint Resolution No. 49 as amended by the Senate, and the resolution failed to receive the constitutional two-thirds majority by the following vote: Yeas, 61; nays, 36; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Jacobsen, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Miller, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 61.

Voting nay: Representatives Addison, Ballard, Barnes, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doly, Fuhrman, Hastings, Holland, Isaacson, King J, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, van Dyke, Van Luven, West, Williams B, Williams J - 36.

Excused: Representative Winsley - 1.

Engrossed Substitute House Joint Resolution No. 49 as amended by the Senate, having failed to receive the constitutional two thirds majority, was declared lost.

MOTION FOR RECONSIDERATION

Mr. J. King, having voted on the prevailing side, moved for reconsideration of the vote by which Engrossed Substitute House Joint Resolution No. 49 as amended by the Senate failed to pass.

The motion was carried.

On motion of Mr. J. King, further consideration of the resolution was deferred.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) The legislature finds that:

- (a) Good health care for indigent persons is of importance to the state;
- (b) To ensure the availability of a good level of health care, efforts must be made to encourage cost consciousness on the part of providers and consumers, while maintaining medical assistance recipients within the mainstream of health care delivery;
- (c) Managed health care systems have been found to be effective in controlling costs while providing good health care services;
- (d) By enrolling medical assistance recipients within managed health care systems, the state's goal is to ensure that medical assistance recipients receive at least the same quality of care they currently receive.

(2) It is the intent of the legislature to develop and implement new strategies that promote the use of managed health care systems for medical assistance recipients by establishing prepaid capitated programs for both in-patient and out-patient services.

NEW SECTION, Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) For the purposes of this section, 'managed health care system' means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under RCW 74.09.520 and rendered by licensed providers, on a prepaid capitated case management basis.

(2) No later than July 1, 1991, the department of social and health services shall enter into agreements with managed health care systems to provide health care services to recipients of aid to families with dependent children under the following conditions:

(a) Agreements shall be made within one class A county in the eastern part of the state for at least ten thousand recipients; and one class AA county for at least fifteen thousand recipients in the western part of the state; and one first class county of at least five thousand recipients in the western part of the state;

(b) At least one of the agreements shall include enrollment of all recipients of aid to families with dependent children residing in a defined geographical area;

(c) The department shall, to the extent possible, ensure that recipients have a choice of systems in which to enroll and, if necessary and medically appropriate treatment for a recipient is not available from or through a participating managed health care system, the department shall exempt the recipient from any requirement to receive some or all of their medical services from such a system;

(d) To the extent possible, the department shall ensure that participating managed health care systems do not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems;

(e) Prior to negotiating with any managed health care system, the department shall estimate, on an actuarially sound basis, the expected cost of providing the health care services expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different project areas. In negotiating with managed health care systems the department shall adopt a uniform procedure that includes at least request for proposals, including standards regarding the quality of services to be provided; and financial integrity of the responding system. The department may negotiate with respondents to the extent necessary to refine any proposals;

(f) The department shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The department shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the department may enter into prepaid capitation contracts that do not include inpatient care;

(h) The department shall define those circumstances under which a managed health care system is responsible for out-of-system services and assure that recipients shall not be charged for such services; and

(i) Nothing in this section prevents the department from entering into similar agreements in additional counties or for other groups of people eligible to receive services under chapter 74.09 RCW.

The department shall seek to obtain a large number of contracts with providers of health services to Medicaid recipients. The department shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems are seriously considered as providers in the project.

(3) The department shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

NEW SECTION, Sec. 3. The department shall report to the legislature not later than January 1, 1987, on progress toward implementation of the requirements of this chapter, but shall not delay implementation on account of this reporting requirement.

The report shall also include an analysis of the possible expansion of the use of managed health care within other medical assistance programs, including making it available to certain recipients of general assistance and supplemental security income.

NEW SECTION, Sec. 4. As used in this chapter:

(1) 'Washington basic health project' or 'project' means the system of enrollment and payment on a prepaid capitated basis for basic health care services, administered by the board through participating managed health care systems, created by this chapter.

(2) 'Board' means the Washington basic health project board created under section 6 of this act.

(3) 'Managed health care system' means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract basic health care services, as defined by the board and rendered by duly licensed providers, on a prepaid capitated basis to a defined patient population by enrollment in the project and in the managed health care system.

(4) 'Enrollee' means an individual, or an individual plus the individual's spouse and/or dependent children, all under the age of sixty-five, who resides in a project area, whose gross family income at the time of enrollment does not exceed twice the federal poverty level as adjusted for family size and determined annually by the federal department of health and human services, who chooses to obtain basic health care coverage from a particular managed health care system in return for periodic payments to the board, and who, at the time of enrollment, does not have access to employer-sponsored health care coverage.

(5) 'Subsidy' means the difference between the amount of periodic payment the board makes, from funds appropriated from the basic health project trust account, to a managed health care system on behalf of an enrollee and the amount the board determines to be the enrollee's responsibility under section 10(2) of this act.

(6) 'Project area' means one of not more than twelve distinct geographical areas within the state selected by the board as a demonstration site for the Washington basic health project. To

the extent possible, the board shall select at least one project area in each congressional district of the state, define project areas coterminously with individual or adjacent cities, counties, or hospital districts, and take into special consideration any formal requests received from local governments or health care providers for selection of particular project areas.

NEW SECTION. Sec. 5. The basic health project trust account is hereby established in the state treasury. All revenue received under RCW 82.08.020(2) shall be deposited in the basic health project trust account. Disbursements from the account shall be made pursuant to appropriation and upon warrants drawn by the Washington basic health project board. Moneys in the account shall be used exclusively for the purposes of this chapter, including payments to participating managed health care systems on behalf of enrollees in the project and payment of costs of administering the project. The earnings on any surplus balances in the basic health project trust account shall be credited to the account, notwithstanding RCW 43.84.090. After January 1, 1987, the legislature shall not appropriate for an ensuing fiscal period amounts exceeding ninety percent of the revenues anticipated to accrue to the account during the fiscal period.

NEW SECTION. Sec. 6. There is created the Washington basic health project board, which shall be a separate and independent board of the state. For efficiencies in operation and consultation, the offices of the board may be colocated with those of the hospital commission. The board shall be composed of five members appointed by the governor. The governor shall select one member to serve as chairman. Not more than one member may have any fiduciary obligation to any health care provider or facility or any material financial interest in the provision of health care services.

Members of the board shall serve for four-year terms. However, of the members initially appointed after the effective date of this act, two shall be appointed to four-year terms, one to a three-year term, one to a two-year term, and one to a one-year term. Appointments shall require senate confirmation. No member of the board may serve for more than two consecutive terms. A vacancy shall be filled by appointment for the remainder of the unexpired term and the initial appointments and vacancies shall not require senate confirmation until the legislature next convenes.

NEW SECTION. Sec. 7. Meetings of the board shall be held as frequently as its duties require. The board shall keep minutes of its meetings and adopt procedures for the governing of its meetings, minutes, and transactions. Three members of the board constitute a quorum, but a vacancy on the board shall not impair its power to act. No action of the board shall be effective unless three members concur therein. The board may, consistent with the procedural requirements of chapter 42.30 RCW, meet in executive session with representatives of prospective or participating managed health care systems to discuss matters of a proprietary or sensitive nature.

The members of the board shall be compensated in accordance with RCW 43.03.250 and shall be reimbursed for their travel expenses in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 8. The board shall employ a full-time executive director, who shall be the chief administrative officer of the board and shall be subject to its direction. The executive director, medical director, and up to three other employees shall be exempt from the civil service law, chapter 41.06 RCW.

The board shall employ such other staff as are necessary to fulfill the responsibilities and duties of the board, such staff to be subject to the civil service law, chapter 41.06 RCW. In addition, the board may contract with third parties for services necessary to carry out its activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility without specific permission of the board. The board may call upon other agencies of the state to provide available information as necessary to assist the board in meeting its responsibilities under this chapter, which information shall be supplied as promptly as circumstances permit.

The board may create committees from its membership, and may appoint such technical or other advisory committees as it deems necessary. The board shall appoint a standing technical advisory committee that is representative of health care professionals, health care providers, and those directly involved in the purchase, provision, or delivery of health care services, including consumers and those knowledgeable of the ethical issues involved with health care public policy. Individuals appointed to any technical or advisory committee shall serve without compensation for their services as members, but may be reimbursed for their expenses in the same manner as members of the board.

The board may apply for and receive and accept grants, gifts, and other payments, including property and service, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs and access to health care.

NEW SECTION. Sec. 9. The board may promulgate and adopt, under chapter 34.04 RCW, rules consistent with this chapter to carry out the purposes of this chapter.

NEW SECTION. Sec. 10. The board has the following powers and duties:

(1) To design and from time to time revise a schedule of covered basic health care services, including physician services, inpatient and outpatient hospital services, and other services that may be necessary for basic health care, which enrollees in any participating managed health care system under the Washington basic health project shall be entitled to receive in return for periodic payments to the board. The schedule of services shall emphasize preventive and primary health care, shall include all services necessary for prenatal, postnatal, and well-child care, and shall include a separate schedule of basic health care services for children, eighteen years of age and younger, for those enrollees who choose to secure basic coverage through the project only for their dependent children. In designing and revising the schedule of services, the board shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080.

(2) To design and implement a structure of periodic payments due from enrollees. The payment structure shall be based upon enrollee family size and shall include a sliding scale whereby payments vary according to enrollee family income. The structure shall be designed so as to include payment amounts for enrollment of children without requiring enrollment of their parents. In each project area, the board shall not enroll such numbers of enrollees who qualify for subsidies as might reasonably be expected to result in an overexpenditure of appropriations for such purposes in the area. Whenever the board finds that there is danger of such an overexpenditure, the board shall close project enrollment in the area until the board finds the danger no longer exists. Payments to the board by the department of social and health services on behalf of any person eligible for medical coverage under chapter 74.09 RCW, subject to section 17 of this act, shall not be less than the payments the board makes to managed health care systems for coverage of those persons.

(3) To select not more than twelve project areas in the state as sites for the project. In selecting the areas, the board shall take into account the need for geographic, demographic, and economic diversity among project sites, the actual and potential availability of managed health care systems in different parts of the state, levels and rates of unemployment in possible project areas, and the need to assess the financial ability of the project to provide basic health care coverage to a population reasonably representative of the portion of the state's population that lacks basic health care coverage.

(4) To solicit and accept applications from managed health care systems, as defined in this chapter, for inclusion as eligible basic health care providers under the project. The board shall endeavor to assure that covered basic health care services are available through the project from among a selection of participating managed health care systems in at least some project areas. In adopting any rules or procedures applicable to managed health care systems and in its dealings with such systems, the board shall consider and make suitable allowance for the need for health care services and the differences in local availability of health care resources, along with other resources, within and among the project areas.

(5) To receive periodic payments from enrollees, deposit the payments in the basic health project operating account, keep records of enrollee payments and status, and authorize periodic payments to managed health care systems on the basis of the number of enrollees participating in the respective managed health care systems.

(6) To accept applications from individuals residing in project areas, on behalf of themselves and their spouses and dependent children, for enrollment in the Washington basic health project, to establish appropriate minimum-enrollment periods for enrollees as may be necessary, and to determine, upon application and at least annually thereafter, or at the request of any enrollee, eligibility due to current gross family income for sliding scale payments that will be the responsibility of the enrollee. An enrollee who remains current in making periodic sliding-scale payments, as determined by the board under subsection (2) of this section, and whose gross family income has risen above twice the federal poverty level, may continue enrollment unless and until the enrollee's gross family income has remained above two and one-half times the poverty level for twelve consecutive months, by making payment at the maximum rate established in the sliding fee schedule. No subsidy shall be paid with respect to any enrollee whose current gross family income exceeds twice the federal poverty level or, subject to section 17 of this act, who is a recipient of medical assistance or medical care services under chapter 74.09 RCW.

(7) To require that prospective enrollees who may be eligible for medical coverage under chapter 74.09 RCW apply for such coverage.

(8) To determine, on a community rating basis, the amount of each periodic per capita or per family payment to a participating managed health care system in return for the provision of covered basic health care services to enrollees in the system. Although the schedule of covered basic health care services will be the same for similar enrollees, the periodic per capita or per family payments to participating managed health care systems may vary among the systems. In negotiating payment levels with participating systems, the board shall consider the characteristics of the populations served by the respective systems, economic circumstances of the project area, and other factors the board finds relevant.

(9) To monitor the provision of covered services to enrollees by participating managed health care systems in order to assure enrollee access to good quality basic health care, to

require periodic reports on health care services rendered to enrollees in order to provide adequate information for evaluation, and to inspect the books and records of participating managed health care systems to assure compliance with the purposes of this chapter. In requiring reports from participating managed health care systems, including data on services rendered enrollees, the board shall endeavor to minimize costs, both to the managed health care systems and to the board. The board shall coordinate any such reporting requirements with other state agencies, such as the insurance commissioner and the hospital commission, to minimize duplication of effort.

(10) To initiate, at the option of the board, a matching grant program, in up to three project areas, to demonstrate the potential that better coordination of all local primary health care resources in the provision of necessary care to low-income residents who are unlikely or unable to enroll in the project can be more cost-effective. The board may award grants to local governments that sponsor consortia of health care providers, including at least one hospital in each area. Any grant proposal must meet minimum standards set by the board, including requirements for coordination of care by local providers and for coordination of local funding sources, which may include in-kind charity care provided by hospitals and physicians as well as public or private funds and sliding-scale payments from individuals served. Any grants awarded under this subsection shall be made from funds appropriated for such purpose from the Washington basic health project trust account, may be extended for up to three years, and shall be on the basis of one dollar from the board for every four dollars of local or private funds expended in the demonstration program.

(11) To monitor the access that state residents have to adequate and necessary health care services, determine the extent of any unmet needs for such services or lack of access that may exist from time to time, and make such reports and recommendations to the legislature as it deems appropriate.

NEW SECTION. Sec. 11. The benefits available under the project shall be subject to RCW 48.21.200 and shall be excess to the benefits payable under the terms of any insurance policy issued to or on the behalf of an enrollee that provides payments toward medical expenses without a determination of liability for the injury.

NEW SECTION. Sec. 12. In each project area, on and after a date set by the board for the area, but in no case before March 31, 1987, enrollees whose payments to the board are current are entitled to receive covered basic health care services as defined by the board from the respective managed health care systems in which they are enrolled. The board shall not at any time maintain enrollment of more than thirty thousand enrollees who are eligible for subsidies. The board shall closely monitor growth patterns so as not to exceed that consistent with the orderly development of the project as a whole and in each project area.

NEW SECTION. Sec. 13. Any enrollee whose payments to the board are delinquent or who moves his or her residence out of a project area may be dropped from enrollment status. The board shall make reasonable efforts to notify delinquent enrollees of their removal from the project and shall provide for a hearing under chapters 34.04 and 34.12 RCW for any enrollee who contests the board's decision to drop the enrollee from the project. Upon removal of an enrollee from the project, the board shall promptly notify the managed health care system in which the enrollee has been enrolled, and shall not be responsible for payment for health care services provided to the enrollee (including, if applicable, members of the enrollee's family) after the date of notification. A managed health care system may contest the denial of payment for coverage of an enrollee through a hearing under chapters 34.04 and 34.12 RCW.

NEW SECTION. Sec. 14. Managed health care systems participating in the project shall do so by contract with the board and shall provide, directly or by contract with other health care providers, covered basic health care services to each enrollee as long as payments from the board on behalf of the enrollee are current. Subject to board approval and with full disclosure to enrollees and prospective enrollees, a managed health care system may impose nominal copayments upon enrollees as an incentive for proper utilization of services. A participating managed health care system may offer, but not require acceptance of, additional health care benefits or services not included in the schedule of covered services under the project, that will be the sole responsibility of the enrollee. Any action by or on behalf of any enrollee based on a claim of professional negligence shall, at the option of the enrollee, be submitted for arbitration under chapter 7.04 RCW. The board may receive and act upon complaints from enrollees regarding failure to provide covered services or efforts to obtain payment, other than copayments authorized under this section, for covered services directly from enrollees, but nothing in this chapter empowers the board to impose any sanctions under Title 18 RCW or any other professional or facility licensing statute.

The project shall allow, at least annually, an opportunity for enrollees to transfer their enrollments among participating managed health care systems serving their respective project areas. The board shall establish a period of at least twenty days in a given year when this opportunity is afforded enrollees, and in those areas served by more than one participating managed health care systems the board shall endeavor to establish a uniform period for such opportunity.

Prior to negotiating with any managed health care system, the board shall determine, on an actuarially sound basis, the reasonable cost of providing the schedule of basic health care services, expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different project areas. In negotiating with managed health care systems for participation in the project, the board shall adopt a uniform procedure that includes at least the following:

(1) The board shall issue a request for proposals, including standards regarding the quality of services to be provided; financial integrity of the responding systems; and responsiveness to the unmet health care needs of the local communities or populations that may be served;

(2) The board shall then review responsive proposals and may negotiate with respondents to the extent necessary to refine any proposals;

(3) The board may then select one or more systems to provide the covered services within a project area; and

(4) The board may adopt a policy that gives preference, in one or more project areas, to systems substantially supported by public revenues or involving public agencies.

NEW SECTION. Sec. 15. Enrollees of any participating managed health care system may, if offered, execute an agreement on behalf of themselves and/or any dependents enrolled in the project to arbitrate any dispute, controversy, or issue arising out of health care or treatment rendered by or through the managed health care system. The agreement to arbitrate shall provide that its execution is not a prerequisite to enrollment in the project or the provision of any services and shall provide that the enrollee may revoke the agreement within sixty days after execution by notifying the managed health care system in writing.

The agreement shall contain the following provision in at least nine-point boldface type immediately above the space for signature of the parties:

'This agreement to arbitrate is not a prerequisite to enrollment or the provision of any services and may be revoked by the enrollee within sixty days after execution by notification in writing.'

Participating managed health care systems that use arbitration agreements shall furnish to the enrollee at the time of enrollment a copy of an information brochure, prepared and approved by the board, which clearly outlines the arbitration process as an alternative dispute resolution process to that of a court and/or jury trial.

NEW SECTION. Sec. 16. The board shall submit to the 1987 session of the legislature the design plan for a schedule of basic health care services as outlined in section 10 of this act, including appropriate co-payments and/or deductibles, and the schedule of periodic payments that will be the responsibility of any enrollee. For this project to remain in effect it must be approved by the legislature by June 30, 1987, and the level of benefits and periodic payments cannot be changed without legislative approval.

NEW SECTION. Sec. 17. The department of social and health services shall make periodic payments to the project on behalf of any enrollee who is a recipient of medical assistance or medical care services under chapter 74.09 RCW, at the maximum rate established in the sliding fee scale, for the services covered by the project, and no premium may be charged to such an enrollee. With respect to enrollees eligible for medical assistance under RCW 74.09.510, the periodic amount payable to the project shall not be greater than the amount with respect to which full federal financial participation is available under Title XIX of the federal social security act. Any enrollee on whose behalf the department of social and health services makes payments to the project under this section and chapter 74.09 RCW may continue as an enrollee, making periodic payments based on the enrollee's own income as determined under the sliding scale, after eligibility for coverage under chapter 74.09 RCW has ended. Nothing in this section affects the right of any person eligible for coverage under chapter 74.09 RCW to receive the services offered to other persons under that chapter but not included in the schedule of basic health care services covered by the project. The board and the department of social and health services shall cooperatively adopt procedures to facilitate the transition of project enrollees and payments on their behalf between the project and the programs established under chapter 74.09 RCW.

NEW SECTION. Sec. 18. In addition to the powers and duties specified in sections 8 and 10 of this act, the board has the power to enter into contracts for the following functions and services:

(1) With public or private agencies, to assist the board in its duties to design or revise the schedule of covered basic health care services, and/or to monitor or evaluate the performance of participating managed health care systems.

(2) With public or private agencies, to provide technical or professional assistance to health care providers, particularly public or private nonprofit organizations and providers serving rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems.

(3) With health care service contractors registered under RCW 48.44.015 and doing business in the state, for marketing and administrative services in connection with participation of managed health care systems, enrollment of enrollees, billing and collection services to the

board, and other administrative functions ordinarily performed by health care service contractors, other than insurance. Any activities of a health care service contractor pursuant to a contract with the board under this section shall be exempt from the provisions and requirements of Title 48 RCW.

(4) With any public hospital district established under chapter 70.44 RCW or with any county or city, to administer the project as the board's agent with respect to enrollees residing and managed health care systems serving a project area within the boundaries of the district, county, or city: PROVIDED, That the district, county, or city shares with the board, on a dollar for dollar matching basis, the cost of payments to participating managed health care systems for coverage of enrollees residing within the boundaries of the district, county, or city less the amounts payable by enrollees to the district, county, or city as agent for the board. However, if the unemployment rate of a participating county exceeds by twenty percent or more the state average as determined by the employment security department, the board may increase the level of its contribution to not more than two dollars for each local dollar.

(5) With any community health center or other public or private nonprofit health care provider participating in a managed health care system under the project and demonstrating financial need, to furnish direct financial assistance in meeting the start-up costs of providing covered basic health care services under the project, for a period not exceeding one year after the managed health care system commences coverage of enrollees.

NEW SECTION. Sec. 19. The activities and operations of the Washington basic health project under this chapter, including those of managed health care systems to the extent of their participation in the project, are exempt from the provisions and requirements of Title 48 RCW.

NEW SECTION. Sec. 20. The legislature reserves the right to amend or repeal all or any part of this chapter at any time and there shall be no vested private right of any kind against such amendment or repeal. All the rights, privileges, or immunities conferred by this chapter or any acts done pursuant thereto shall exist subject to the power of the legislature to amend or repeal this chapter at any time.

NEW SECTION. Sec. 21. A new section is added to chapter 50.20 RCW to read as follows:

The commissioner shall notify in writing any person filing a claim under this chapter who resides in a project area of the availability of basic health care coverage to qualified enrollees in the Washington basic health project under chapter 70.____ RCW (sections 4 through 20 of this act), unless the Washington basic health project board has notified the commissioner of a closure of enrollment in the area. The commissioner shall maintain a supply of Washington basic health project enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each appropriate employment service office for the use of persons wishing to apply for enrollment in the Washington basic health project.

NEW SECTION. Sec. 22. A new section is added to chapter 74.08 RCW to read as follows:

The department shall notify in writing any applicant for public assistance who resides in a project area and is under sixty-five years of age of the availability of basic health care coverage to qualified enrollees in the Washington basic health project under chapter 70.____ RCW (sections 4 through 20 of this act), unless the Washington basic health project board has notified the department of a closure of enrollment in the area. The department shall maintain a supply of Washington basic health project enrollment application forms, which shall be provided in reasonably necessary quantities by the board, in each appropriate community service office for the use of persons wishing to apply for enrollment in the Washington basic health project.

Sec. 23. Section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) An additional tax is imposed, effective January 1, 1987, through June 30, 1992, equal to one-twentieth of one percent. The moneys collected under this subsection shall be deposited in the basic health project trust account of the state treasury.

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

((3)) (4) The rates provided in this section ((applies)) apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

NEW SECTION. Sec. 24. The Washington basic health project board shall be appointed and commence operations as promptly as practicable after the effective date of this act. Not later than December 1, 1986, the board shall submit to the legislature a progress report including:

(1) The schedule of covered basic health care services adopted under section 10 of this act;

(2) A descriptive listing of managed health care systems expected to participate in the Washington basic health project, along with an identification of prospective project areas;

(3) The approximate amount of funds estimated to be on deposit in the basic health project trust account as of March 31 and June 30, 1987;

(4) An estimate of the number of enrollees whose basic health care coverage under this chapter can be expected to be financed during the 1987-88 and 1988-1989 state fiscal years by combining revenue received under RCW 82.08.020(2) with payments from the enrollees;

(5) A description of the sliding fee schedule for periodic enrollee payments adopted by the board under section 10 of this act:

(6) Any proposals for statutory changes which the board deems necessary to implement the purposes of this chapter:

(7) A draft of the brochure on arbitration that may be used under section 15 of this act by participating managed health care systems; and

(8) Any other information which the board deems appropriate.

Not later than January 1, 1988, the board shall submit to the legislature a further progress report, updating its 1986 report, and covering the same items provided for therein, with projections based upon implementation of the project to date. Further, the report shall include a description of the performance of the first managed health care systems included as eligible providers as provided in section 12 of this act. The board shall submit an annual report to the legislature by January 1 of each year thereafter.

NEW SECTION. Sec. 25. Sections 4 through 20 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 26. There is appropriated from the general fund to the basic health project trust account, for the biennium ending June 30, 1987, the sum of one million dollars, to carry out the purposes of sections 4 through 30 of this act. Such appropriation shall be repaid to the general fund as soon as practicable, but not later than June 30, 1987, from the revenue accruing to the basic health project trust account under RCW 82.08.020(2).

There is appropriated from the basic health project trust account of the state treasury to the Washington basic health project board, for the biennium ending June 30, 1987, the sum of five million dollars, or as much thereof as shall be necessary, not exceeding funds deposited in the account, to carry out the purposes of chapter 70. RCW (sections 4 through 20 of this act).

NEW SECTION. Sec. 27. A new section is added to chapter 43.131 RCW to read as follows:

The Washington basic health project board and its powers and duties shall be terminated on June 30, 1991, as provided in section 28 of this act.

NEW SECTION. Sec. 28. A new section is added to chapter 43.131 RCW to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, 1992:

- (1) Section 4 of this act and RCW 70._____;
- (2) Section 5 of this act and RCW 70._____;
- (3) Section 6 of this act and RCW 70._____;
- (4) Section 7 of this act and RCW 70._____;
- (5) Section 8 of this act and RCW 70._____;
- (6) Section 9 of this act and RCW 70._____;
- (7) Section 10 of this act and RCW 70._____;
- (8) Section 11 of this act and RCW 70._____;
- (9) Section 12 of this act and RCW 70._____;
- (10) Section 13 of this act and RCW 70._____;
- (11) Section 14 of this act and RCW 70._____;
- (12) Section 15 of this act and RCW 70._____;
- (13) Section 16 of this act and RCW 70._____;
- (14) Section 17 of this act and RCW 70._____;
- (15) Section 18 of this act and RCW 70._____;
- (16) Section 19 of this act and RCW 70._____;
- (17) Section 20 of this act and RCW 70._____;
- (18) Section 21 of this act and RCW 50.20._____ and
- (19) Section 22 of this act and RCW 74.08._____.

Sec. 29. Section 1, chapter 138, Laws of 1943 as amended by section 1, chapter 209, Laws of 1947 and RCW 7.04.010 are each amended to read as follows:

Two or more parties may agree in writing to submit to arbitration, in conformity with the provisions of this chapter, any controversy which may be the subject of an action existing between them at the time of the agreement to submit, or they may include in a written agreement a provision to settle by arbitration any controversy thereafter arising between them out of or in relation to such agreement. Any contract providing prepaid health care services may include an agreement to settle by arbitration any controversy thereafter arising between the consumer and a health care provider with respect to personal injury or wrongful death.

Such agreement shall be valid, enforceable and irrevocable save upon such grounds as exist in law or equity for the revocation of any agreement.

The provisions of this chapter shall not apply to any arbitration agreement between employers and employees or between employers and associations of employees, and as to any such agreement the parties thereto may provide for any method and procedure for the settlement of existing or future disputes and controversies, and such procedure shall be valid, enforceable and irrevocable save upon such grounds as exist in law or equity for the revocation of any agreement.

NEW SECTION. Sec. 30. An impartial and thorough review of past and current practices in dealing with the costs of charity care rendered by health care providers, both institutional and

individual, is necessary in view of the increasing use of prospective payment systems by major purchasers of health care. The governor, in consultation with officials in appropriate state agencies such as the department of social and health services, the hospital commission, the basic health project board, and others, including members of the legislature, such as the chairman and ranking minority members of the committees on ways and means, human services and corrections, and social and health services, as well as the officers of any organizations of health care providers and the major insurers or purchasers of health care in the state, shall initiate such a review that includes recommendations of possible solutions for legislative consideration. The review and report will include, as a priority item, recommendations on how to address the incidence of charity care that may be provided by hospitals, including those amounts that patients and/or their families are unable to pay, but not those amounts that anyone able to pay shall refuse to pay. Up to fifty thousand dollars of the funds appropriated to the basic health project by section 26 of this act may be expended, upon certification by the director of financial management, in connection with the review, including consultant services that might be required. A report to the legislature shall be submitted by December 1, 1986.

NEW SECTION, Sec. 31. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 32. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION, Sec. 33. The sum of one hundred fifty thousand dollars, of which ninety thousand is from the general fund—state and sixty thousand is from the general fund—federal, or so much thereof as may be necessary, is appropriated to the department of social and health services for the biennium ending June 30, 1987, for the purposes identified in sections 2 and 3 of this act.

NEW SECTION, Sec. 34. The department of social and health services shall not require a certificate of need for the commencement of obstetrical services by an existing hospital as defined in RCW 70.41.020."

On page 1, line 1 of the title, after "health care," strike the remainder of the title and insert "amending RCW 82.08.020 and 7.04.010; adding a new section to chapter 50.20 RCW; adding a new section to chapter 74.08 RCW; adding a new section to chapter 74.09 RCW; adding new sections to chapter 43.131 RCW; adding a new chapter to Title 70 RCW; creating new sections; making appropriations; and declaring an emergency," and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. J. King moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 2021.

POINT OF ORDER

Mr. Braddock: "Mr. Speaker, I request the Speaker to rule on the scope and object of the Senate amendments to Engrossed Substitute House Bill 2021."

SPEAKER'S RULING

The Speaker: "The Speaker has examined the underlying bill, Engrossed Substitute House Bill No. 2021, 'An Act Relating to managed health care....' The Speaker has also looked at the purpose of the bill, '...the intent of the legislature to develop and implement new strategies that promote the use of managed health care systems for medical assistance recipients by establishing prepaid...' and so forth. The Speaker notes that the amendment is an increase of a tenth of one percent in the retail sales tax and it also deals with the certificate of need process which is in a different title of the RCWs. The Speaker, after examining the Senate amendment and the original bill, finds that your point is well taken; the amendment is out of order. The motion to concur is not in order."

MOTION

Ms. Brekke moved that the House refuse to concur in the Senate amendments to Engrossed Substitute House Bill No. 2021, and ask the Senate for a conference thereon.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 2021 and ask the Senate for a conference thereon, and the motion was carried by the following vote: Yeas, 55; nays, 42; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 55.

Voting nay: Representatives Addison, Ballard, Barrett, Betzoff, Bond, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hargrove, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 42.

Excused: Representative Winsley - 1.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives J. King, Brekke and Ballard as conferees on Engrossed Substitute House Bill No. 2021.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1992 with the following amendments:

On page 1, line 11, following "the" insert "direct"

On page 1, line 12, after "ownership" strike everything through "firm" on line 13

On page 1, line 14, after "corporation" strike everything through "affiliate" on line 17 and insert "not rated in categories I and II of the Sullivan Principles as published by the Investor Responsibility Center, Inc. that is operating as a nonprofit or for profit entity"

On page 1, beginning on line 20, strike all of subsection (3) and renumber the remaining subsections consecutively

On page 1, line 22, after "means" strike everything through "state" on line 27 and insert "any commercial bank, savings and loan association or credit union that is licensed by the state or federal agency, or any insurance company, brokerage firm, securities firm, investment company, mortgage banking company, finance company, or consumer credit company licensed to do business in this state and is not rated in categories I and II of the Sullivan Principles as published by the Investor Responsibility Research Center, Inc."

On page 2, line 12, after "1987," insert "subject to RCW 43.33A.140."

On page 2, line 17, after "1987," insert "subject to RCW 43.33A.140."

On page 2, beginning on line 24, strike everything through "country," on line 36

Renumber the remaining subsection consecutively.

On page 2, following line 23, strike subsections (3) and (4) and insert:

"(3) Subsection (1) of this section shall not apply to any business firm when such firm is rated within category I or II of Sullivan Principles signatories in the most current annual list published by Arthur D. Little Company.

(4) Subsection (2) of this section shall not apply to any bank or financial institution when such bank or financial institution is rated within category I or II of Sullivan Principles signatories in the most current annual list published by Arthur D. Little Company."

On page 3, beginning on line 1, strike all of Section 3

Renumber the remaining sections consecutively

On page 3, line 20, after "firm" strike ", bank."

On page 3, line 21, after "institution" strike everything through "2" on line 22 and insert "as defined in section 1"

On page 3, line 25, after "shall" strike "describe" and insert "include"

On page 3, line 26, after "the" strike "stocks, bonds."

On page 3, line 28, strike subsection (b) and insert

"(b) The book value of the issues as of the preceding December 31;"

On page 3, line 29, strike subsections (c) and (d)

On page 5, line 11, following "1987" insert "subject to RCW 43.33A.140"

On page 5, line 15, following "1987" insert "subject to RCW 43.33A.140"

On page 9, line 13, following "1987" insert "subject to RCW 43.33A.140"

On page 9, line 17, following "1987" insert "subject to RCW 43.33A.140"

On page 11, line 14, following "1987" insert "subject to RCW 43.33A.140"

On page 11, line 18, following "1987" insert "subject to RCW 43.33A.140"

On page 13, line 5, following "1987" insert "subject to RCW 43.33A.140"

On page 13, line 9, following "1987" insert "subject to RCW 43.33A.140"

On page 16, line 36, following "1987" insert "subject to RCW 43.33A.140"

On page 17, line 4, following "1987" insert "subject to RCW 43.33A.140"

On page 21, line 8, following "1987" insert "subject to RCW 43.33A.140"

On page 21, line 12, following "1987" insert "subject to RCW 43.33A.140"

On page 17, line 15, strike all material down to and including "derived," on line 33

On page 18, line 11, strike all material down to and including "derived," on line 28

On page 17, line 15, strike everything through "derived." on page 18, line 28 and renumber the remaining sections consecutively

On page 21, line 19, after "through" strike "4" and insert "3"

On page 21, after line 20, insert the following:

"NEW SECTION, Sec. 20. This act shall terminate on January 1, 1992."

On page 21, following line 20 insert the following:

"NEW SECTION, Sec. 20. The provisions of sections 1 through 19 of this 1986 act shall apply in full only to all unrestricted funds and shall be applied to transactions involving other invested funds only when there are investment opportunities of comparable yield, maturity, quality, and liquidity."

On page 21, following line 20 insert the following:

"NEW SECTION, Sec. 20. The provisions of this 1986 act shall expire on June 30, 1988 unless the legislature by concurrent resolution adopted in the 1988 regular session affirms its intent to continue the provisions of this act in full or in part. Such resolution shall document the effectiveness of the program of divestment in advancing the cause of economic, civil, human, and political rights of the peoples of South Africa."

On page 1, line 5, after "33A RCW;" insert "providing a termination date;" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Braddock, the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 1992 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Locke, Wineberry and Sanders as conferees on Engrossed Substitute House Bill No. 1992.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 131 with the following amendments:

Strike everything after the enacting clause and insert the following:

"PART I

UNIFORM DISCIPLINARY ACT

Sec. 1. Section 1, chapter 279, Laws of 1984 and RCW 18.130.010 are each amended to read as follows:

It is the intent of the legislature to strengthen and consolidate disciplinary procedures for the licensed health and health-related professions and businesses by providing a uniform disciplinary act with standardized procedures for the enforcement of laws the purpose of which is to assure the public of the adequacy of professional competence and conduct in the healing arts.

It is also the intent of the legislature that all health and health-related professions newly created by the state come under the uniform disciplinary act.

Further, the legislature declares that the addition of public members on all health care boards can give both the state and the public, which it has a statutory responsibility to protect, assurances of accountability and confidence in the various practices of health care.

Sec. 2. Section 2, chapter 279, Laws of 1984 and RCW 18.130.020 are each amended to read as follows:

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

(1) 'Disciplining authority' means (a) the board of medical examiners, the board of dental examiners, and the board of chiropractic examiners with respect to applicants for a license for the respective professions, (b) the medical disciplinary board, the dental disciplinary board, and the chiropractic disciplinary board with respect to holders of licenses for the respective professions, or (c) the agency or board having the authority to take disciplinary action against a holder of, or applicant for, a professional or business license upon a finding of a violation of

this chapter or ~~((the chapter under which the license is held))~~ a chapter specified under RCW 18.130.040.

- (2) 'Department' means the department of licensing.
- (3) 'Director' means the director of licensing or the director's designee.
- (4) 'Board' means any of those boards specified in RCW 18.130.040.
- (5) 'Unlicensed practice' means:
 - (a) Practicing a profession or operating a business identified in RCW 18.130.040 without holding a valid, unexpired, unrevoked, and unsuspended license to do so; or
 - (b) Representing to a consumer, through offerings, advertisements, or use of a professional title or designation, that the individual is qualified to practice a profession or operate a business identified in RCW 18.130.040, without holding a valid, unexpired, unrevoked, and unsuspended license to do so.
- (6) 'Disciplinary action' means sanctions identified in RCW 18.130.160.
- (7) 'Practice review' means an investigative audit of records related to the complaint, without prior identification of specific patient or consumer names, to determine whether unprofessional conduct may have been committed.
- (8) 'Health agency' means city and county health departments and the department of social and health services.
- (9) 'License,' 'licensing,' and 'licensure' shall be deemed equivalent to the terms 'license,' 'licensing,' 'licensure,' 'certificate,' 'certification,' and 'registration' as those terms are defined in RCW 18.120.020.

Sec. 3. Section 4, chapter 279, Laws of 1984 as amended by section 29, chapter 326, Laws of 1985 and RCW 18.130.040 are each amended to read as follows:

(1) This chapter applies only to the director and the boards having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

- (2) (a) The director has authority under this chapter in relation to the following professions:
 - (i) Dispensing opticians licensed under chapter 18.34 RCW;
 - (ii) Drugless healers licensed under chapter 18.36 RCW;
 - (iii) Midwives licensed under chapter 18.50 RCW;
 - (iv) Ocularists licensed under chapter 18.55 RCW;
 - (v) ~~((Psychologists licensed under chapter 18.83 RCW unless a disciplinary committee is established under chapter 18.83 RCW;~~

- ~~((vi))~~ (vi) Massage operators and businesses licensed under chapter 18.108 RCW;
- ~~((vii))~~ (vii) Dental hygienists licensed under chapter 18.29 RCW; and
- ~~((viii))~~ (viii) Acupuncturists certified under chapter 18.06 RCW.
- (b) The boards having authority under this chapter are as follows:
 - (i) The podiatry board as established in chapter 18.22 RCW;
 - (ii) The chiropractic disciplinary board as established in chapter 18.26 RCW governing licenses issued under chapter 18.25 RCW;
 - (iii) The dental disciplinary board as established in chapter 18.32 RCW;
 - (iv) The council on hearing aids as established in chapter 18.35 RCW;
 - (v) The board of funeral directors and embalmers as established in chapter 18.39 RCW;
 - (vi) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
 - (vii) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
 - (viii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
 - (ix) The medical disciplinary board as established in chapter 18.72 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
 - (x) The board of physical therapy as established in chapter 18.74 RCW;
 - (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
 - (xii) The board of practical nursing as established in chapter 18.78 RCW;
 - (xiii) The disciplinary committee established by the examining board of psychology under chapter 18.83 RCW;

- ~~((xiv))~~ (xiv) The board of nursing as established in chapter 18.88 RCW; and
- ~~((xv))~~ (xv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. However, the board of chiropractic examiners has authority over issuance and denial of licenses provided for in chapter 18.25 RCW, the board of dental examiners has authority over issuance and denial of licenses provided for in RCW 18.32.040, and the board of medical examiners has authority over issuance and denial of licenses and registrations provided for in chapters 18.71 and 18.71A RCW. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority(~~(-the board of chiropractic examiners;~~

the board of dental examiners, and the board of medical examiners; if adopted pursuant to this chapter by the disciplinary authority)).

Sec. 4. Section 7, chapter 279, Laws of 1984 and RCW 18.130.070 are each amended to read as follows:

(1) The disciplining authority may adopt rules requiring any person, including, but not limited to, licensees, corporations, organizations, health care facilities, and ((federal;)) state((;)) or local governmental agencies, to report to the disciplining authority any conviction, determination, or finding that a license holder has committed an act which constitutes unprofessional conduct, or to report information which indicates that the license holder may not be able to practice his or her profession with reasonable skill and safety to consumers as a result of a mental or physical condition. To facilitate meeting the intent of this section, the cooperation of agencies of the federal government is requested by reporting any conviction, determination, or finding that a federal employee or contractor regulated by the disciplinary authorities enumerated in this chapter has committed an act which constituted unprofessional conduct and reporting any information which indicates that a federal employee or contractor regulated by the disciplinary authorities enumerated in this chapter may not be able to practice his or her profession with reasonable skill and safety as a result of a mental or physical condition.

(2) If a person fails to furnish a required report, the disciplining authority may petition the superior court of the county in which the person resides or is found, and the court shall issue to the person an order to furnish the required report. A failure to obey the order shall be punished by the court as civil contempt.

(3) A person is immune from civil liability, whether direct or derivative, for providing information to the disciplining authority pursuant to the rules adopted under subsection (1) of this section.

(4) The holder of a license subject to the jurisdiction of this chapter shall report to the disciplining authority any conviction, determination, or finding that the licensee has committed unprofessional conduct or is unable to practice with reasonable skill or safety. Failure to report within thirty days of notice of the conviction, determination, or finding constitutes grounds for disciplinary action.

Sec. 5. Section 8, chapter 279, Laws of 1984 and RCW 18.130.080 are each amended to read as follows:

A person, ((firm, corporation, or public officer)) including but not limited to consumers, licensees, corporations, organizations, health care facilities, and state and local governmental agencies, may submit a written complaint to the disciplining authority charging a license holder or applicant with unprofessional conduct and specifying the grounds therefor. If the disciplining authority determines that the complaint merits investigation, or if the disciplining authority has reason to believe, without a formal complaint, that a license holder or applicant may have engaged in unprofessional conduct, the disciplining authority shall investigate to determine whether there has been unprofessional conduct. A person who files a complaint under this section in good faith is immune from suit in any civil action related to the filing or contents of the complaint.

Sec. 6. Section 9, chapter 279, Laws of 1984 and RCW 18.130.090 are each amended to read as follows:

(1) If the disciplining authority determines, upon investigation, that there is reason to believe a violation of RCW 18.130.180 has occurred, a statement of charge or charges shall be prepared and served upon the license holder or applicant at the earliest practical time. The statement of charge or charges shall be accompanied by a notice that the license holder or applicant may request a hearing to contest the charge or charges. The license holder or applicant must file a request for hearing with the disciplining authority within twenty days after being served the statement of charges. The failure to request a hearing constitutes a default, whereupon the disciplining authority may enter a decision on the basis of the facts available to it.

(2) If a hearing is requested, the time of the hearing shall be fixed by the disciplining authority as soon as convenient, but the hearing shall not be held earlier than thirty days after service of the charges upon the license holder or applicant. A notice of hearing shall be issued at least twenty days prior to the hearing, specifying the time, date, and place of the hearing. The notice shall also notify the license holder or applicant that a record of the proceeding will be kept, that he or she will have the opportunity to appear personally and to have counsel present, with the right to produce witnesses, who will be subject to cross-examination, and evidence in his or her own behalf, to cross-examine witnesses testifying against him or her, to examine such documentary evidence as may be produced against him or her, to conduct depositions, and to have subpoenas issued by the disciplining authority.

Sec. 7. Section 13, chapter 279, Laws of 1984 and RCW 18.130.130 are each amended to read as follows:

An order pursuant to proceedings authorized by this chapter, after due notice and findings in accordance with this chapter and chapter 34.04 RCW, or an order of summary suspension entered under this chapter, shall take effect immediately upon its being served. The order, if appealed to the court, shall not be stayed pending the appeal unless the disciplining authority

or court to which the appeal is taken enters an order staying the order of the disciplining authority, which stay shall provide for terms necessary to protect the public.

Sec. 8. Section 16, chapter 279, Laws of 1984 and RCW 18.130.160 are each amended to read as follows:

Upon a finding that a license holder or applicant has committed unprofessional conduct or is unable to practice with reasonable skill and safety due to a physical or mental condition, the disciplining authority may issue an order providing for one or any combination of the following:

- (1) Revocation of the license;
- (2) Suspension of the license for a fixed or indefinite term;
- (3) Restriction or limitation (~~((on the license holder's))~~) of the practice;
- (4) (~~((The establishment of a requirement that))~~) Requiring the ~~((license holder satisfactorily complete))~~ satisfactory completion of a specific program of remedial education or treatment;
- (5) The monitoring of the ~~((license holder's))~~ practice by a supervisor approved by the disciplining authority;
- (6) Censure or reprimand;
- (7) Compliance with conditions of probation for a designated period of time;
- (8) Payment of a fine for each violation of this chapter, not to exceed one thousand dollars per violation. Funds received shall be placed in the health professions account;
- (9) Denial of the license request;
- (10) Corrective action (~~((by the license holder))~~);
- (11) Refund of fees (~~((charged))~~) billed to and collected from the consumer (~~((by the license holder))~~).

Any of the actions under this section may be totally or partly stayed by the disciplining authority. In determining what action is appropriate, the disciplining authority must first consider what sanctions are necessary to protect or compensate the public. Only after such provisions have been made may the disciplining authority consider and include in the order requirements designed to rehabilitate the license holder or applicant. All costs associated with compliance with orders issued under this section are the obligation of the license holder or applicant.

Sec. 9. Section 17, chapter 279, Laws of 1984 and RCW 18.130.170 are each amended to read as follows:

(1) If the disciplining authority believes a license holder or applicant may be unable to practice with reasonable skill and safety to consumers by reason of any mental or physical condition, a statement of charges in the name of the disciplining authority shall be served on the license holder or applicant and notice shall also be issued providing an opportunity for a hearing. The hearing shall be limited to the sole issue of the capacity of the license holder or applicant to practice with reasonable skill and safety. If the disciplining authority determines that the license holder or applicant is unable to practice with reasonable skill and safety for one of the reasons stated in this subsection, the disciplining authority shall impose such sanctions under RCW 18.130.160 as is deemed necessary to protect the public.

(2) In enforcing this section, the disciplining authority may require a license holder or applicant to submit to a mental or physical examination by one or more (~~((physicians, a psychological examination by one or more licensed psychologists))~~) licensed or certified health professionals designated by the disciplining authority (~~((or any combination thereof))~~). The cost of the examinations ordered by the disciplining authority shall be paid out of the health professions account. In addition to any examinations ordered by the disciplining authority, the licensee may submit (~~((psychiatric))~~) physical(~~(:)~~) or (~~((psychological))~~) mental examination reports from (~~((physicians or psychologists))~~) licensed or certified health professionals of the license holder's or applicant's choosing and expense. Failure of a license holder or applicant to submit to examination when directed constitutes grounds for immediate suspension or denial of the license, consequent upon which a default and final order may be entered without the taking of testimony or presentations of evidence, unless the failure was due to circumstances beyond the person's control. A determination by a court of competent jurisdiction that a license holder or applicant is mentally incompetent or mentally ill is presumptive evidence of the license holder's or applicant's inability to practice with reasonable skill and safety. An individual affected under this section shall at reasonable intervals be afforded an opportunity to demonstrate that the individual can resume competent practice with reasonable skill and safety to the consumer.

(3) For the purpose of subsection (2) of this section, an applicant or license holder governed by this chapter, by making application, practicing, or filing a license renewal, is deemed to have given consent to submit to a mental, physical, or psychological examination when directed in writing by the disciplining authority and further to have waived all objections to the admissibility or use of the examining (~~((physician's or psychologist's))~~) health professional's testimony or examination reports by the disciplining authority on the ground that the testimony or reports constitute privileged communications.

Sec. 10. Section 18, chapter 279, Laws of 1984 and RCW 18.130.180 are each amended to read as follows:

The following conduct, acts, or conditions constitute unprofessional conduct for any license holder or applicant under the jurisdiction of this chapter:

- (1) The commission of any act involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession, whether the act constitutes a crime or not. ~~((The disciplinary authority shall define by rule acts involving moral turpitude, dishonesty, or corruption relating to the practice of the person's profession.))~~ If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon such a conviction, however, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the license holder or applicant of the crime described in the indictment or information, and of the person's violation of the statute on which it is based. For the purposes of this section, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;
- (2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof;
- (3) All advertising which is false, fraudulent, or misleading;
- (4) Incompetence, negligence, or ~~((use of any practice or procedure in the practice of the profession which creates an unreasonable risk of physical or mental harm or serious financial loss to the consumer))~~ malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed;
- (5) Suspension, revocation, or restriction of the individual's license to practice the profession by competent authority in any state, federal, or foreign jurisdiction, a certified copy of the order, stipulation, or agreement being conclusive evidence of the revocation, suspension, or restriction;
- (6) The possession, use, ~~((addiction to,))~~ prescription for use, ~~((diversion,))~~ or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes, ~~((or))~~ the addition to or diversion of controlled substances or legend drugs, the violation of any drug law, or prescribing ((drugs)) controlled substances for oneself;
- (7) Violation of any state or federal statute or administrative rule regulating the profession in question, including any statute or rule defining or establishing standards of patient care or professional conduct or practice;
- (8) Failure to cooperate with the disciplining authority by:
 - (a) Not furnishing any papers or documents;
 - (b) Not furnishing in writing a full and complete explanation covering the matter contained in the complaint filed with the disciplining authority; or
 - (c) Not responding to subpoenas issued by the disciplining authority, whether or not the recipient of the subpoena is the accused in the proceeding;
- (9) Failure to comply with an order issued by the disciplining authority or an assurance of discontinuance entered into with the disciplining authority;
- (10) Aiding or abetting an unlicensed person to practice when a license is required;
- (11) ~~((Willful or repeated))~~ Violations of rules established by any health agency ((or authority of the state or a political subdivision thereof));
- (12) Practice beyond the scope of practice as defined by law or rule;
- (13) Misrepresentation or fraud in any aspect of the conduct of the business or profession;
- (14) Failure to adequately supervise auxiliary staff to the extent that the consumer's health or safety is at risk;
- (15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health;
- (16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service;
- (17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;
- (18) The procuring, or aiding or abetting in procuring, a criminal abortion;
- (19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the disciplining authority;
- (20) The wilful betrayal of a practitioner-patient privilege as recognized by law;
- (21) Violation of chapter 19.68 RCW;
- (22) Interference with an investigation or disciplinary proceeding by wilful misrepresentation of facts before the disciplining authority or its authorized representative, or by the use of threats or harassment against any patient or witness to prevent them from providing evidence in a disciplinary proceeding or any other legal action;
- (23) Drunkenness or habitual intemperance in the use of alcohol or addiction to alcohol;
- (24) ~~((Physical))~~ Abuse of a client or patient or sexual contact with a client or patient.

Sec. 11. Section 19, chapter 279, Laws of 1984 and RCW 18.130.190 are each amended to read as follows:

(1) The director shall investigate (~~bona fide~~) complaints concerning practice by unlicensed individuals of a profession requiring a license. In the investigation of the complaints, the director shall have the same authority as provided the director for the investigation of complaints against license holders. The director shall issue a cease and desist order to a person after notice and hearing and upon a determination that the person has violated this subsection. If the director makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, the director may issue a temporary cease and desist order. The cease and desist order shall not relieve the person so practicing without a license from criminal prosecution therefor, but the remedy of a cease and desist order shall be in addition to any criminal liability.

(2) The attorney general, a county prosecuting attorney, the director, a board, or any individual may in accordance with the laws of this state governing injunctions, maintain an action in the name of this state to enjoin any individual practicing a licensed profession without a license from engaging in such practice until the required license is secured. However, the injunction shall not relieve the person so practicing without a license from criminal prosecution therefor, but the remedy by injunction shall be in addition to any criminal liability.

(3) Unlicensed practice of a profession under the jurisdiction of a disciplining authority specified in RCW 18.130.040 (~~(without a license)~~), unless otherwise exempted by law, constitutes a gross misdemeanor. All fees, fines, forfeitures, and penalties collected or assessed by a court because of a violation of this section shall be remitted to the health professions account.

Sec. 12. Section 20, chapter 279, Laws of 1984 and RCW 18.130.200 are each amended to read as follows:

A person who attempts to obtain or obtains a license by wilful misrepresentation or fraudulent representation is guilty of a misdemeanor.

Sec. 13. Section 22, chapter 279, Laws of 1984 and RCW 18.130.210 are each amended to read as follows:

If the disciplining authority determines or has cause to believe that a license holder has committed a crime, the disciplining authority, immediately subsequent to issuing findings of fact and a final order, shall (~~(-in addition to taking the appropriate administrative action, concurrently)~~) notify the attorney general or the county prosecuting attorney in the county in which the act took place of the facts known to the disciplining authority.

Sec. 14. Section 24, chapter 279, Laws of 1984 and RCW 18.130.900 are each amended to read as follows:

(1) This chapter shall be known and cited as the uniform disciplinary act.

(2) This chapter applies to any conduct, acts, or conditions occurring on or after the effective date of this 1986 act.

(3) This chapter does not apply to or govern the construction of and disciplinary action for any conduct, acts, or conditions occurring prior to the effective date of this 1986 act. Such conduct, acts, or conditions must be construed and disciplinary action taken according to the provisions of law existing at the time of the occurrence in the same manner as if this chapter had not been enacted.

NEW SECTION. Sec. 15. A new section is added to chapter 18.130 RCW to read as follows:

If an individual or business regulated by this chapter violates RCW 18.130.170 or 18.130.180, the attorney general, any prosecuting attorney, the director, the board, or any other person may maintain an action in the name of the state of Washington to enjoin the person from committing the violations. The injunction shall not relieve the offender from criminal prosecution, but the remedy by injunction shall be in addition to the liability of the offender to criminal prosecution and disciplinary action.

NEW SECTION. Sec. 16. Section 3, chapter 279, Laws of 1984 and RCW 18.130.030 are each repealed.

PART II PODIATRY

NEW SECTION. Sec. 17. A new section is added to chapter 18.22 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 18. Section 10, chapter 21, Laws of 1982 and RCW 18.22.015 are each amended to read as follows:

The board shall:

(1) Administer all laws placed under its jurisdiction;

(2) Prepare, grade, and administer or determine the nature, grading, and administration of examinations for applicants for podiatrist licenses;

(3) Examine and investigate all applicants for podiatrist licenses and certify to the director all applicants it judges to be properly qualified(;

(4) ~~Conduct hearings for the refusal, suspension, or revocation of licenses or appoint a departmental hearing officer to conduct these hearings;~~

(5) investigate all reports, complaints, and charges of malpractice, unsafe conditions or practices, or unprofessional conduct against any licensed podiatrist and direct corrective action if necessary;

(6) issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;

(7) Take or cause depositions to be taken as needed in any investigation, hearing, or disciplinary proceeding; and

(8) Adopt rules establishing ethical standards for the podiatric profession including rules relating to false or misleading advertising and excessive charges for professional services)).

The board may adopt any ((other)) rules which it considers necessary or proper to carry out the purposes of this chapter.

NEW SECTION, Sec. 19. The following acts or parts of acts are each repealed:

(1) Section 11, chapter 21, Laws of 1982 and RCW 18.22.016;

(2) Section 26, chapter 279, Laws of 1984 and RCW 18.22.017;

(3) Section 13, chapter 52, Laws of 1957, section 2, chapter 77, Laws of 1973, section 3, chapter 21, Laws of 1982 and RCW 18.22.020;

(4) Section 15, chapter 21, Laws of 1982 and RCW 18.22.141;

(5) Section 16, chapter 21, Laws of 1982 and RCW 18.22.151;

(6) Section 14, chapter 149, Laws of 1955, section 18, chapter 77, Laws of 1973, section 18, chapter 21, Laws of 1982, section 24, chapter 3, Laws of 1983 and RCW 18.22.215;

(7) Section 3, chapter 38, Laws of 1917 (uncodified); and

(8) Section 2, chapter 48, Laws of 1935 (uncodified).

NEW SECTION, Sec. 20. The repeal of RCW 18.22.020, 18.22.141, and 18.22.151 shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART III CHIROPRACTIC

NEW SECTION, Sec. 21. A new section is added to chapter 18.25 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses under this chapter.

NEW SECTION, Sec. 22. A new section is added to chapter 18.26 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the discipline of licensees under this chapter.

Sec. 23. Section 2, chapter 53, Laws of 1959 as last amended by section 27, chapter 287, Laws of 1984 and RCW 18.25.017 are each amended to read as follows:

The board shall meet as soon as practicable after appointment, and shall elect a chairman and a secretary from its members. Meetings shall be held at least once a year at such place as the director of licensing shall determine, and at such other times and places as he deems necessary.

The board may make such rules and regulations, not inconsistent with this chapter, as it deems necessary to carry out the provisions of this chapter.

Each member shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in accordance with RCW 43.03.050 and 43.03.060, all to be paid out of the general fund on vouchers approved by the director, but not to exceed in the aggregate the amount of fees collected as provided in this chapter.

~~((Members of the board shall be immune from suit in any action, civil or criminal, based upon their duties or other official acts performed in good faith as members of such board.))~~

Sec. 24. Section 15, chapter 5, Laws of 1919 as last amended by section 3, chapter 277, Laws of 1981 and RCW 18.25.090 are each amended to read as follows:

~~((Any person who shall practice or attempt to practice chiropractic, or any person who shall buy, sell or fraudulently obtain any diploma or license to practice chiropractic, or who shall use the title chiropractor, D.C.Ph.C., or any word or title to induce belief that he is engaged in the practice of chiropractic without first complying with the provisions of this chapter, or any person who shall violate any of the provisions of this chapter, shall be guilty of a misdemeanor, and every person falsely claiming himself to be the person named in a certificate issued to another, or falsely claiming himself to be the person entitled to the same, shall be guilty of a felony. All subsequent offenses shall be punished in like manner. Nothing herein shall be held to apply to or to regulate any kind of treatment by prayer. PROVIDED, That)) On all cards, books, papers, signs or other written or printed means of giving information to the public, used by those licensed by this chapter to practice chiropractic, the practitioner shall use after or below his name the term chiropractor or D.C.Ph.C. designating his line of drugless practice, and shall not use the letters M.D. or D.O.: PROVIDED, That the word doctor or 'Dr.' may be used only in conjunction with the word 'chiropractic' or 'chiropractor'. Nothing in this chapter shall be held to apply to or to regulate any kind of treatment by prayer.~~

Sec. 25. Section 3, chapter 171, Laws of 1967 as last amended by section 17, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.030 are each amended to read as follows:

(1) In addition to those acts defined in chapter 18.130 RCW, the term 'unprofessional conduct' as used in this chapter and chapter 18.25 RCW (~~shall mean the following items or any one or combination thereof:~~

(1) Conviction in any court of any offense involving moral turpitude, in which case the record of such conviction shall be conclusive evidence;

(2) Fraud or deceit in the obtaining of a license to practice chiropractic;

(3) A violation of any rule or regulation pertaining to advertising of chiropractic practice or business promulgated by the board;

(4) The impersonation of another licensed practitioner;

(5) Habitual intemperance;

(6) The willful betrayal of a professional secret;

(7) Acts of gross misconduct in the practice of the profession;

(8) Aiding or abetting an unlicensed person to practice chiropractic;

(9) A declaration of mental incompetency by a court of competent jurisdiction;

(10) ~~includes~~ failing to differentiate chiropractic care from any and all other methods of healing at all times(;

(11) Practicing contrary to laws regulating the practice of chiropractic;

(12) Unprofessional conduct as defined in chapter 19.68 RCW;

(13) Violation of any ethical standard as established by the board;

(14) Suspension or revocation of license to practice chiropractic by competent authority in any state or foreign jurisdiction;

(15) Incompetency to practice chiropractic by reason of illness, drunkenness, excessive use of controlled substances, chemicals, or any other type of material or as a result of any mental or physical condition)).

(2) Proceedings involving alleged unprofessional conduct shall be conducted by the attorney general upon the direction of the board.

Sec. 26. Section 11, chapter 171, Laws of 1967 as amended by section 2, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.110 are each amended to read as follows:

The board (~~shall have the following powers and duties:~~

(1) ~~To~~) may adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter(;

(2) ~~To establish and promulgate by rules and regulations ethical standards for the chiropractic profession including, but not limited to, regulations relating to advertising, or excessive charging for professional services;~~

(3) ~~To investigate all complaints and charges of unprofessional conduct against any holder of a license to practice chiropractic and to hold hearings to determine whether such charges are substantiated or unsubstantiated;~~

(4) ~~To employ necessary stenographic or clerical help;~~

(5) ~~To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;~~

(6) ~~To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding)).~~

NEW SECTION. Sec. 27. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 5, Laws of 1919 and RCW 18.25.010;

(2) Section 27, chapter 279, Laws of 1984 and RCW 18.25.018;

(3) Section 8, chapter 5, Laws of 1919, section 21, chapter 30, Laws of 1975 1st ex. sess., section 2, chapter 277, Laws of 1981, section 16, chapter 7, Laws of 1985 and RCW 18.25.050; and

(4) Section 7, chapter 5, Laws of 1919 (uncodified).

NEW SECTION. Sec. 28. The repeal of RCW 18.25.010 and 18.25.050 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

NEW SECTION. Sec. 29. The following acts or parts of acts are each repealed:

(1) Section 28, chapter 279, Laws of 1984 and RCW 18.26.027;

(2) Section 15, chapter 97, Laws of 1974 ex. sess., section 19, chapter 158, Laws of 1979 and RCW 18.26.035;

(3) Section 9, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.037;

(4) Section 10, chapter 171, Laws of 1967 and RCW 18.26.100;

(5) Section 12, chapter 171, Laws of 1967, section 3, chapter 39, Laws of 1975 1st ex. sess., section 19, chapter 67, Laws of 1981 and RCW 18.26.120;

(6) Section 13, chapter 171, Laws of 1967, section 4, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.130;

(7) Section 14, chapter 171, Laws of 1967 and RCW 18.26.140;

(8) Section 15, chapter 171, Laws of 1967 and RCW 18.26.150;

(9) Section 16, chapter 171, Laws of 1967, section 5, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.160;

(10) Section 17, chapter 171, Laws of 1967, section 6, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.170;

(11) Section 18, chapter 171, Laws of 1967, section 7, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.180;

(12) Section 19, chapter 171, Laws of 1967, section 23, chapter 158, Laws of 1979 and RCW 18.26.190;

(13) Section 20, chapter 171, Laws of 1967 and RCW 18.26.200;

(14) Section 21, chapter 171, Laws of 1967, section 24, chapter 158, Laws of 1979, section 19, chapter 111, Laws of 1979 ex. sess. and RCW 18.26.210;

(15) Section 22, chapter 171, Laws of 1967, section 25, chapter 158, Laws of 1979 and RCW 18.26.220;

(16) Section 23, chapter 171, Laws of 1967, section 26, chapter 158, Laws of 1979 and RCW 18.26.230;

(17) Section 24, chapter 171, Laws of 1967, section 27, chapter 158, Laws of 1979 and RCW 18.26.240;

(18) Section 25, chapter 171, Laws of 1967 and RCW 18.26.250;

(19) Section 27, chapter 171, Laws of 1967, section 8, chapter 39, Laws of 1975 1st ex. sess. and RCW 18.26.270;

(20) Section 28, chapter 171, Laws of 1967 and RCW 18.26.280;

(21) Section 29, chapter 171, Laws of 1967, section 28, chapter 158, Laws of 1979 and RCW 18.26.290;

(22) Section 30, chapter 171, Laws of 1967, section 29, chapter 158, Laws of 1979 and RCW 18.26.300; and

(23) Section 32, chapter 171, Laws of 1967 and RCW 18.26.310.

NEW SECTION, Sec. 30. The amendment of RCW 18.26.030 and the repeal of RCW 18.26.035 and 18.26.037 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART IV

DENTAL HYGIENISTS

NEW SECTION, Sec. 31. A new section is added to chapter 18.29 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION, Sec. 32. The following acts or parts of acts are each repealed:

(1) Section 26, chapter 16, Laws of 1923 and RCW 18.29.010;

(2) Section 29, chapter 279, Laws of 1984 and RCW 18.29.075;

(3) Section 34, chapter 16, Laws of 1923 and RCW 18.29.080;

(4) Section 35, chapter 16, Laws of 1923 and RCW 18.29.090; and

(5) Section 30, chapter 16, Laws of 1923 (uncodified).

NEW SECTION, Sec. 33. The repeal of RCW 18.29.010, 18.29.080, and 18.29.090 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART V

DENTISTRY

NEW SECTION, Sec. 34. A new section is added to chapter 18.32 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 35. Section 8, chapter 93, Laws of 1953 and RCW 18.32.085 are each amended to read as follows:

The ~~((director of licensing shall have))~~ dental disciplinary board has the power and it shall be ~~((his))~~ its duty to:

(1) Require licensed dentists to keep and maintain a copy of each laboratory referral instruction, describing detailed services rendered, for a period to be determined by the ~~((director))~~ board but not more than three years, and to require the production of all such records for examination by the ~~((director of licensing))~~ board or ~~((his))~~ its authorized representatives; and

(2) Promulgate reasonable rules and regulations requiring licensed dentists to make, maintain and produce for examination by the ~~((director of licensing))~~ board or ~~((his))~~ its authorized representatives such other records as may be reasonable and proper in the performance of ~~((his))~~ its duties and enforcing the provisions of this chapter.

Sec. 36. Section 20, chapter 112, Laws of 1935 and RCW 18.32.290 are each amended to read as follows:

It shall be unlawful for any person, firm or corporation to publish, directly or indirectly, or circulate any fraudulent, false or misleading statements within the state of Washington as to the skill or method of practice of any person or operator; or in any way to advertise in print any matter with a view of deceiving the public, or in any way that will tend to deceive or defraud the public; or to claim superiority over neighboring dental practitioners; or to publish reports of cases or certificates of same in any public advertising media; or to advertise as using any anesthetic, drug, formula, medicine, which is either falsely advertised or misnamed; ~~((or to advertise any amount as a price or fee for the service or services of any person engaged as~~

principal or agent in the practice of dentistry, or for any material or materials whatsoever used or to be used;)) or to employ 'capper' or 'steerers' to obtain patronage; ((or to give a public demonstration of skill or methods of practicing dentistry upon or along the streets or highways;)) and any person committing any offense against any of the provisions of this section shall, upon conviction, be subjected to such penalties as are provided in this chapter: PROVIDED, That any person licensed under this chapter may announce credit, terms of credit or installment payments that may be made at periodical intervals to apply on account of any dental service rendered(~~(- AND PROVIDED FURTHER, That any person licensed under this chapter shall not advertise any specific amount of credit, terms of credit or installment payments that may be made at periodical intervals to apply on account of any dental service rendered)).~~ The dental disciplinary board may adopt such rules as are necessary to carry out the intent of this section.

Sec. 37. Section 39, chapter 52, Laws of 1957 and RCW 18.32.360 are each amended to read as follows:

~~((It shall be unlawful for any person to practice dentistry under any name, except his own, which shall be that used in his license issued by the director: PROVIDED, That this shall not apply to any person who was practicing dentistry in this state on March 20, 1935, under an association or trade name.~~

~~It shall be unlawful for any person to conduct a dental office in his name, or to advertise his name in connection with any dental offices, unless he is personally present therein operating as a dentist, or personally overseeing the operations performed in any office, during most of the time that that office is being operated: PROVIDED, That this section shall not prohibit any person from continuing to conduct any offices legally conducted in this state on March 20, 1935;)) Any advertisement or announcement for dental services must include for each office location advertised the names of all persons practicing dentistry at that office location.~~

Any violation of the provisions of this section shall constitute improper, unprofessional and dishonorable conduct; it shall also constitute grounds for injunction proceedings as provided by ~~((this chapter))~~ RCW 18.130.190(2), and in addition shall constitute a gross misdemeanor.

Sec. 38. Section 16, chapter 112, Laws of 1935 and RCW 18.32.390 are each amended to read as follows:

Any person who ~~((shall practice or offer to practice dentistry in this state without being registered or without a license for that purpose, or))~~ violates any of the provisions of the chapter for which no specific penalty has been provided herein, shall be subject to prosecution before any court of competent jurisdiction, and shall, upon conviction, be guilty of a gross misdemeanor.

Sec. 39. Section 37, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.500 are each amended to read as follows:

RCW 18.32.510 through ~~((18.32.700))~~ 18.32.620 shall be known and may be cited as the 'Dental Disciplinary Board Act'.

Sec. 40. Section 2, chapter 5, Laws of 1977 ex. sess. as amended by section 36, chapter 158, Laws of 1979 and RCW 18.32.520 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions contained in this section shall apply throughout RCW 18.32.510(~~(-and 18.32.530))~~ through ~~((18.32.700))~~ 18.32.620.

(1) 'Board' means the dental disciplinary board created in RCW 18.32.560.

(2) 'License' means a certificate or license to practice dentistry in this state as provided for in this chapter.

(3) 'Member' means member of the dental disciplinary board.

(4) 'Secretary' means the secretary of the dental disciplinary board.

(5) 'Director' means the director of licensing of the state of Washington.

(6) 'To practice dentistry' means to engage in the practice of dentistry as defined in RCW 18.32.020.

Sec. 41. Section 3, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.530 are each amended to read as follows:

In addition to those acts defined in chapter 18.130 RCW, the term 'unprofessional conduct' as used in RCW 18.32.530 through ~~((18.32.700 and in RCW 18.32.230 as now or hereafter amended shall mean any one of the following items or any combination thereof:~~

~~(1) The commission of any act involving moral turpitude, dishonesty, or corruption, which act relates to a person's fitness to practice dentistry; and if the act constitutes a crime, conviction thereof in a criminal proceeding shall not be a condition precedent to disciplinary action: Upon conviction, however, the judgment and sentence shall be conclusive evidence at an ensuing disciplinary hearing of the guilt of the respondent dentist of the crime described in the indictment or information, and of said respondent dentist's violation of the statute upon which it is based: PROVIDED, That nothing herein shall be construed to affect or alter the provisions of RCW 9.96A.020;~~

~~(2) Making any misrepresentation or false promise directly or indirectly to influence, persuade or induce dental patronage, or engaging in any other improper, unprofessional, or dishonorable conduct in the practice of dentistry;~~

~~(3) Misrepresentation or concealment of a material fact in the obtaining of a license to practice dentistry or in the reinstatement of such license;~~

~~(4) Division of fees or agreeing to split or divide the fees received for dental services with any person for bringing or referring a patient, or for assisting in the care or treatment of a patient, without the knowledge of said patient or the patient's legal representative;~~

~~(5) Employing, procuring, inducing, aiding, or abetting a person not licensed or registered as a dentist to engage in the practice of dentistry. The person practiced upon shall not be deemed an accomplice, employer, procurer, inducer, aider, or abettor within the meaning of RCW 18.32.536 through 18.32.780;~~

~~(6) Professional connection or association with or lending a dentist's name to another for the illegal practice of dentistry by another, or professional connection or association with any person, firm or corporation holding itself out in any manner contrary to this chapter;~~

~~(7) The impersonation of another licensed practitioner;~~

~~(8) Suspension or revocation of the dentist's license to practice dentistry by competent authority in any state, federal, or foreign jurisdiction;~~

~~(9) Gross incompetency in the practice of dentistry;~~

~~(10)) 18.32.620 includes gross, wilful ((and)), or continued overcharging for professional services((;~~

~~(11) Wilful or repeated violations of lawful rules established by any health officer of the state or any municipal corporation or division thereof;~~

~~(12) Habitual intoxication or addiction to the use of controlled substances;~~

~~(13) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for therapeutic purposes or in violation of law;~~

~~(14) Any conduct in violation of this chapter;~~

~~(15) Wilful violation of RCW 18.32.540 or wilful disregard of a subpoena or notice of the dental disciplinary board)).~~

Sec. 42. Section 14, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.640 are each amended to read as follows:

The board ((shall have the following powers and duties:

~~(1) To)) may adopt, amend, and rescind such rules as it deems necessary to carry out ((the provisions of RCW 18.32.510, and 18.32.530 through 18.32.780;~~

~~(2) To investigate all complaints and charges of unprofessional conduct against any holder of a license and to hold hearings to determine whether or not such charges can be substantiated;~~

~~(3) To employ necessary stenographic or clerical help under the provisions of chapter 41.06 RCW;~~

~~(4) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding;~~

~~(5) To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding;~~

~~(6) To investigate complaints and charges of malpractice, unsafe conditions and practices, and to analyze equipment, procedures, and training, in such cases, and to direct corrective action)) this chapter.~~

NEW SECTION. Sec. 43. The following acts or parts of acts are each repealed:

(1) Section 30, chapter 279, Laws of 1984 and RCW 18.32.038;

(2) Section 1, chapter 99, Laws of 1981 and RCW 18.32.055;

(3) Section 22, chapter 112, Laws of 1935, section 29, chapter 5, Laws of 1977 ex. sess., section 5, chapter 277, Laws of 1981 and RCW 18.32.080;

(4) Section 27, chapter 52, Laws of 1957, section 6, chapter 277, Laws of 1981 and RCW 18.32.090;

(5) Section 8, chapter 112, Laws of 1935, section 30, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.230;

(6) Section 23, chapter 112, Laws of 1935, section 32, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.380;

(7) Section 31, chapter 279, Laws of 1984 and RCW 18.32.535;

(8) Section 4, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.540;

(9) Section 5, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.550;

(10) Section 13, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.630;

(11) Section 15, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.650;

(12) Section 16, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.660;

(13) Section 17, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.670;

(14) Section 18, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.680;

(15) Section 19, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.690;

(16) Section 20, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.700;

(17) Section 21, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.710;

(18) Section 22, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.720;

(19) Section 23, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.730;

(20) Section 24, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.740;

- (21) Section 25, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.750;
 (22) Section 26, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.760;
 (23) Section 27, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.770; and
 (24) Section 28, chapter 5, Laws of 1977 ex. sess. and RCW 18.32.780.

NEW SECTION. Sec. 44. The repeal of RCW 18.32.090 and 18.32.550 and the amendment of RCW 18.32.290, 18.32.360, and 18.32.530 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART VI
DISPENSING OPTICIANS

NEW SECTION. Sec. 45. A new section is added to chapter 18.34 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 46. The following acts or parts of acts are each repealed:

- (1) Section 9, chapter 43, Laws of 1957 and RCW 18.34.090;
 (2) Section 10, chapter 43, Laws of 1957 and RCW 18.34.100;
 (3) Section 32, chapter 279, Laws of 1984 and RCW 18.34.135;
 (4) Section 14, chapter 43, Laws of 1957 and RCW 18.34.140; and
 (5) Section 15, chapter 43, Laws of 1957 and RCW 18.34.150.

NEW SECTION. Sec. 47. The repeal of RCW 18.34.090 and 18.34.140 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART VII
HEARING AIDS

NEW SECTION. Sec. 48. A new section is added to chapter 18.35 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 49. Section 11, chapter 106, Laws of 1973 1st ex. sess. as amended by section 9, chapter 39, Laws of 1983 and RCW 18.35.110 are each amended to read as follows:

In addition to causes specified under RCW 18.130.170 and 18.130.180, any person licensed under this chapter may be subject to disciplinary action by the council for any of the following causes:

(1) ~~((The licensee, in the application for the license, or in any written or oral communication to the department concerning the issuance or retention of the license, has made any material misstatement of fact, or has omitted to disclose any material fact which makes that which is stated misleading:~~

~~((2)) For unethical conduct (or for gross incompetence)) in dealing in hearing aids. Unethical conduct shall include, but not be limited to:~~

~~(a) Using or causing or promoting the use of, in any advertising matter, promotional literature, testimonial, guarantee, warranty, label, brand, insignia, or any other representation, however disseminated or published, which is false, misleading or deceptive;~~

~~(b) ((Employing directly or indirectly any suspended or unlicensed person to perform any work covered by this chapter:~~

~~(c)) Failing or refusing to honor or to perform as represented any representation, promise, agreement, or warranty in connection with the promotion, sale, dispensing, or fitting of the hearing aid:~~

~~((d)) (c) Advertising a particular model, type, or kind of hearing aid for sale which purchasers or prospective purchasers responding to the advertisement cannot purchase or are dissuaded from purchasing and where it is established that the purpose of the advertisement is to obtain prospects for the sale of a different model, type, or kind than that advertised;~~

~~((e)) (d) Falsifying hearing test or evaluation results;~~

~~((f)) (e) (i) Whenever any of the following conditions are found or should have been found to exist either from observations by the licensee or on the basis of information furnished by the prospective hearing aid user prior to fitting and dispensing a hearing aid to any such prospective hearing aid user, failing to advise that prospective hearing aid user in writing that the user should first consult a licensed physician specializing in diseases of the ear or if no such licensed physician is available in the community then to any duly licensed physician:~~

~~(A) Visible congenital or traumatic deformity of the ear, including perforation of the eardrum;~~

~~(B) History of, or active drainage from the ear within the previous ninety days;~~

~~(C) History of sudden or rapidly progressive hearing loss within the previous ninety days;~~

~~(D) Acute or chronic dizziness;~~

~~(E) Any unilateral hearing loss;~~

~~(F) Significant air-bone gap when generally acceptable standards have been established as defined by the food and drug administration;~~

~~(G) Visible evidence of significant cerumen accumulation or a foreign body in the ear canal;~~

~~(H) Pain or discomfort in the ear; or~~

(f) Any other conditions that the department may by rule establish. It is a violation of this subsection for any licensee or that licensee's employees and putative agents upon making such required referral for medical opinion to in any manner whatsoever disparage or discourage a prospective hearing aid user from seeking such medical opinion prior to the fitting and dispensing of a hearing aid. No such referral for medical opinion need be made by any licensee in the instance of replacement only of a hearing aid which has been lost or damaged beyond repair within six months of the date of purchase. The licensee or the licensee's employees or putative agents shall obtain a signed statement from the hearing aid user documenting the waiver of medical clearance and the waiver shall inform the prospective user that signing the waiver is not in the user's best health interest: PROVIDED, That the licensee shall maintain a copy of either the physician's statement showing that the prospective hearing aid user has had a medical evaluation or the statement waiving medical evaluation, for a period of three years after the purchaser's receipt of a hearing aid. Nothing in this section required to be performed by a licensee shall mean that the licensee is engaged in the diagnosis of illness or the practice of medicine or any other activity prohibited under the laws of this state;

(ii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined and cleared for hearing aid use within the previous six months by a physician specializing in otolaryngology except in the case of replacement instruments or except in the case of the parents or guardian of such person refusing, for good cause, to seek medical opinion: PROVIDED, That should the parents or guardian of such person refuse, for good cause, to seek medical opinion, the licensee shall obtain from such parents or guardian a certificate to that effect in a form as prescribed by the department;

(iii) Fitting and dispensing a hearing aid to any person under eighteen years of age who has not been examined by an audiologist who holds at least a master's degree in audiology for recommendations during the previous six months, without first advising such person or his or her parents or guardian in writing that he or she should first consult an audiologist who holds at least a master's degree in audiology, except in cases of hearing aids replaced within six months of their purchase;

~~((g))~~ (f) Representing that the services or advice of a person licensed to practice medicine and surgery under chapter 18.71 RCW or osteopathy and surgery under chapter 18.57 RCW or of a clinical audiologist will be used or made available in the selection, fitting, adjustment, maintenance, or repair of hearing aids when that is not true, or using the word 'doctor,' 'clinic,' or other like words, abbreviations, or symbols which tend to connote a medical or osteopathic profession when such use is not accurate;

~~((h))~~ (g) Permitting another to use his or her license;

~~((i))~~ (h) Stating or implying that the use of any hearing aid will restore normal hearing, preserve hearing, prevent or retard progression of a hearing impairment, or any other false, misleading, or medically or audiologicaly unsupportable claim regarding the efficiency of a hearing aid;

~~((j))~~ (i) Representing or implying that a hearing aid is or will be 'custom-made,' 'made to order,' 'prescription made,' or in any other sense specially fabricated for an individual when that is not the case; or

~~((k))~~ (j) Directly or indirectly offering, giving, permitting, or causing to be given, money or anything of value to any person who advised another in a professional capacity as an inducement to influence that person, or to have that person influence others to purchase or contract to purchase any product sold or offered for sale by the licensee, or to influence any person to refrain from dealing in the products of competitors.

~~((3))~~ Engaging in the fitting or dispensing of hearing aids while suffering from a contagious or infectious disease involving risk to the public:

~~(4)~~ Dealing in hearing aids under a false, misleading, or deceptive name;

~~(5)~~ Violating any of the provisions of this chapter or the rules adopted by this chapter.

~~(6)~~ Failure to properly and reasonably accept responsibility for the actions of his or her employees;

~~((7))~~ (2) Engaging in any unfair or deceptive practice or unfair method of competition in trade within the meaning of RCW 19.86.020 as now or hereafter amended.

~~((8))~~ (3) Aiding or abetting any violation of the rebating laws as stated in chapter 19.68 RCW.

Sec. 50. Section 13, chapter 39, Laws of 1983 and RCW 18.35.161 are each amended to read as follows:

The council shall have the following powers and duties:

(1) To establish by rule such minimum standards and procedures in the fitting and dispensing of hearing aids as deemed appropriate and in the public interest;

(2) To develop guidelines on the training and supervision of trainees;

(3) To adopt any other rules or regulations necessary to implement this chapter and which are not inconsistent with it;

(4) To develop, approve, and administer all licensing examinations required by this chapter; and

(5) To ~~((conduct all disciplinary proceedings pursuant to this chapter. All hearings conducted and all rules adopted shall be in accordance with chapter 34.04 RCW. If, following a hearing, the council finds that an applicant or licensee has violated any section of this chapter or any of the rules promulgated under it, the council may enter an order imposing one or more of the following penalties:~~

- ~~(a) Denial of an initial license or renewal;~~
- ~~(b) Revocation or suspension of license;~~
- ~~(c) A fine not to exceed one thousand dollars for each separate offense;~~
- ~~(d) Issuance of a reprimand or letter of censure;~~
- ~~(e) Placement of the licensee on probation for a period of time;~~
- ~~(f) Restriction of the licensee's authorized scope of practice; or~~
- ~~(g) Requiring the))~~

require a licensee to make restitution to any individual injured by ((the)) a violation of this chapter or chapter 18.130 RCW, the uniform disciplinary act. The authority to require restitution does not limit the council's authority to take other action deemed appropriate and provided for in this chapter or chapter 18.130 RCW.

Sec. 51. Section 19, chapter 106, Laws of 1973 1st ex. sess. as amended by section 14, chapter 39, Laws of 1983 and RCW 18.35.190 are each amended to read as follows:

(1) In addition to remedies otherwise provided by law, in any action brought by or on behalf of a person required to be licensed hereunder, or by any assignee or transferee thereof, arising out of the business of fitting and dispensing of hearing aids, it shall be necessary to allege and prove that the licensee at the time of the transaction held a valid license as required by this chapter, and that such license has not been suspended or revoked pursuant to RCW 18.35.110 or 18.35.120.

(2) ~~((Any person who shall engage in the fitting and dispensing of hearing aids without having obtained a license or who shall willfully and intentionally violate any of the provisions of this chapter shall be guilty of a gross misdemeanor punishable by a fine not to exceed five thousand dollars per violation or by imprisonment in the county jail for a period not to exceed six months or both.~~

(3)) In addition to any other rights and remedies a purchaser may have, the purchaser of a hearing aid shall have the right to rescind the transaction for other than the seller's breach if:

(a) The purchaser, for reasonable cause, returns the hearing aid or holds it at the seller's disposal: PROVIDED, That the hearing aid is in its original condition less normal wear and tear. 'Reasonable cause' shall be defined by the council but shall not include a mere change of mind on the part of the purchaser or a change of mind related to cosmetic concerns of the purchaser in wearing a hearing aid; and

(b) By sending notice of such cancellation to the licensee at the licensee's place of business by certified mail, return receipt requested, which shall be posted not later than thirty days following the date of delivery: PROVIDED, That in the event of cancellation pursuant to this subsection or as otherwise provided by law, the licensee shall, without request, refund to the purchaser postmarked within ten days after such cancellation all deposits, including any down payment less fifteen percent of the total purchase price or one hundred dollars per hearing aid, whichever is less, and shall return all goods traded in to the licensee on account or in contemplation of the sale less any reasonable costs actually incurred in making ready for sale, goods so traded in: AND PROVIDED FURTHER, That the buyer shall incur no additional liability for such cancellation.

(c) Where a purchaser has taken the steps described in subsections (a) and (b) above to cancel the purchase, and the purchaser subsequently agrees with the seller to extend the trial or rescission period, the purchaser remains entitled to receive the refund described in ~~((RCW 18.35.190(3)(b)))~~ subsection (2)(b) of this section upon demand made within sixty days of the original date of delivery or such other time as agreed to in writing by both parties. Written notice of the last date for demanding a refund shall be provided to the purchaser at the time the trial or rescission period is extended.

Sec. 52. Section 17, chapter 39, Laws of 1983 and RCW 18.35.220 are each amended to read as follows:

(1) If the council determines following notice and hearing, or following notice if no hearing was timely requested, that a person has:

- (a) Violated any provisions of this chapter or chapter 18.130 RCW; or
- (b) Violated any lawful order, or rule of the council

an order may be issued by the council requiring the person to cease and desist from the unlawful practice. The council shall then take affirmative action as is necessary to carry out the purposes of this chapter.

(2) If the council makes a written finding of fact that the public interest will be irreparably harmed by delay in issuing an order, a temporary cease and desist order may be issued. Prior to issuing a temporary cease and desist order, the council, whenever possible, shall give notice by telephone or otherwise of the proposal to issue a temporary cease and desist order to the person to whom the order would be directed. Every temporary cease and desist order shall include in its terms a provision that upon request a hearing will be held to determine whether the order becomes permanent.

(3) The department, with or without prior administrative proceedings, may bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, or rule or order under this chapter. Upon proper showing, injunctive relief or temporary restraining orders shall be granted and a receiver or conservator may be appointed. The department shall not be required to post a bond in any court proceedings.

NEW SECTION. Sec. 53. The following acts or parts of acts are each repealed:

- (1) Section 33, chapter 279, Laws of 1984 and RCW 18.35.173; and
- (2) Section 15, chapter 39, Laws of 1983 and RCW 18.35.210.

PART VIII

DRUGLESS HEALING

NEW SECTION. Sec. 54. A new section is added to chapter 18.36 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 55. Section 13, chapter 36, Laws of 1919 as amended by section 1, chapter 131, Laws of 1985 and RCW 18.36.010 are each amended to read as follows:

The term 'drugless therapeutics,' as used in (~~RCW 18.36.010 through 18.36.165~~) this chapter consists of hydrotherapy, dietetics, electrotherapy, radiography, sanitation, suggestion, mechanical and manual manipulation for the stimulation of physiological and psychological action to establish a normal condition of mind and body, including the use of severance and penetration of the skin for purposes only of withdrawing blood samples for diagnostic purposes (venipuncture), but shall in no way include the giving, prescribing, or recommending of pharmaceutical drugs and poisons for internal use, the purpose of (~~RCW 18.36.010 through 18.36.165~~) this chapter being to confine practitioners under this chapter to drugless therapeutics. A person shall be considered as practicing within the meaning of this chapter if the person uses, prescribes, directs, or recommends any drugless treatment for the relief of a wound, fracture, bodily injury, or disease, either mental or physical.

The legislative budget committee shall specifically study the appropriateness of venipuncture within this definition pursuant to the sunset review process provided for in chapter 43.131 RCW.

The words 'certificate' and 'license' shall be interchangeable terms in this chapter, but nothing in this section affects the definitions of these terms in chapter 18.120 RCW.

Sec. 56. Section 12, chapter 36, Laws of 1919 and RCW 18.36.020 are each amended to read as follows:

The term 'separate and coordinate system' as used in (~~RCW 18.36.010 through 18.36.165~~) this chapter is defined as follows:

Food science. Is the science of treating disease through the chemical action of foods, water, nonmedicinal herbs, roots, barks and all natural food elements other than pharmaceutical drugs and poisons, to bring about a normal condition of health.

Mechano-therapy. Is a system of therapeutics which enables the practitioner to know how to apply scientifically the mechanics of hydrotherapy, dietetics, circumstances, idea and manual manipulation for the stimulation of psycho and physiological action to establish a normal condition of the body.

Suggestive therapeutics. Is a system of healing which enables the practitioner to know how to offer suggestions that will cause the mind of the patient to overcome the disease of the body and bringing mind and body into harmony, and both into harmony with environment.

Physcultopathy. Is a system of healing which enables the practitioner to know the scientific effect of movements on the body and how to direct a system of mechanical gymnastics that restore the diseased parts or functions to a normal condition.

Sec. 57. Section 8, chapter 36, Laws of 1919 and RCW 18.36.030 are each amended to read as follows:

Nothing in (~~RCW 18.36.010 through 18.36.165~~) this chapter shall be construed as to prohibit service in the case of emergency, or the domestic administration of families' remedies, nor shall (~~RCW 18.36.010 through 18.36.165~~) this chapter apply to any commissioned health officer in the United States army, navy or marine hospital service, in discharge of his official duties, nor to any licensed dentist when engaged exclusively in the practice of dentistry, nor to any duly licensed physician in the practice of medicine, or surgery, nor to a person duly licensed to practice osteopathy, from using or recommending drugless methods of healing in the course of their practice, nor shall this apply to any practitioner from any other state who visits this state in response to a call to treat a particular patient: PROVIDED, such practitioner shall not open an office or appoint a place of meeting patients within the limits of this state, nor shall (~~RCW 18.36.010 through 18.36.165~~) this chapter be construed to discriminate against any particular school of drugless therapeutics or to interfere in any way with the practice of religion: PROVIDED, also that nothing in (~~RCW 18.36.010 through 18.36.165~~) this chapter shall be held to apply to, or regulate any kind of treatment by prayer.

Sec. 58. Section 3, chapter 36, Laws of 1919 as last amended by section 34, chapter 7, Laws of 1985 and RCW 18.36.040 are each amended to read as follows:

Only persons desiring to practice drugless therapeutics in this state shall apply to said director for a license and pay a fee determined by the director as provided in RCW 43.24.086.

which sum in no case shall be refunded. If at a time appointed, or at the next regular examination, he or she shall prove he or she has completed a residence course of three entire sessions of thirty-six weeks each at a chartered drugless school, the entrance requirements of which was a high school education, or its equivalent and shall pass an examination in the following subjects, to wit: anatomy, physiology, hygiene, symptomatology, urinalysis, dietetics, hydrotherapy, radiography, electrotherapy, gynecology, obstetrics, psychology, mechanical and manual manipulation, they shall be granted a license by said director, or if the school attendance of said applicant was prior to the passage of RCW 18.36.010 (~~through 18.36.165~~) a diploma from a chartered drugless school, the entrance requirements of which was a common school education or its equivalent, and two years continuous practice in this state shall suffice; or if the applicant has no diploma but has been in continuous practice in any of the drugless systems herein mentioned for the past four years, two years of which shall have been in continuous practice in one place in this state, he or she shall be allowed to practice: PROVIDED, said applicant shall take an examination on the following subjects: anatomy, physiology, hygiene, symptomatology, mechanical and manual manipulation. After such examination the director shall grant the applicant a license to practice drugless therapeutics in the state of Washington. The examinations shall be both scientific and practical and thoroughly test the fitness of the candidate. All answers to questions peculiar to any school of therapeutics shall be scrutinized and their sufficiency passed upon by the director, but the following subjects, to wit: anatomy, physiology, hygiene, urinalysis, and gynecology, shall be construed to be in common with all systems herein mentioned, and each candidate shall be examined in each of said subjects: PROVIDED, after 1921, the following subjects shall be construed as common to all systems, to wit: anatomy, physiology, hygiene, urinalysis, symptomatology, hydrotherapy, and gynecology. (~~The director may refuse to grant a license to, or may revoke the license of any person guilty of unprofessional conduct, subject to the right of appeal within ninety days, to the superior court of the county where the board met when said license was refused, or revocation made. Any license granted without a full and fair compliance with the provisions of RCW 18.36.010 through 18.36.165 may be canceled in any action brought in the name of the state by the prosecuting attorney of the county where the examination was held, or said action may be brought by the attorney general; and if a license is denied an applicant shall have the right to petition the superior court where said examination was held for an order compelling said board to issue said license.~~)

Continuous practice as herein provided shall be construed to apply to drugless physicians who have actually been practicing in this state, even if they have not received a license under the present medical laws.

Sec. 59, Section 11, chapter 36, Laws of 1919 as last amended by section 35, chapter 7, Laws of 1985 and RCW 18.36.050 are each amended to read as follows:

The examination held by the director under (~~RCW 18.36.010 through 18.36.165~~) this chapter shall be conducted in accordance with the following regulations:

(1) Each applicant is required to make an affidavit setting forth his age, place of residence, time and place of each course of lectures, or other work connected with his drugless education and the date of graduation, or length of time in practice. The affidavit must be corroborated by the exhibition of a certificate from the proper officers of the college, showing that the applicant had completed the prescribed course for graduation. No advance standing shall be recognized for work done at other than drugless colleges.

(2) A fee determined by the director as provided in RCW 43.24.086 must accompany the application. This fee is under no consideration to be returned, but if the applicant should fail to secure an average of sixty-five percent, and should be denied a license, such applicant shall, without paying a further fee and without losing his classification under (~~the provisions of RCW 18.36.010 through 18.36.165~~) this chapter, be permitted to take another examination any time within two years. Drugless practitioners who hold a diploma from a legally incorporated drugless school who have practiced in this state two years previous to the passing of RCW 18.36.010 (~~through 18.36.165~~) and those having no diploma but who have been in continuous practice in this state for three years, shall be given a credit of fifteen percent on the general average.

(3) The examination shall be in charge of the director, and the papers of candidates shall be known by numbers which shall be arranged as follows: Envelopes shall be numbered and each containing a blank corresponding to the number, on which blank the applicant shall write his name and address, and return to the envelope, sealed by the applicant, and delivered to the director. Each candidate shall place on his paper the number given him and the year of graduation.

(4) The director shall examine the papers and place the mark opposite each candidate's number. When the markings are completed, the envelopes containing the names are to be opened and the names placed opposite their respective numbers.

(5) No dishonest methods will be tolerated, and any candidate disregarding these rules shall be debarred from further examination.

(6) Each subject for examination shall be covered by ten questions, and two hours' time shall be allowed for each subject.

(7) No candidate shall be allowed to leave the examination room after the question papers have been distributed, until the questions are answered and delivered to the examiners in charge.

(8) All examinations shall be in English. Within twenty days after a license is granted or refused, the reasons shall be set forth in writing and placed with the papers used in the examination, and all of said examination papers shall be filed with the director within thirty days after said license has been granted or refused.

Sec. 60. Section 4, chapter 36, Laws of 1919 and RCW 18.36.060 are each amended to read as follows:

The following forms of certificates shall be issued by the director:

- (1) A certificate authorizing the holder thereof to practice mechanotherapy;
- (2) A certificate authorizing the holder thereof to practice suggestive therapeutics;
- (3) A certificate authorizing the holder thereof to practice food science;
- (4) A certificate authorizing the holder thereof to practice physcullopathy;
- (5) A certificate for any other separate and coordinate system of drugless practice: PROVIDED, they shall show evidence of not less than fifty graduates, practicing in this state, whose requirements shall be no less than as set forth in ~~((RCW 18.36.010 through 18.36.165))~~ this chapter. Practitioners hereunder shall confine their practice to the subjects and system or systems represented by their certificate or certificates granted by said director. The applicant for an examination must file satisfactory testimonials of good moral character and a diploma issued by some legally chartered drugless college, or satisfactory evidence of having possessed such diploma, except as herein otherwise provided, and must fill out a blank application to be sworn to before some person authorized to take acknowledgments, showing that he or she is the person named in the diploma, is the lawful holder thereof, and that the same was procured in the regular course of instruction and examination, without fraud or misrepresentation. The said application shall be made on a blank furnished by said director, and shall contain such other information concerning the instruction and preliminary education of the applicant as said director may by rule adopt.

Sec. 61. Section 7, chapter 36, Laws of 1919 and RCW 18.36.130 are each amended to read as follows:

All persons granted licenses or certificates under ~~((RCW 18.36.010 through 18.36.165;))~~ this chapter shall be subject to the state and municipal regulations, relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health; and all such reports shall be accepted as legal.

NEW SECTION. Sec. 62. The following acts or parts of acts are each repealed:

- (1) Section 34, chapter 279, Laws of 1984 and RCW 18.36.135;
- (2) Section 10, chapter 36, Laws of 1919 and RCW 18.36.140; and
- (3) Section 9, chapter 36, Laws of 1919 and RCW 18.36.150.

NEW SECTION. Sec. 63. The repeal of RCW 18.36.140 and 18.36.150 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART IX

EMBALMERS AND FUNERAL DIRECTORS

NEW SECTION. Sec. 64. A new section is added to chapter 18.39 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 65. Section 15, chapter 108, Laws of 1937 as last amended by section 39, chapter 7, Laws of 1985 and RCW 18.39.130 are each amended to read as follows:

The ~~((director))~~ board may recognize licenses issued to funeral directors or embalmers from other states if the applicant's qualifications are comparable to the requirements of this chapter. Upon presentation of the license and payment by the holder of a fee determined under RCW 43.24.086, the ~~((director))~~ board may issue a funeral director's or embalmer's license under this chapter. The license may be renewed annually upon payment of the renewal license fee as herein provided by license holders residing in the state of Washington.

Sec. 66. Section 3, chapter 93, Laws of 1977 ex. sess. as amended by section 40, chapter 7, Laws of 1985 and RCW 18.39.145 are each amended to read as follows:

The ~~((director))~~ board shall issue a funeral establishment license to any person, partnership, association, corporation, or other organization to operate a funeral establishment, at specific locations only, which has met the following requirements:

- (1) The applicant has designated the name under which the funeral establishment will operate and has designated locations for which the general establishment license is to be issued;
- (2) The applicant is licensed in this state as a funeral director and as an embalmer, or employs at least one person with both such qualifications or one licensed funeral director and one embalmer who will be in service at each designated location;
- (3) The applicant has filed an application with the director as required by this chapter and paid the required filing fee therefor as fixed by the director pursuant to RCW 43.24.086;

(4) As a condition of applying for a new funeral establishment license, the person or entity desiring to acquire such ownership or control shall be bound by all then existing prearrangement funeral service contracts.

((The director shall make the determination of qualifications of all applicants within a reasonable time after the filing of an application with the director.)) The board may deny an application for a funeral establishment license, or issue a conditional license, if disciplinary action has previously been taken against the applicant or the applicant's designated funeral director or embalmer. No funeral establishment license shall be transferable, but an applicant may make application for more than one funeral establishment license so long as all of the requirements are met for each license. All funeral establishment licenses shall expire on June 30, or as otherwise determined by the director.

Sec. 67. Section 4, chapter 93, Laws of 1977 ex. sess. as amended by section 9, chapter 43, Laws of 1981 and RCW 18.39.148 are each amended to read as follows:

If a licensed funeral establishment does not have a licensed funeral director and embalmer in its employ at its place of business, its license shall be canceled immediately by the ~~((director or the))~~ board. Upon notification of cancellation of a funeral establishment license, the funeral establishment shall be notified of the opportunity for a hearing, which shall be conducted pursuant to chapter 34.04 RCW.

Sec. 68. Section 8, chapter 108, Laws of 1937 as last amended by section 41, chapter 7, Laws of 1985 and RCW 18.39.150 are each amended to read as follows:

Any licensed funeral director or embalmer whose license has lapsed shall reapply for a license and pay a fee as determined under RCW 43.24.086 before the license may be issued. Applications under this section shall be made within one year after the expiration of the previous license. If the application is not made within ~~((three))~~ one year(s), the applicant shall be required to take an examination or submit other satisfactory proof of continued competency approved by the ~~((director))~~ board and pay the license fee, as required by this chapter in the case of initial applications, together with all unpaid license fees and penalties.

Sec. 69. Section 9, chapter 93, Laws of 1977 ex. sess. as last amended by section 6, chapter 402, Laws of 1985 and RCW 18.39.175 are each amended to read as follows:

Each member of the board of funeral directors and embalmers shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for travel expenses in connection with board duties in accordance with RCW 43.03.050 and 43.03.060.

The state board of funeral directors and embalmers shall have the following duties and responsibilities:

(1) To be responsible for the preparation, conducting, and grading of examinations of applicants for funeral director and embalmer licenses;

(2) To certify to the director the results of examinations of applicants and certify the applicant as having 'passed' or 'failed';

(3) To make findings and recommendations to the director on any and all matters relating to the enforcement of this chapter;

(4) To adopt, promulgate, and enforce reasonable rules. Rules regulating the cremation of human remains and establishing fees and permit requirements shall be adopted in consultation with the cemetery board; and

(5) To examine or audit or to direct the examination and audit of prearrangement funeral service trust fund records for compliance with this chapter and rules adopted by the board.

(6) To ~~((suspend or revoke any license, after proper hearing and notice to the licensee.))~~ conduct disciplinary proceedings under chapter 18.130 RCW if the licensee has violated that chapter or has committed ~~((any of the following:~~

(a) A crime involving moral turpitude and resulting in a conviction;

(b)) unprofessional conduct, which includes:

((i) Misrepresentation or fraud in the conduct of the business or the profession of a funeral director or embalmer;

((ii) False or misleading advertising as a funeral director or embalmer;

((iii)) (a) Solicitation of human dead bodies by the licensee, his agents, assistants or employees, whether the solicitation occurs after death or while death is impending. This chapter does not prohibit general advertising or the sale of pre-need funeral plans;

((iv)) (b) Employment by the licensee of persons known as 'cappers,' 'steerers,' or 'solicitors' or other persons to obtain funeral directing or embalming business;

((v)) (c) Employment directly or indirectly of any person for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral director or embalmer;

((vi)) (d) The buying of business by the licensee, his agents, assistants or employees, or the direct or indirect payment or offer of payment of a commission by the licensee, his agents, assistants, or employees, for the purpose of securing business;

((vii) Aiding or abetting an unlicensed person to practice funeral directing or embalming;

((viii)) (e) Solicitation or acceptance by a licensee of any commission or bonus or rebate in consideration of recommending or causing a dead human body to be disposed of in any crematory, mausoleum, or cemetery;

~~((ix))~~ (f) Using any casket or part of a casket which has previously been used as a receptacle for, or in connection with, the burial or other disposition of a dead human body without the written consent of next of kin;

~~((x))~~ Violation of any of the provisions of this chapter or the rules in support thereof;

~~((xi))~~ (g) Violation of any state law or municipal or county ordinance or regulation affecting the handling, custody, care, or transportation of dead human bodies;

~~((xii))~~ (h) Fraud or misrepresentation in obtaining a license;

~~((xiii))~~ (i) Refusing to promptly surrender the custody of a dead human body upon the express order of the person lawfully entitled to its custody;

~~((xiv))~~ (j) Selling, or offering for sale, a share, certificate, or an interest in the business of any funeral director or embalmer, or in any corporation, firm, or association owning or operating a funeral establishment, which promises or purports to give to purchasers a right to the services of the funeral director, embalmer, or corporation, firm, or association at a charge or cost less than that offered or given to the public; or

~~((xv))~~ (k) Knowingly concealing information concerning a violation of this chapter;

~~((6))~~ (7) To adopt rules establishing mandatory continuing education requirements to be met by persons applying for license renewal.

Sec. 70. Section 5, chapter 93, Laws of 1977 ex. sess. as amended by section 13, chapter 43, Laws of 1981 and RCW 18.39.181 are each amended to read as follows:

The director shall have the following powers and duties:

(1) ~~(To determine the qualifications of applicants for all licenses under this chapter;~~

~~(2))~~ To issue all licenses provided for under this chapter;

~~((3))~~ (2) To annually renew licenses under this chapter;

~~((4))~~ (3) To collect all fees prescribed and required under this chapter; and

~~((5))~~ (4) To keep general books of record of all official acts, proceedings, and transactions of the department of licensing while acting under this chapter.

Sec. 71. Section 15, chapter 66, Laws of 1982 and RCW 18.39.231 are each amended to read as follows:

A funeral director or any person under the supervision of a funeral director shall not, in conjunction with any professional services performed for compensation under this chapter, provide financial or investment advice to any person other than a family member, represent any person in a real estate transaction, or act as an agent under a power of attorney for any person. However, this section shall not be deemed to prohibit a funeral establishment from entering into prearrangement funeral service contracts in accordance with this chapter or to prohibit a funeral director from providing advice about government or insurance benefits.

A violation of this section is a gross misdemeanor and is grounds for disciplinary action ~~(including suspension or revocation of the license, as provided in RCW 18.39.179)~~.

The board shall adopt such rules as the board deems reasonably necessary to prevent unethical financial dealings between funeral directors and their clients.

Sec. 72. Section 4, chapter 66, Laws of 1982 and RCW 18.39.260 are each amended to read as follows:

A funeral establishment shall not enter into prearrangement funeral service contracts in this state unless the funeral establishment has obtained a certificate of registration issued by the ~~((director))~~ board and such certificate is then in force.

Certificates of registration shall be maintained by funeral establishments until all prearrangement contract obligations have been fulfilled. The funeral establishment shall comply with all requirements related to the sale of prearrangement contracts until all obligations have been fulfilled.

Sec. 73. Section 7, chapter 66, Laws of 1982 and RCW 18.39.280 are each amended to read as follows:

To apply for an original certificate of registration, a funeral establishment must:

(1) File with the ~~((director))~~ board its request showing:

(a) Its name, location, and organization date;

(b) The kinds of funeral business it proposes to transact;

(c) A statement of its financial condition, management, and affairs on a form satisfactory to or furnished by the director; and

(d) Such other documents, stipulations, or information as the ~~((director))~~ board may reasonably require to evidence compliance with the provisions of this chapter.

(2) Deposit with the director the fees required by this chapter to be paid for filing the accompanying documents, and for the certificate of registration, if granted.

Sec. 74. Section 8, chapter 66, Laws of 1982 and RCW 18.39.290 are each amended to read as follows:

All certificates of registration issued pursuant to this chapter shall continue in force until the expiration date unless suspended(;) or revoked(, or renewed). A certificate shall be subject to renewal annually ~~((on the first day of July upon))~~ ninety days after the end of its fiscal year, as stated on the original application, by the funeral establishment and payment of the required fees.

The director shall determine and collect ~~((in advance the following))~~ fees(:

(1) ~~Certificate of registration:~~

(a) ~~Issuance — thirty-five dollars;~~

(b) ~~Renewal — fifteen dollars;~~

(2) ~~Annual statement of financial condition — ten dollars)) related to certificate of registration licensure.~~

All fees so collected shall be remitted by the director to the state treasurer not later than the first business day following receipt of such funds and the funds shall be credited to the ((general fund)) health professions account.

Sec. 75. Section 6, chapter 66, Laws of 1982 and RCW 18.39.300 are each amended to read as follows:

In addition to the grounds for action set forth in RCW 18.130.170 and 18.130.180, the ((director)) board may ((~~refuse to renew or may revoke or suspend a~~) take the disciplinary action set forth in RCW 18.130.160 against the funeral establishment's license, the license of any funeral director and/or the funeral establishment's certificate of registration, if the ((funeral establishment)) licensee or registrant:

(1) Fails to comply with any provisions of this chapter, chapter 18.130 RCW, or any proper order or regulation of the ((director)) board;

(2) Is found by the ((director)) board to be in such condition that further execution of prearrangement contracts could be hazardous to purchasers or beneficiaries and the people of this state;

(3) Refuses to be examined, or refuses to submit to examination or to produce its accounts, records and files for examination by the ((director)) board when required; or

(4) Is found by the ((director)) board after investigation or receipt of reliable information to be managed by persons who are incompetent or untrustworthy or so lacking in managerial experience as to make the proposed or continued operation hazardous to purchasers, beneficiaries, or to the public.

Sec. 76. Section 10, chapter 66, Laws of 1982 and RCW 18.39.320 are each amended to read as follows:

(1) Each authorized funeral establishment shall annually, ((~~before the first day of March~~) at the time of its registration renewal, file with the ((director)) board a true and accurate statement of its financial condition, transactions, and affairs for ((the)) its preceding ((calendar)) fiscal year. The statement shall be on such forms and shall contain such information as required by this chapter and by the ((director)) board.

(2) The ((director)) board shall ((~~suspend or revoke~~) take disciplinary action against the certificate of registration of any funeral establishment which fails to file its annual statement when due or after any extension of time which the ((director)) board has, for good cause, granted.

Sec. 77. Section 11, chapter 66, Laws of 1982 and RCW 18.39.330 are each amended to read as follows:

No prearrangement funeral contract forms shall be used without the prior approval of the ((director)) board.

The ((director)) board shall disapprove any such contract form, or withdraw prior approval, when such form:

(1) Violates or does not comply with this chapter;

(2) Contains or incorporates by reference any inconsistent, ambiguous or misleading clauses, or exceptions and conditions which unreasonably or deceptively affect the merchandise or service purported to be provided in the general coverage of the contract;

(3) Has any title, heading, or other part of its provisions which is misleading; or

(4) Is being solicited by deceptive advertising.

NEW SECTION. Sec. 78. The following acts or parts of acts are each repealed:

(1) Section 35, chapter 279, Laws of 1984 and RCW 18.39.176;

(2) Section 12, chapter 43, Laws of 1981 and RCW 18.39.179;

(3) Section 6, chapter 93, Laws of 1977 ex. sess., section 17, chapter 43, Laws of 1981 and RCW 18.39.223;

(4) Section 7, chapter 93, Laws of 1977 ex. sess., section 18, chapter 43, Laws of 1981 and RCW 18.39.225;

(5) Section 9, chapter 66, Laws of 1982 and RCW 18.39.310; and

(6) Section 12, chapter 66, Laws of 1982 and RCW 18.39.340.

NEW SECTION. Sec. 79. The repeal of RCW 18.39.179 and the amendment of RCW 18.39.175 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART X MIDWIFERY

NEW SECTION. Sec. 80. A new section is added to chapter 18.50 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 81. The following acts or parts of acts are each repealed:

(1) Section 7, chapter 160, Laws of 1917, section 9, chapter 53, Laws of 1981 and RCW 18.50.100;

(2) Section 9, chapter 160, Laws of 1917 and RCW 18.50.120; and

(3) Section 36, chapter 279, Laws of 1984 and RCW 18.50.125.

NEW SECTION. Sec. 82. The repeal of RCW 18.50.100 and 18.50.120 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XI

NURSING HOME ADMINISTRATORS

NEW SECTION. Sec. 83. A new section is added to chapter 18.52 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 84. Section 10, chapter 57, Laws of 1970 ex. sess. as amended by section 4, chapter 243, Laws of 1977 ex. sess. and RCW 18.52.100 are each amended to read as follows:

The board with the assistance of the director for administrative matters shall have the duty and responsibility within the limits provided in this chapter:

(1) To develop standards which must be met by individuals in order to receive a license as a nursing home administrator, which standards shall include criteria to evaluate the practical experience, education, and training of applicants for licenses to determine that applicants have the equivalent of two years of experience in the operation of a nursing home. The standards and criteria shall be designed to insure that nursing home administrators will be individuals who are of good character and are otherwise suitable, and who, by training or experience in the field of institutional administration, are qualified to serve as nursing home administrators as provided in this chapter.

(2) To develop appropriate techniques, including examinations and investigations to the extent necessary to determine whether an individual meets such standards for licensing.

(3) To develop, administer, and supervise an administrator-in-training program for applicants for licenses who are otherwise qualified but do not have the equivalent of two years experience in the operation of a nursing home at the time of application. Such program shall provide for supervision of each administrator-in-training by licensed nursing home administrators as preceptors. The board shall have the authority to do all acts necessary for the implementation of such a program, including, but not limited to, conducting education and training programs, establishing standards of qualification for preceptors, establishing criteria for creating and evaluating individual programs, and monitoring such programs to assure compliance with rules and regulations adopted by the board.

(4) To order the director to issue licenses to individuals determined by the board, after the application of such techniques, to meet such standards and to order the director to deny licenses to individuals who do not meet such standards or who are in violation of ~~(the provisions of RCW 18.52.120)~~ this chapter or chapter 18.130 RCW.

~~(5) ((To assure that the goals set forth in RCW 18.52.010 are effected the board shall have the authority after any notice and hearing which may be required by law, to order a reprimand of any licensee, or the suspension, refusal to reregister, or revocation of any license. The board may defer any such order or impose conditions thereon to permit continued licensed status when such action is reasonable considering the circumstances of the case, the protection of the health and safety of patients, and fairness to the administrator.~~

~~(6) To investigate, and take appropriate action with respect to, any charge or complaint filed with the board or director to the effect that any individual licensed as a nursing home administrator has failed to comply with the requirements of the standards for licensing.~~

(7) To conduct a continuing study and investigation of the licensing of administrators of nursing homes within the state with a view to the improvement of the standards imposed for the licensing of new administrators and of procedures and methods for the enforcement of such standards with respect to administrators of nursing homes who are to be licensed.

~~((8))~~ (6) To encourage qualified educational institutions and other qualified organizations to establish, provide, and conduct and continue such training and instruction courses and programs as will enable all otherwise qualified individuals to attain the qualifications necessary to meet the standards for licensing nursing home administrators.

~~((9))~~ (7) To establish and carry out procedures, if required, designed to insure that individuals licensed as nursing home administrators will, during any period that they serve as such, comply with the requirements and standards for licensing set forth in this chapter.

~~((10))~~ (8) To establish appropriate procedures for the issuance in unusual circumstances and without examination of temporary license permits as nursing home administrators. Such permits may be issued and renewed by the director pursuant to rules and regulations which shall be established by the board. Such permits and renewals shall be subject to confirmation or rescission by order of the board upon review at the next board meeting. Any such permit or renewal thereof shall in all events expire six months from the date issued. No more than three consecutive permits shall be issued to any one person. Persons receiving such permits need not have passed the required examination but shall meet the other requirements of this chapter, except RCW 18.52.070(2). After hearing before the board and upon order of the board the

director may ~~((revoke or suspend any such permit))~~ take appropriate disciplinary action for the reasons provided in this chapter ~~((for suspension or revocation of administrator licenses))~~ or chapter 18.130 RCW.

~~((+1))~~ (9) To advise the relevant state agencies regarding receipt and administration of such federal funds as are made available to carry out the educational purposes of this chapter.

~~((+2))~~ (10) To advise the director regarding the application forms used by the director under this chapter.

~~((+3))~~ (11) To direct the granting of provisional licenses as provided in this chapter.

~~((+4))~~ (12) To issue rules and regulations which are necessary to carry out the functions of the board specifically assigned to it by this chapter.

NEW SECTION. Sec. 85. The following acts or parts of acts are each repealed:

(1) Section 72, chapter 279, Laws of 1984 and RCW 18.52.055;

(2) Section 37, chapter 279, Laws of 1984 and RCW 18.52.065;

(3) Section 9, chapter 57, Laws of 1970 ex. sess., section 3, chapter 243, Laws of 1977 ex. sess., section 68, chapter 279, Laws of 1984 and RCW 18.52.090;

(4) Section 12, chapter 57, Laws of 1970 ex. sess., section 2, chapter 97, Laws of 1975 1st ex. sess., section 5, chapter 243, Laws of 1977 ex. sess., section 70, chapter 279, Laws of 1984 and RCW 18.52.120;

(5) Section 15, chapter 57, Laws of 1970 ex. sess., section 6, chapter 243, Laws of 1977 ex. sess., section 20, chapter 67, Laws of 1981 and RCW 18.52.150; and

(6) Section 7, chapter 243, Laws of 1977 ex. sess. and RCW 18.52.155.

NEW SECTION. Sec. 86. The repeal of RCW 18.52.120 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XII OPTOMETRY

NEW SECTION. Sec. 87. A new section is added to chapter 18.53 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter and chapter 18.54 RCW.

NEW SECTION. Sec. 88. A new section is added to chapter 18.54 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter and chapter 18.53 RCW.

Sec. 89. Section 8, chapter 144, Laws of 1919 and RCW 18.53.030 are each amended to read as follows:

The ~~((director))~~ board may at ~~((his))~~ its discretion, issue a permit to practice optometry during the interim between examinations, to any person who has filed an application for examination which has been accepted by ~~((said director))~~ the board as admitting the applicant to the next examination. Such permit shall be valid only until the date of the next examination and shall not be issued sooner than thirty days following any regular examination, and no permit shall be issued to any person who has failed before the ~~((director))~~ board, nor where a certificate has been revoked.

Sec. 90. Section 11, chapter 144, Laws of 1919 as amended by section 6, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.100 are each amended to read as follows:

~~((The optometry board may under the provisions of the administrative procedure act, chapter 34.04 RCW, upon presentation of evidence and information by the director, revoke the license of any optometrist for any of the following causes:~~

~~((1) Conviction of any crime involving moral turpitude; or~~

~~((2))~~ (2) The following constitutes grounds for disciplinary action under chapter 18.130 RCW:

(1) Any form of fraud or deceit used in securing a license; or

~~((3))~~ (2) Any unprofessional conduct, of a nature likely to deceive or defraud the public;

~~((4) The obtaining of any fee by fraud or misrepresentation; or~~

~~((5))~~ (3) The employing either directly or indirectly of any person or persons commonly known as 'cappers' or 'steerers' to obtain business; or

~~((6))~~ (4) To employ any person to solicit from house to house, or to personally solicit from house to house; or

~~((7) The employment of any unlicensed person to perform the work covered by this chapter; or~~

~~((8))~~ (5) Advertisement in any way in which untruthful, improbable or impossible statements are made regarding treatments, cures or values; or

~~((9))~~ (6) The use of the term 'eye specialist' in connection with the name of such optometrist; or

~~((10) For habits of intemperance or habitual drunkenness, addiction to the drug habit, in a manner likely to destroy the accuracy of the work of an optometrist; or~~

~~((11) Affliction with a contagious or infectious disease, or one which is likely to destroy the accuracy of the work of the afflicted; or~~

~~(12) For any cause for which the director or board of optometry might refuse to admit a candidate to his examination; or~~

~~((13)) (7) Inability to demonstrate, in a manner satisfactory to the director or the board of optometry, their practical ability to perform any function set forth in RCW 18.53.010 which they utilize in their practice((--or~~

~~(14) For the violation of any provision of this chapter or any rules and regulations of the director or the optometry board)).~~

Sec. 91. Section 7, chapter 144, Laws of 1919 as last amended by section 3, chapter 58, Laws of 1981 and RCW 18.53.140 are each amended to read as follows:

It shall be unlawful for any person:

(1) To sell or barter, or offer to sell or barter any license issued by the director; or

(2) To purchase or procure by barter any license with the intent to use the same as evidence of the holder's qualification to practice optometry; or

(3) To alter with fraudulent intent in any material regard such license; or

(4) To use or attempt to use any such license which has been purchased, fraudulently issued, counterfeited or materially altered as a valid license; or

(5) To practice optometry under a false or assumed name, or as a representative or agent of any person, firm or corporation with which the licensee has no connection: PROVIDED, Nothing in this chapter nor in the optometry law shall make it unlawful for any lawfully licensed optometrist or association of lawfully licensed optometrists to practice optometry under the name of any lawfully licensed optometrist who may transfer by inheritance or otherwise the right to use such name; or

~~(6) ((To willfully make any false statements in material regard in an application for an examination before the director, or for a license; or~~

~~(7)) To practice optometry in this state either for himself or any other individual, corporation, partnership, group, public or private entity, or any member of the licensed healing arts without having at the time of so doing a valid license issued by the director of licensing; or~~

~~((8)) (7) To in any manner barter or give away as premiums either on his own account or as agent or representative for any other purpose, firm or corporation, any eyeglasses, spectacles, lenses or frames; or~~

~~((9)) (8) To use drugs in the examination of eyes except diagnostic agents, topically applied, known generally as cycloplegics, mydriatics, topical anesthetics, dyes such as fluorescein, and for emergency use only, miotics, which legend drugs a certified optometrist is authorized to purchase, possess and administer; or~~

~~((10)) (9) To use advertising whether printed, radio, display, or of any other nature, which is misleading or inaccurate in any material particular, nor shall any such person in any way misrepresent any goods or services (including but without limitation, its use, trademark, grade, quality, size, origin, substance, character, nature, finish, material, content, or preparation) or credit terms, values, policies, services, or the nature or form of the business conducted; or~~

~~((11)) (10) To advertise the 'free examination of eyes,' 'free consultation,' 'consultation without obligation,' 'free advice,' or any words or phrases of similar import which convey the impression to the public that eyes are examined free or of a character tending to deceive or mislead the public, or in the nature of 'bait advertising;' or~~

~~((12)) (11) To use an advertisement of a frame or mounting which is not truthful in describing the frame or mounting and all its component parts. Or advertise a frame or mounting at a price, unless it shall be depicted in the advertisement without lenses inserted, and in addition the advertisement must contain a statement immediately following, or adjacent to the advertised price, that the price is for frame or mounting only, and does not include lenses, eye examination and professional services, which statement shall appear in type as large as that used for the price, or advertise lenses or complete glasses, viz.: frame or mounting with lenses included, at a price either alone or in conjunction with professional services; or~~

~~((13)) (12) To use advertising, whether printed, radio, display, or of any other nature, which inaccurately lays claim to a policy or continuing practice of generally underselling competitors; or~~

~~((14)) (13) To use advertising, whether printed, radio, display or of any other nature which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services; or~~

~~((15)) (14) To use advertising whether printed, radio, display, or of any other nature, which states any definite amount of money as 'down payment' and any definite amount of money as a subsequent payment, be it daily, weekly, monthly, or at the end of any period of time((--or~~

~~(16) To violate any provision of this chapter or any rules and regulations promulgated thereunder)).~~

Sec. 92. Section 22, chapter 144, Laws of 1919 and RCW 18.53.150 are each amended to read as follows:

Any person violating ~~((any provision of RCW 18.53.010 through 18.53.150 shall, upon conviction thereof, be fined not less than one hundred dollars nor more than five hundred dollars,~~

or imprisoned not less than thirty days nor more than six months, or both)) this chapter is guilty of a misdemeanor.

Sec. 93. Section 7, chapter 25, Laws of 1963 as last amended by section 49, chapter 158, Laws of 1979 and RCW 18.54.070 are each amended to read as follows:

The board has the following powers and duties:

(1) The board shall prepare the necessary lists of examination questions, conduct examinations, either written or oral or partly written and partly oral, and shall certify to the director of licensing all lists, signed by all members conducting the examination, of all applicants for licenses who have successfully passed the examination and a separate list of all applicants for licenses who have failed to pass the examination, together with a copy of all examination questions used, and the written answers to questions on written examinations submitted by each of the applicants.

(2) ~~((The director shall investigate all complaints and charges of unprofessional conduct against any licensed optometrist, and the board shall hold hearings to determine whether or not such charges are founded:~~

~~(3) The board shall take disciplinary action against any optometrist whom the board finds guilty of unprofessional conduct, and may, under appropriate circumstances, order the revocation or suspension of a license to practice optometry by filing a copy of its findings and conclusions with the director of licensing.~~

~~(4) The board may employ stenographic and clerical help, and such other assistance as may be necessary to enforce the provisions of this chapter.~~

(5)) The board shall adopt rules and regulations to promote safety, protection and the welfare of the public, to carry out the purposes of this chapter, to aid the board in the performance of its powers and duties, and to govern the practice of optometry.

NEW SECTION. Sec. 94. The following acts or parts of acts are each repealed:

(1) Section 2, chapter 144, Laws of 1919, section 3, chapter 69, Laws of 1975 1st ex. sess., section 46, chapter 158, Laws of 1979 and RCW 18.53.020; and

(2) Section 13, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.53.155.

NEW SECTION. Sec. 95. The repeal of RCW 18.53.020 and the amendment of RCW 18.53.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

NEW SECTION. Sec. 96. The following acts or parts of acts are each repealed:

(1) Section 38, chapter 279, Laws of 1984 and RCW 18.54.075;

(2) Section 8, chapter 25, Laws of 1963, section 11, chapter 69, Laws of 1975 1st ex. sess. and RCW 18.54.080;

(3) Section 10, chapter 25, Laws of 1963 and RCW 18.54.100;

(4) Section 11, chapter 25, Laws of 1963 and RCW 18.54.110; and

(5) Section 12, chapter 25, Laws of 1963 and RCW 18.54.120.

NEW SECTION. Sec. 97. The repeal of RCW 18.54.080 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XIII OCULARISTS

NEW SECTION. Sec. 98. A new section is added to chapter 18.55 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 99. The following acts or parts of acts are each repealed:

(1) Section 39, chapter 279, Laws of 1984 and RCW 18.55.065;

(2) Section 6, chapter 101, Laws of 1980 and RCW 18.55.070;

(3) Section 8, chapter 101, Laws of 1980 and RCW 18.55.080;

(4) Section 9, chapter 101, Laws of 1980 and RCW 18.55.090; and

(5) Section 10, chapter 101, Laws of 1980 and RCW 18.55.100.

NEW SECTION. Sec. 100. The repeal of RCW 18.55.070 and 18.55.090 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XIV OSTEOPATHY

NEW SECTION. Sec. 101. A new section is added to chapter 18.57 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 102. A new section is added to chapter 18.57A RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the approval or disapproval of applications and the discipline of persons authorized to practice under this chapter.

Sec. 103. Section 3, chapter 117, Laws of 1979 and RCW 18.57.005 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To administer examinations to applicants for licensure under this chapter;

(2) ~~((To grant, deny, restrict, suspend, or revoke licenses to practice under this chapter:~~

~~(3))~~ To make such rules and regulations as are not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter;

~~((4)) (3)~~ To establish and administer requirements for continuing professional education as may be necessary or proper to insure the public health and safety as a prerequisite to granting and renewing licenses under this chapter: PROVIDED, That such rules shall not require a licensee under this chapter to engage in continuing education related to or provided by any specific branch, school, or philosophy of medical practice or its political and/or professional organizations, associations, or societies;

~~((5) To establish rules and regulations fixing standards of professional conduct;~~

~~(6) To adopt such rules as are necessary to establish, administer, and/or delegate a review of each malpractice action filed against a person licensed to practice under this chapter. On the basis of such review, where in its sole discretion, it deems it necessary, take such action as required to protect the public health and safety, including restriction, suspension, or revocation of a license to practice under this chapter; and~~

~~(7)) (4)~~ To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

Sec. 104. Section 9, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.030 are each amended to read as follows:

An osteopathic physician's assistant as defined in this chapter may practice osteopathic medicine in this state only after authorization by the board and only to the extent permitted by the board. An osteopathic physician's assistant shall be subject to discipline by the board under ((RCW 18.57.170)) the provisions of chapter 18.130 RCW.

Sec. 105. Section 10, chapter 30, Laws of 1971 ex. sess. as last amended by section 57, chapter 7, Laws of 1985 and RCW 18.57A.040 are each amended to read as follows:

No osteopathic physician practicing in this state shall utilize the services of an osteopathic physician's assistant without the approval of the board.

Any osteopathic physician licensed in this state may apply to the board for permission to use the services of an osteopathic physician's assistant. The application shall be accompanied by a fee determined by the director as provided in RCW 43.24.086, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the osteopathic physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the osteopathic physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee determined by the director as provided in RCW 43.24.086. Whenever it appears to the board that an osteopathic physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with ~~((RCW 18.57.180))~~ chapter 18.130 RCW.

Sec. 106. Section 11, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.050 are each amended to read as follows:

No osteopathic physician who uses the services of an osteopathic physician's assistant in accordance with and within the terms of any permission granted by the ~~((medical examining))~~ board shall be considered as aiding and abetting an unlicensed person to practice osteopathic medicine within the meaning of RCW 18.57.080 ~~((or 18.57.030))~~: PROVIDED, HOWEVER, That any physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.57.130 when performed by a physician's assistant in his employ.

NEW SECTION. Sec. 107. The following acts or parts of acts are each repealed:

(1) Section 40, chapter 279, Laws of 1984 and RCW 18.57.009;

(2) Section 14, chapter 4, Laws of 1919, section 16, chapter 199, Laws of 1969 ex. sess. and RCW 18.57.030;

(3) Section 11, chapter 4, Laws of 1919, section 2, chapter 142, Laws of 1963, section 16, chapter 117, Laws of 1979 and RCW 18.57.170;

(4) Section 4, chapter 117, Laws of 1979 and RCW 18.57.173;

(5) Section 5, chapter 117, Laws of 1979 and RCW 18.57.175;

(6) Section 6, chapter 117, Laws of 1979 and RCW 18.57.177;

(7) Section 7, chapter 117, Laws of 1979 and RCW 18.57.181;

(8) Section 8, chapter 117, Laws of 1979 and RCW 18.57.185;

(9) Section 9, chapter 117, Laws of 1979 and RCW 18.57.195; and

(10) Section 10, chapter 117, Laws of 1979 and RCW 18.57.205.

NEW SECTION. Sec. 108. The repeal of RCW 18.57.030, 18.57.170, 18.57.175, and 18.57.185 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XV
OCCUPATIONAL THERAPISTS

NEW SECTION, Sec. 109. A new section is added to chapter 18.59 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 110. Section 11, chapter 9, Laws of 1984 and RCW 18.59.100 are each amended to read as follows:

~~((1) The board may deny or refuse to renew a license, may suspend or revoke a license, or may impose probationary conditions if the licensee or applicant for a license has been guilty of conduct which has endangered the health, welfare, or safety of the public. Such conduct includes:~~

~~(a) Obtaining a license by means of fraud or misrepresentation or concealment of material facts;~~

~~(b) Being guilty of unprofessional conduct or gross incompetence as defined by the rules of the board, or violating the code of ethics adopted and published by the board, which shall require that)) An occupational therapist shall, after evaluating a patient and if the case is a medical one, refer the case to a physician for appropriate medical direction if such direction is lacking. Treatment by an occupational therapist of such a medical case may take place only upon the referral of a physician or podiatrist licensed to practice medicine in this state((;~~

~~(c) Being convicted of a crime of moral turpitude or a felony which relates to the profession of occupational therapy;~~

~~(d) Violating an order or rule of the board; or~~

~~(e) Violating any provision of this chapter.~~

~~((2) Such denial, refusal to renew, suspension, revocation, or imposition of probationary conditions on a licensee may be ordered by the board in compliance with chapter 34.04 RCW. One year from the date of revocation of a license, application may be made to the board for reinstatement. The board has discretion to accept or reject an application for reinstatement and may, but is not required to, hold a hearing to consider the reinstatement))).~~

Sec. 111. Section 14, chapter 9, Laws of 1984 and RCW 18.59.130 are each amended to read as follows:

(1) The board shall administer, coordinate, and enforce this chapter, evaluate qualifications under this chapter, and provide for supervision of examinations of applicants for licensure under this chapter. ~~((The board may issue subpoenas, examine witnesses, and administer oaths and may investigate allegations of practices violating this chapter.))~~

(2) The board ~~((shall adopt rules relating to professional conduct to carry out the policy of this chapter, including, but not limited to, rules relating to professional licensure and to the establishment of ethical standards of practice for persons holding a license to practice occupational therapy in this state in accordance with chapter 34.04 RCW.~~

~~((3) The board shall conduct such hearings and keep such records and minutes as are necessary to carry out its functions. The board shall provide at least thirty days' notice in writing to the appropriate persons of the times and places of all hearings authorized under this chapter in such a manner and at such times as it may determine by its rules)) may adopt such rules as it deems necessary in the administration of this chapter.~~

NEW SECTION, Sec. 112. The following acts or parts of acts are each repealed:

(1) Section 4, chapter 9, Laws of 1984 and RCW 18.59.030;

(2) Section 17, chapter 9, Laws of 1984 and RCW 18.59.140; and

(3) Section 16, chapter 9, Laws of 1984 and RCW 18.59.200.

NEW SECTION, Sec. 113. The repeal of RCW 18.59.030 and 18.59.200 and the amendment of RCW 18.59.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XVI
PHYSICIANS AND PHYSICIANS' ASSISTANTS

NEW SECTION, Sec. 114. A new section is added to chapter 18.71 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses under this chapter.

NEW SECTION, Sec. 115. A new section is added to chapter 18.71A RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION, Sec. 116. A new section is added to chapter 18.72 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the discipline of licensees under this chapter.

Sec. 117. Section 1, chapter 2, Laws of 1983 and RCW 18.71.030 are each amended to read as follows:

Nothing in this chapter shall be construed to apply to or interfere in any way with the practice of religion or any kind of treatment by prayer; nor shall anything in this chapter be construed to prohibit:

- (1) The furnishing of medical assistance in cases of emergency requiring immediate attention;
- (2) The domestic administration of family remedies;
- (3) The administration of oral medication of any nature to students by public school district employees or private elementary or secondary school employees as provided for in chapter 28A.31 RCW, as now or hereafter amended;
- (4) The practice of dentistry, osteopathy, osteopathy and surgery, nursing, chiropractic, podiatry, optometry, drugless therapeutics or any other healing art licensed under the methods or means permitted by such license;
- (5) The practice of medicine in this state by any commissioned medical officer serving in the armed forces of the United States or public health service or any medical officer on duty with the United States veterans administration while such medical officer is engaged in the performance of the duties prescribed for him by the laws and regulations of the United States;
- (6) The practice of medicine by any practitioner licensed by another state or territory in which he resides, provided that such practitioner shall not open an office or appoint a place of meeting patients or receiving calls within this state;
- (7) The practice of medicine by a person who is a regular student in a school of medicine approved and accredited by the board: PROVIDED, HOWEVER, That the performance of such services be only pursuant to a regular course of instruction or assignments from his instructor, or that such services are performed only under the supervision and control of a person licensed pursuant to this chapter;
- (8) The practice of medicine by a person serving a period of postgraduate medical training in a program of clinical medical training sponsored by a college or university in this state or by a hospital accredited in this state: PROVIDED, That the performance of such services shall be only pursuant to his duties as a trainee;
- (9) The practice of medicine by a person who is regularly enrolled in a physician's assistant program approved by the board: PROVIDED, HOWEVER, That the performance of such services be only pursuant to a regular course of instruction in said program: AND PROVIDED FURTHER, That such services are performed only under the supervision and control of a person licensed pursuant to this chapter;
- (10) The practice of medicine by a registered physician's assistant which practice is performed under the supervision and control of a physician licensed pursuant to this chapter;
- (11) The practice of medicine, in any part of this state which shares a common border with Canada and which is surrounded on three sides by water, by a physician licensed to practice medicine and surgery in Canada or any province or territory thereof;
- (12) The administration of nondental anesthesia by a dentist who has completed a residency in anesthesiology at a school of medicine approved by the board of medical examiners: PROVIDED, That a dentist allowed to administer nondental anesthesia shall do so only under authorization of the patient's attending surgeon, obstetrician, or psychiatrist: AND PROVIDED FURTHER, That the medical disciplinary board shall have jurisdiction to discipline a dentist practicing under this exemption and enjoin or suspend such dentist from the practice of nondental anesthesia according to the provisions of chapter 18.72 RCW and chapter 18.130 RCW;
- (13) Emergency lifesaving service rendered by a physician's trained mobile intravenous therapy technician, by a physician's trained mobile airway management technician, or by a physician's trained mobile intensive care paramedic, as defined in RCW 18.71.200, if the emergency lifesaving service is rendered under the responsible supervision and control of a licensed physician.
- Sec. 118. Section 3, chapter 60, Laws of 1957 as last amended by section 2, chapter 322, Laws of 1985 and RCW 18.71.050 are each amended to read as follows:
- (1) Each applicant who has graduated from a school of medicine located in any state, territory or possession of the United States, the District of Columbia, or the Dominion of Canada, shall file an application for licensure with the board on a form prepared by the director with the approval of the board. Each applicant shall furnish proof satisfactory to the board of the following:
- ((1)) (a) That the applicant has attended and graduated from a school of medicine approved by the board;
- ((2)) (b) That the applicant has completed two years of postgraduate medical training in a program acceptable to the board, provided that applicants graduating before July 28, 1985, may complete only one year of post-graduate medical training;
- ((3)) (c) That the applicant is of good moral character;
- ((4)) (d) That the applicant is physically and mentally capable of safely carrying on the practice of medicine. The board may require any applicant to submit to such examination or examinations as it deems necessary to determine an applicant's physical and/or mental capability to safely practice medicine((:
- (5) ~~That the applicant's license to practice medicine is not at the time of the application revoked or suspended by any licensing agency and that the applicant has not been guilty of~~

~~any conduct which would constitute grounds for refusal, revocation or suspension of such license under the laws of the state of Washington).~~

(2) Nothing in this section shall be construed as prohibiting the board from requiring such additional information from applicants as it deems necessary. The issuance and denial of licenses are subject to chapter 18.130 RCW, the uniform disciplinary act.

Sec. 119. Section 1, chapter 189, Laws of 1959 as last amended by section 6, chapter 322, Laws of 1985 and RCW 18.71.095 are each amended to read as follows:

The board may, without examination, issue a limited license to persons who possess the qualifications set forth herein:

(1) The board may, upon the written request of the secretary of the department of social and health services or the secretary of corrections, issue a limited license to practice medicine in this state to persons who have been accepted for employment by the department of social and health services or the department of corrections as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with patients, residents, or inmates of the state institutions under the control and supervision of the secretary of the department of social and health services or the department of corrections.

(2) The board may issue a limited license to practice medicine in this state to persons who have been accepted for employment by a county or city health department as physicians; who are licensed to practice medicine in another state of the United States or in the country of Canada or any province or territory thereof; and who meet all of the qualifications for licensure set forth in RCW 18.71.050.

Such license shall permit the holder thereof to practice medicine only in connection with his or her duties in employment with the city or county health department.

(3) Upon receipt of a completed application showing that the applicant meets all of the requirements for licensure set forth in RCW 18.71.050 except for completion of two years of postgraduate medical training, and that the applicant has been appointed as a resident physician in a program of postgraduate clinical training in this state approved by the board, the board may issue a limited license to a resident physician. Such license shall permit the resident physician to practice medicine only in connection with his or her duties as a resident physician and shall not authorize the physician to engage in any other form of practice. Each resident physician shall practice medicine only under the supervision and control of a physician licensed in this state, but such supervision and control shall not be construed to necessarily require the personal presence of the supervising physician at the place where services are rendered.

All persons licensed under this section shall be subject to the jurisdiction of the medical disciplinary board to the same extent as other members of the medical profession, in accordance with chapters 18.72 and 18.130 RCW ~~((and in addition, the limited license to practice medicine in the state of Washington may be revoked by the medical disciplinary board after a hearing has been held in accordance with the provisions set forth in chapter 18.72 RCW, and determination made by the medical disciplinary board that such licensee has violated the limitations set forth herein)).~~

Persons applying for licensure pursuant to this section shall pay an application fee as determined by the director ~~((as provided in RCW 43-24-006 and, in the event the license applied for is issued, a license fee at the rate provided for renewals of licenses generally)).~~ Licenses issued hereunder may be renewed annually pursuant to the provisions of RCW 18.71.080. Any person who obtains a limited license pursuant to this section may, without an additional application fee, apply for licensure under this chapter.

Sec. 120. Section 2, chapter 305, Laws of 1971 ex. sess. as last amended by section 1, chapter 112, Laws of 1983 and RCW 18.71.200 are each amended to read as follows:

(1) As used in ~~((RCW 18.71.020 as now or hereafter amended))~~ this chapter, a 'physician's trained mobile intravenous therapy technician' means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director to administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(c) Has been examined and certified as a physician's trained mobile intravenous therapy technician by the University of Washington's school of medicine or the department of social and health services;

(2) As used in ~~((RCW 18.71.020 as now or hereafter amended))~~ this chapter, a 'physician's trained mobile airway management technician' means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director to perform endotracheal airway management and other authorized aids to ventilation under written or oral authorization of an approved licensed physician; and

(c) Has been examined and certified as a physician's trained mobile airway management technician by the University of Washington's school of medicine or the department of social and health services; and

(3) As used in (~~RCW 18.71.020 as now or hereafter amended~~) this chapter, a 'physician's trained mobile intensive care paramedic' means a person who:

(a) Has successfully completed an emergency medical technician course as described in chapter 18.73 RCW;

(b) Is trained under the supervision of an approved medical program director:

(i) To carry out all phases of advanced cardiac life support;

(ii) To administer drugs under written or oral authorization of an approved licensed physician; and

(iii) To administer intravenous solutions under written or oral authorization of an approved licensed physician; and

(iv) To perform endotracheal airway management and other authorized aids to ventilation; and

(c) Has been examined and certified as a physician's trained mobile intensive care paramedic by the University of Washington's school of medicine or by the department of social and health services.

Sec. 121. Section 2, chapter 110, Laws of 1973 1st ex. sess. as amended by section 57, chapter 158, Laws of 1979 and RCW 18.71.230 are each amended to read as follows:

A right to practice medicine and surgery by (~~a Canadian physician~~) an individual in this state pursuant to RCW 18.71.030 ~~(5) through (12)~~ shall be (~~revocable~~) subject to discipline by order of the (~~director of licensing~~) board upon a finding by the (~~director~~) board of an act of unprofessional conduct as defined in RCW (~~18.72.030~~) 18.130.180 or that the individual is unable to practice with reasonable skill or safety due to a mental or physical condition as described in RCW 18.130.170. Such physician shall have the same rights of notice, hearing and judicial review as provided licensed physicians generally pursuant to chapters 18.72 and 18.130 RCW.

Sec. 122. Section 4, chapter 30, Laws of 1971 ex. sess. as last amended by section 61, chapter 7, Laws of 1985 and RCW 18.71A.040 are each amended to read as follows:

No physician practicing in this state shall utilize the services of a physician's assistant without the approval of the board.

Any physician licensed in this state may apply to the board for permission to use the services of a physician's assistant. The application shall be accompanied by a fee determined by the director as provided in RCW 43.24.086, shall detail the manner and extent to which the physician's assistant would be used and supervised, shall detail the education, training, and experience of the physician's assistant and shall provide such other information in such form as the board may require.

The board may approve or reject such applications. In addition, the board may modify the proposed utilization of the physician's assistant, and approve the application as modified. No such approval shall extend for more than one year, but approval once granted may be renewed annually upon payment of a fee determined by the director as provided in RCW 43.24.086. Whenever it appears to the board that a physician's assistant is being utilized in a manner inconsistent with the approval granted, the board may withdraw such approval. In the event a hearing is requested upon the rejection of an application, or upon the withdrawal of an approval, a hearing shall be conducted in accordance with (~~RCW 18.71.140~~) chapter 18.130 RCW.

Sec. 123. Section 5, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.050 are each amended to read as follows:

No physician who uses the services of a physician's assistant in accordance with and within the terms of any permission granted by the medical examining board shall be considered as aiding and abetting an unlicensed person to practice medicine (~~(within the meaning of RCW 18.71.020 or 18.72.030(13))~~); PROVIDED, HOWEVER, That any physician shall retain professional and personal responsibility for any act which constitutes the practice of medicine as defined in RCW 18.71.010 when performed by a physician's assistant in his employ.

Sec. 124. Section 2, chapter 202, Laws of 1955 and RCW 18.72.020 are each amended to read as follows:

Terms used in this chapter and in RCW 18.71.040(~~;~~) and 18.71.080(~~18.71.120, 18.71.140 and 18.71.180 shall~~) have the meaning set forth in this section unless the context clearly indicates otherwise:

(1) 'Board' means the medical disciplinary board.

(2) 'License' means a certificate or license to practice medicine and surgery in this state as provided for in RCW 18.71.010 and 18.71.050.

(3) 'Members' means members of the medical disciplinary board.

(4) 'Secretary' means the secretary of the medical disciplinary board.

Sec. 125. Section 15, chapter 202, Laws of 1955 as last amended by section 5, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.150 are each amended to read as follows:

The board ~~((shall have the following powers and duties:~~

~~(1) To) may adopt, amend, and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter:(~~

~~(2) To investigate all complaints or reports of unprofessional conduct against any holder of a license and to hold hearings to determine if unprofessional conduct has been committed;~~

~~(3) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;~~

~~(4) To take or cause depositions to be taken as needed in any investigation or investigative or disciplinary hearing or proceeding;~~

~~(5) To investigate complaints or reports of malpractice and unsafe conditions and practices, to analyze equipment, procedures, and training, in such cases, and to direct corrective action;~~

~~(6) To take emergency action ordering summary suspension of the license of a physician, or restricting or limiting the licensed physician's practice pending proceedings by the board, as authorized by RCW 34.04.170;~~

~~(7) To appoint a hearing officer to conduct hearings subject to final determination by the board;~~

~~(8) To enter into contracts for professional services determined by the board to be necessary;~~

~~(9) To contract with physicians or other persons or organizations to provide services necessary for the monitoring and supervising of physicians and surgeons who are placed on probation, or whose professional activities are restricted, or who are for any authorized purpose subject to being monitored by the board; and~~

~~d.300 (10) The board shall be subject to the provisions of chapter 34.04 RCW)).~~

Sec. 126. Section 15, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.265 are each amended to read as follows:

~~(1) ((The board may adopt regulations requiring any person, including, but not limited to, corporations, hospitals, organizations, and federal, state, or local governmental agencies, to report to the board any: Conviction, determination, or finding that a licensed physician has committed unprofessional conduct as defined by RCW 18.72.030 as now or hereafter amended; or to report information which indicates that a licensed physician may not be able to practice medicine with reasonable skill and safety to patients as the result of any mental or physical condition:~~

~~(2))) The contents of any report file under RCW 18.130.070 shall be confidential and exempt from public disclosure pursuant to chapter 42.17 RCW, except that it may be reviewed (a) by the licensee involved or his counsel or authorized representative who may submit any additional exculpatory or explanatory statements or other information, which statements or other information shall be included in the file, or (b) by a representative of the medical disciplinary board, or investigator thereof, who has been assigned to review the activities of a licensed physician.~~

~~((3)) Upon a determination that a report is without merit, the board's records may be purged of information relating to the report.~~

~~((4) If any person contumaciously refuses to furnish a required report, the board may petition the superior court of any county in which said person resides or is found, and said court shall issue to such person an order to furnish the required report. Any failure to obey such order shall be punished by the court as a civil contempt may be punished.~~

~~(5)) (2) Every individual, medical association, medical society, hospital, medical service bureau, health insurance carrier or agent, professional liability insurance carrier, professional standards review organization, and agency of the federal, state, or local government shall be immune from civil liability, whether direct or derivative, for providing information to the board subsequent to ((the regulations outlined in (sub)section (1) of this section)) RCW 18.130.070, or for which an individual health care provider has immunity under the provisions of RCW 4.24.240, 4.24.250, or 4.24.260, as now or hereafter amended.~~

Sec. 127. Section 2, chapter 208, Laws of 1973 1st ex. sess. and RCW 18.73.020 are each amended to read as follows:

The legislature further declares its intention to supersede all ordinances, regulations, and requirements promulgated by counties, cities and other political subdivisions of the state of Washington, insofar as they may provide for the regulation of emergency medical care, first aid, and ambulance services which do not exceed the provisions of this chapter; except that (1) license fees established in this chapter shall supersede all license fees of counties, cities and other political subdivisions of this state; and, (2) nothing in this chapter shall alter the provisions of RCW ~~((18.71.020;))~~ 18.71.200, 18.71.210 and 18.71.220.

NEW SECTION. Sec. 128. The following acts or parts of acts are each repealed:

(1) Section 41, chapter 279, Laws of 1984 and RCW 18.71.018;

(2) Section 14, chapter 192, Laws of 1909, section 8, chapter 134, Laws of 1919, section 3, chapter 284, Laws of 1961, section 18, chapter 199, Laws of 1969 ex. sess., section 1, chapter 305,

Laws of 1971 ex. sess., section 3, chapter 171, Laws of 1975 1st ex. sess., section 1, chapter 55, Laws of 1977 and RCW 18.71.020;

(3) Section 10, chapter 284, Laws of 1961, section 4, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.025;

(4) Section 38, chapter 202, Laws of 1955, section 12, chapter 284, Laws of 1961 and RCW 18.71.120;

(5) Section 40, chapter 202, Laws of 1955 and RCW 18.71.140;

(6) Section 17, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.145;

(7) Section 18, chapter 171, Laws of 1975 1st ex. sess. and RCW 18.71.165; and

(8) Section 44, chapter 202, Laws of 1955, section 14, chapter 171, Laws of 1975 1st ex. sess., section 56, chapter 158, Laws of 1979 and RCW 18.71.180.

NEW SECTION. Sec. 129. The repeal of RCW 18.71.020 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

NEW SECTION. Sec. 130. The following acts or parts of acts are each repealed:

(1) Section 3, chapter 202, Laws of 1955, section 1, chapter 142, Laws of 1963, section 1, chapter 61, Laws of 1975, section 1, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.030;

(2) Section 9, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.135;

(3) Section 14, chapter 202, Laws of 1955 and RCW 18.72.140;

(4) Section 42, chapter 279, Laws of 1984 and RCW 18.72.153;

(5) Section 16, chapter 202, Laws of 1955, section 8, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.160;

(6) Section 17, chapter 202, Laws of 1955, section 10, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.170;

(7) Section 2, chapter 61, Laws of 1975 and RCW 18.72.175;

(8) Section 18, chapter 202, Laws of 1955 and RCW 18.72.180;

(9) Section 7, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.201;

(10) Section 23, chapter 202, Laws of 1955, section 11, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.230;

(11) Section 24, chapter 202, Laws of 1955, section 12, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.240;

(12) Section 13, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.245;

(13) Section 25, chapter 202, Laws of 1955, section 1, chapter 58, Laws of 1969, section 60, chapter 158, Laws of 1979, section 14, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.250;

(14) Section 26, chapter 202, Laws of 1955 and RCW 18.72.260;

(15) Section 27, chapter 202, Laws of 1955 and RCW 18.72.270;

(16) Section 3, chapter 61, Laws of 1975, section 16, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.275;

(17) Section 28, chapter 202, Laws of 1955 and RCW 18.72.280;

(18) Section 29, chapter 202, Laws of 1955 and RCW 18.72.290;

(19) Section 30, chapter 202, Laws of 1955 and RCW 18.72.300;

(20) Section 32, chapter 202, Laws of 1955 and RCW 18.72.320; and

(21) Section 33, chapter 202, Laws of 1955 and RCW 18.72.330.

NEW SECTION. Sec. 131. The repeal of RCW 18.72.030, 18.72.230, and 18.72.275 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XVII

PHYSICAL THERAPY

NEW SECTION. Sec. 132. A new section is added to chapter 18.74 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 133. Section 4, chapter 116, Laws of 1983 and RCW 18.74.023 are each amended to read as follows:

The board has the following powers and duties:

(1) To administer examinations to applicants for a license under this chapter.

(2) To pass upon the qualifications of applicants for a license and to certify to the director duly qualified applicants.

(3) ~~((To approve, deny, restrict, suspend, or revoke authorization to practice under this chapter.~~

~~((4)))~~ (4) To make such rules not inconsistent with the laws of this state as may be deemed necessary or proper to carry out the purposes of this chapter.

~~((5)))~~ (5) To establish and administer requirements for continuing professional education as may be necessary or proper to ensure the public health and safety and which may be a prerequisite to granting and renewing a license under this chapter.

~~((6) To establish rules fixing standards of professional conduct.~~

~~((7)))~~ (7) (5) To keep an official record of all its proceedings, which record shall be evidence of all proceedings of the board which are set forth therein.

~~((#))~~ (6) To adopt rules not inconsistent with the laws of this state, when it deems appropriate, in response to questions put to it by professional health associations, physical therapists, and consumers in this state concerning the authority of physical therapists to perform particular acts.

Sec. 134. Section 9, chapter 239, Laws of 1949 as last amended by section 18, chapter 116, Laws of 1983 and RCW 18.74.090 are each amended to read as follows:

A person who is not licensed with the director of licensing as a physical therapist under the requirements of this chapter shall not represent himself as being so licensed and shall not use in connection with his name the words or letters 'P.T.', 'R.P.T.', 'L.P.T.', 'physical therapy', 'physiotherapy', 'physical therapist' or 'physiotherapist', or any other letters, words, signs, numbers, or insignia indicating or implying that he is a physical therapist. ~~((Any person who practices or attempts to practice as or hold himself out as practicing as a physical therapist in this state without having at the time of so doing a valid, unrevoked license as provided in this chapter, shall be guilty of a gross misdemeanor. PROVIDED, That))~~ Nothing in this chapter prohibits any person licensed in this state under any other act from engaging in the practice for which he or she is licensed. It shall be the duty of the prosecuting attorney of each county to prosecute all cases involving a violation of this chapter arising within his county. The attorney general may assist in such prosecution and shall appear at all hearings when requested to do so by the board.

NEW SECTION. Sec. 135. The following acts or parts of acts are each repealed:

- (1) Section 43, chapter 279, Laws of 1984 and RCW 18.74.028;
- (2) Section 8, chapter 239, Laws of 1949, section 7, chapter 64, Laws of 1961, section 13, chapter 116, Laws of 1983 and RCW 18.74.080;
- (3) Section 15, chapter 116, Laws of 1983 and RCW 18.74.082;
- (4) Section 14, chapter 116, Laws of 1983 and RCW 18.74.084;
- (5) Section 16, chapter 116, Laws of 1983 and RCW 18.74.086;
- (6) Section 17, chapter 116, Laws of 1983 and RCW 18.74.088; and
- (7) Section 10, chapter 239, Laws of 1949, section 20, chapter 116, Laws of 1983 and RCW 18.74.100.

NEW SECTION. Sec. 136. The repeal of RCW 18.74.080, 18.74.082, and 18.74.100 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XVIII

PRACTICAL NURSES

NEW SECTION. Sec. 137. A new section is added to chapter 18.78 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 138. Section 5, chapter 222, Laws of 1949 as last amended by section 6, chapter 55, Laws of 1983 and RCW 18.78.050 are each amended to read as follows:

The board shall conduct examinations for all applicants for licensure under this chapter and shall certify qualified applicants to the department of licensing for licensing. The board shall also determine and formulate what constitutes the curriculum for an approved practical nursing program preparing persons for licensure under this chapter. The board shall establish criteria for licensure by endorsement. ~~((The board or an administrative law judge appointed under chapter 34.12 RCW may conduct hearings for the suspension or revocation of licenses.))~~

The board shall adopt such rules as are necessary to fulfill the purposes of this chapter pursuant to chapter 34.04 RCW.

Sec. 139. Section 7, chapter 222, Laws of 1949 as amended by section 9, chapter 55, Laws of 1983 and RCW 18.78.070 are each amended to read as follows:

~~((The director may issue a license to practice as a licensed practical nurse without examination to any applicant who has been duly licensed as a licensed practical nurse by examination under the laws of another state.))~~ An applicant graduated from a nursing program outside the United States and licensed by a country outside the United States shall meet all qualifications required by this chapter and by the board and shall pass an examination to be determined by the board.

Sec. 140. Section 10, chapter 222, Laws of 1949 as last amended by section 66, chapter 7, Laws of 1985 and RCW 18.78.090 are each amended to read as follows:

Every licensed practical nurse in this state shall renew the license with the department of licensing and shall pay a fee determined by the director as provided in RCW 43.24.086. Any failure to register and pay the renewal registration fee shall render the license invalid, but such license shall be reinstated upon written application therefor and upon payment to the state of a penalty fee determined by the director as provided in RCW 43.24.086 ~~((together with all delinquent license renewal fees)).~~

NEW SECTION. Sec. 141. The following acts or parts of acts are each repealed:

- (1) Section 44, chapter 279, Laws of 1984 and RCW 18.78.053;
- (2) Section 13, chapter 55, Laws of 1983 and RCW 18.78.135;
- (3) Section 14, chapter 55, Laws of 1983 and RCW 18.78.145;
- (4) Section 20, chapter 55, Laws of 1983 and RCW 18.78.155;

(5) Section 18, chapter 55, Laws of 1983 and RCW 18.78.165;

(6) Section 18, chapter 222, Laws of 1949, section 5, chapter 79, Laws of 1967, section 16, chapter 55, Laws of 1983 and RCW 18.78.170;

(7) Section 7, chapter 79, Laws of 1967, section 17, chapter 55, Laws of 1983 and RCW 18.78.175; and

(8) Section 8, chapter 222, Laws of 1949 (uncodified).

NEW SECTION. Sec. 142. The repeal of RCW 18.78.135 and 18.78.170 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XIX
PSYCHOLOGY

NEW SECTION. Sec. 143. A new section is added to chapter 18.83 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 144. Section 13, chapter 305, Laws of 1955 as last amended by section 84, chapter 279, Laws of 1984 and RCW 18.83.120 are each amended to read as follows:

Within the meaning of this chapter and in addition to those acts defined in chapter 18.130 RCW, unethical practice of psychology shall include ~~((any act or practice which violates the codes of ethics established by the board. In addition, the following conduct, acts, or conditions constitute the unethical practice of psychology for any licensee or applicant subject to this chapter:~~

~~(1) The commission of any act involving moral turpitude, dishonesty, or corruption, relating to the practice of psychology, whether the act constitutes a crime or not. If the act constitutes a crime, conviction in a criminal proceeding is not a condition precedent to disciplinary action. Upon conviction, the judgment and sentence is conclusive evidence at the ensuing disciplinary hearing of the guilt of the licensee or applicant of the crime described in the indictment or information and of the person's violation of the statute on which it is based. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for the conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this subsection abrogates rights guaranteed under chapter 9.96A RCW.~~

~~(2) Misrepresentation or concealment of a material fact in obtaining a license or in reinstatement thereof.~~

~~(3) Advertising in a manner which is intended or has a tendency to deceive the public or impose upon credulous or ignorant persons and so be harmful or injurious to public health, safety, or welfare.~~

~~(4) Incompetency or negligence in the practice of psychology which creates an unreasonable risk of physical or mental harm or serious financial loss to the consumer.~~

~~(5) Practicing psychology while under the suspension, revocation, or restriction of the individual's license to practice by competent authority in any state, federal, or foreign jurisdiction.~~

~~(6)):~~

~~(1) Violation of any state statute or administrative code specifically governing the practice of psychology((:~~

~~(7) Failure to cooperate with the committee by:~~

~~(a) Not furnishing any papers or documents requested by the committee;~~

~~(b) Not furnishing in writing a complete explanation covering the matter contained in the complaint filed with the committee;~~

~~(c) Not appearing before the committee at the time and place designated; or~~

~~(d) Not properly responding to subpoenas issued by the committee.~~

~~(8) Failure to comply with an order issued by the committee or an assurance of discontinuance entered into with the committee.~~

~~(9) Aiding or abetting an unlicensed person to practice when a license is required.~~

~~(10))): and~~

~~(2) Gross, willful, or continued overcharging for professional services.~~

~~((11) Willful or repeated violations of rules established by any health officer of the state or a political subdivision thereof.~~

~~(12) Practice beyond the scope of practice as defined by law.~~

~~(13) Misrepresentations or fraud in any aspect of the conduct of the profession.~~

~~(14) Failure to adequately supervise auxiliary staff to the extent that the consumer's safety is at risk.~~

~~(15) Engaging in a profession involving contact with the public while suffering from a contagious or infectious disease involving serious risk to public health.~~

~~(16) Promotion for personal gain of any unnecessary or inefficacious drug, device, treatment, procedure, or service.~~

~~(17) Conviction of any gross misdemeanor or felony relating to the practice of psychology. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW.~~

~~(18) Physically abusing or having sexual contact with a patient or client.~~

~~(19) The offering, undertaking, or agreeing to cure or treat disease by a secret method, procedure, treatment, or medicine, or the treating, operating, or prescribing for any health condition by a method, means, or procedure which the licensee refuses to divulge upon demand of the committee.~~

~~(20) The wilful betrayal of a professional secret.~~

~~(21) Violation of chapter 19.68 RCW.))~~

Sec. 145. Section 12, chapter 305, Laws of 1955 as last amended by section 85, chapter 279, Laws of 1984 and RCW 18.83.130 are each amended to read as follows:

The board ~~((shall refuse to grant a license to any applicant and shall revoke or suspend the license of any psychologist, or place other restrictions on that psychologist's practice of psychology.))~~ may take disciplinary action under RCW 18.130.160 for the following reasons:

~~(1) ((Commission of any act involving moral turpitude, as defined by the board by rule, dishonesty, or corruption, which relates directly to a person's fitness to practice psychology, whether that act constitutes a crime or not; and if the act constitutes a crime, conviction thereof in criminal proceeding shall not be a condition precedent to disciplinary action. Upon conviction, the judgment and sentence shall be conclusive evidence at any ensuing disciplinary hearing of guilt of the psychologist of the crime described in the indictment or information and of the violation of the statute upon which it is based.~~

~~(2))~~ Failing to maintain the confidentiality of information under RCW 18.83.110.

~~((3))~~ (2) Violations of the ethical code developed by the board under RCW 18.83.050 and 18.83.120.

~~((4))~~ (3) Failing to inform prospective research subjects or their authorized representatives of the possible serious effects of participation in research; and failing to undertake reasonable efforts to remove possible harmful effects of participation.

~~((5))~~ (4) Practicing in an area of psychology for which the person is clearly untrained or incompetent.

~~((6) Being negligent in the practice of psychology.~~

~~(7))~~ (5) Failing to exercise appropriate supervision over persons who practice under the supervision of a psychologist.

~~((8))~~ (6) Using fraud or deceit in the procurement of the psychology license, or knowingly assisting another in the procurement of such a license through fraud or deceit.

~~((9) Engaging in the practice of psychology while the person's ability to perform professional services is significantly impaired by alcohol, drugs, illness, or other dysfunctions.~~

~~(10) Engaging in the practice of psychology when the person's psychology license has been suspended or revoked by competent authority in any other state, federal, or foreign jurisdiction when the reason for that suspension or revocation is a violation of this chapter or rules adopted by the board and its disciplinary committee.~~

~~(11) Unprofessional conduct as defined in chapter 19.68 RCW.~~

~~(12) Wilful violation of RCW 18.83.120 or section 79 of this 1984 act or wilful disregard of the subpoena or notice of the disciplinary committee.~~

~~(13) Failure to abide by the terms of corrective actions directed under RCW 18.83.150.~~

~~(14) Violation of any board rule fixing a standard of professional conduct.))~~

Sec. 146. Section 86, chapter 279, Laws of 1984 and RCW 18.83.135 are each amended to read as follows:

The disciplinary committee shall meet at least once each year or upon the call of the chairperson at such time and place as the chairperson designates. A quorum for transaction of any business shall consist of five members, including at least one public member.

The members of the disciplinary committee shall be immune from suit in any action, civil or criminal, based upon its disciplinary proceedings or other official acts performed in good faith as members of the committee.

In addition to the authority prescribed under RCW 18.130.050, the committee shall have the following authority:

~~(1) ((To order investigation of all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;~~

~~(2) To issue subpoenas and administer oaths in connection with any investigation, hearing, or proceeding held under this chapter;~~

~~(3) To take or cause depositions to be taken and use other discovery procedures as needed in any investigation, hearing, or proceeding held under this chapter;~~

~~(4) To compel attendance of witnesses at hearings;~~

~~(5) In the course of investigating a complaint of unprofessional conduct, to conduct practice reviews;~~

~~(6) To take emergency action ordering summary suspension of a license, or restriction or limitation of the licensee's practice pending proceedings by the committee;~~

~~(7) To use the office of administrative hearings as authorized in chapter 34.12 RCW to conduct hearings, however, the disciplining authority shall make the final decision regarding disposition of the license;~~

~~(8) To use consultants or individual members of the board to assist in the direction of investigations and issuance of statements of charges; however, the member of the board shall not subsequently participate in the hearing of the case;~~

~~(9) To enter into contracts for professional services determined to be necessary for adequate enforcement of this chapter;~~

~~(10) To contract with licensees or other persons or organizations to provide services necessary for the monitoring and supervision of licensees who are placed on probation, whose professional activities are restricted, or who are for any authorized purpose subject to monitoring by the committee;~~

~~(11) To grant or deny license application, and in the event of a finding of unprofessional conduct by an applicant or license holder, to impose any sanction against a license applicant or license holder provided by this chapter;~~

~~(12) To enter into an assurance of discontinuance in lieu of issuing a statement of charges or conducting a hearing. The assurance shall consist of a statement of the law in question and an agreement not to violate the stated provision. The applicant or license holder shall not be required to admit to any violation of the law, nor shall the assurance be construed as such an admission. Violation of an assurance under this subsection is grounds for disciplinary action;~~

~~(13)) To maintain records of all activities, and to publish and distribute to all psychologists at least once each year abstracts of significant activities of the committee; and~~

~~((14)) (2) To obtain the written consent of the complaining client or patient or their legal representative, or of any person who may be affected by the complaint, in order to obtain information which otherwise might be confidential or privileged((;~~

~~(15) To report, when appropriate, statements of complaints and disposition of cases processed by the committee to:~~

~~(a) The person or agency initiating the action;~~

~~(b) Appropriate national and state organizations which represent the profession of psychology, including counterpart licensing boards in other states; and~~

~~(c) The public;~~

~~This subsection does not require the reporting of any information which is exempt from public disclosure pursuant to chapter 42-17 RCW or is otherwise privileged or confidential.~~

~~The committee has, in addition to the powers and duties set forth in this chapter, all of the powers and duties under chapter 34-04 RCW, which include, without limitation, all powers relating to the administration of oaths, the receipt of evidence, the issuance and enforcing of subpoenas, and the taking of depositions)).~~

Sec. 147. Section 89, chapter 279, Laws of 1984 and RCW 18.83.155 are each amended to read as follows:

The committee shall report to appropriate national and state organizations which represent the profession of psychology any action taken pursuant to an investigation or hearing that finds a licensee has committed unprofessional or unethical conduct.

~~((In the event of an order for revocation or suspension of a psychology license, or for restriction or limitation of a licensee's practice, the committee shall report such action to the public. This public notification shall be suspended for thirty days from date of filing of any appeal.~~

~~If the committee finds that a complaint against a licensee is not substantiated, or if there is no finding of unprofessional or unethical conduct, resulting in dismissal of the complaint and exoneration of the licensee, the committee shall attempt to relieve the licensee of any possible odium that may attach by reason of the complaint by such public exoneration as is necessary.))~~

Sec. 148. Section 18, chapter 305, Laws of 1955 as amended by section 18, chapter 70, Laws of 1965 and RCW 18.83.180 are each amended to read as follows:

It shall be a gross misdemeanor for any person to:

(1) Use in connection with his or her name any designation tending to imply that he or she is a licensed psychologist unless duly licensed under or specifically excluded from the provisions of this chapter;

(2) Practice as a licensed psychologist during the time his or her license issued under the provisions of this chapter is suspended or revoked.

NEW SECTION, Sec. 149. The following acts or parts of acts are each repealed:

(1) Section 45, chapter 279, Laws of 1984 and RCW 18.83.053;

(2) Section 88, chapter 279, Laws of 1984 and RCW 18.83.145;

(3) Section 90, chapter 279, Laws of 1984 and RCW 18.83.161; and

(4) Section 91, chapter 279, Laws of 1984 and RCW 18.83.165.

PART XX

REGISTERED NURSES

NEW SECTION, Sec. 150. A new section is added to chapter 18.88 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 151. Section 27, chapter 202, Laws of 1949 as amended by section 26, chapter 133, Laws of 1973 and RCW 18.88.270 are each amended to read as follows:

It shall be a gross misdemeanor for any person to:

(1) Sell or fraudulently obtain or furnish any nursing diploma, license, record or registration, or aid or abet therein;

(2) Practice nursing as defined by this chapter under cover of any diploma, license, record or registration illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation or mistake of fact in a material regard; or

(3) ~~((Practice nursing as defined by this chapter, unless duly licensed to do so under the provisions of this chapter;~~

~~(4) Use in connection with his or her name any designation tending to imply that he or she is a registered, professional nurse unless duly licensed to practice under the provisions of this chapter;~~

~~(5) Practice as a registered nurse during the time his or her license issued under the provisions of this chapter shall be suspended or revoked; and~~

~~(6)) Otherwise violate any of the provisions of this chapter.~~

NEW SECTION. Sec. 152. The following acts or parts of acts are each repealed:

(1) Section 46, chapter 279, Laws of 1984 and RCW 18.88.085;

(2) Section 21, chapter 202, Laws of 1949 and RCW 18.88.210;

(3) Section 23, chapter 202, Laws of 1949, section 21, chapter 133, Laws of 1973 and RCW 18.88.230;

(4) Section 24, chapter 202, Laws of 1949, section 22, chapter 133, Laws of 1973 and RCW 18.88.240;

(5) Section 25, chapter 202, Laws of 1949, section 23, chapter 133, Laws of 1973 and RCW 18.88.250;

(6) Section 26, chapter 202, Laws of 1949, section 24, chapter 133, Laws of 1973 and RCW 18.88.260; and

(7) Section 15, chapter 288, Laws of 1961, section 25, chapter 133, Laws of 1973 and RCW 18.88.265.

NEW SECTION. Sec. 153. The repeal of RCW 18.88.230 and the amendment of RCW 18.88.270 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XXI

VETERINARY MEDICINE

NEW SECTION. Sec. 154. A new section is added to chapter 18.92 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

Sec. 155. Section 4, chapter 71, Laws of 1941 as last amended by section 2, chapter 102, Laws of 1983 and RCW 18.92.030 are each amended to read as follows:

It shall be the duty of the board to prepare examination questions, conduct examinations, and grade the answers of applicants. ~~((The board shall supervise the conduct of those practicing veterinary medicine, surgery, and dentistry and shall make such recommendations as it deems necessary to the director in regard to the granting, suspension, or revocation of licenses. It shall be the duty of the board to adopt a code of professional conduct for the practice of the veterinary profession in this state.))~~ The board, pursuant to chapter 34.04 RCW, shall have the power to adopt such rules and regulations as may be necessary to effectuate the purposes of this chapter including the performance of the duties and responsibilities of animal technicians: PROVIDED, HOWEVER, That such rules are adopted in the interest of good veterinary health care delivery to the consuming public, and do not prevent animal technicians from inoculating an animal. The board shall further have the power to adopt, by reasonable rules and regulations, standards prescribing requirements for veterinary medical facilities and to fix minimum standards of continuing veterinary medical education.

The department shall be the official office of record.

~~((The board shall have the power to conduct all hearings pertaining to violations of this chapter and may impose appropriate sanctions on licensees or registrants following a hearing. The hearings may be conducted by an administrative law judge appointed under chapter 34.12 RCW.))~~

Sec. 156. Section 6, chapter 71, Laws of 1941 as last amended by section 3, chapter 134, Laws of 1982 and RCW 18.92.070 are each amended to read as follows:

No person, unless registered or licensed to practice veterinary medicine, surgery, and dentistry in this state at the time this chapter shall become operative, shall begin the practice of veterinary medicine, surgery and dentistry without first applying for and obtaining a license for such purpose from the director. In order to procure a license to practice veterinary medicine, surgery, and dentistry in the state of Washington, the applicant for such license shall file his or her application at least sixty days prior to date of examination upon a form furnished by the director of licensing, which, in addition to the fee provided by this chapter, shall be accompanied by satisfactory evidence that he or she is at least eighteen years of age and of good moral character, and by official transcripts or other evidence of graduation from a veterinary college satisfactory to and approved by the board. Said application shall be signed by the applicant and sworn to by him or her before some person authorized to administer oaths.

When such application and the accompanying evidence are found satisfactory, the director shall notify the applicant to appear before the board for the next examination (~~PROVIDED; HOWEVER, That the director of licensing must deny the application of every applicant who has been guilty of unprofessional conduct within the two years immediately preceding date of application for license~~). In addition, applicants shall be subject to grounds for denial or issuance of a conditional license under chapter 18.130 RCW.

Nothing in this chapter shall preclude the board from permitting a person who has completed a portion of his or her educational program as determined by the board, in a veterinary college recognized by the board, to take the examination or any part thereof prior to satisfying the requirements for application for a license: PROVIDED HOWEVER, That no license shall be issued to such applicant until such requirements are satisfied.

Sec. 157. Section 11, chapter 124, Laws of 1907 as last amended by section 8, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.120 are each amended to read as follows:

Any person who shall make application for examination, as provided by RCW 18.92.070, and who has not previously failed to pass the veterinary examination, and whose application is found satisfactory by the director, may be given a temporary certificate to practice veterinary medicine, surgery and dentistry valid only until the results of the next examination for licenses are available. In addition, applicants shall be subject to the grounds for denial or issuance of a conditional license under chapter 18.130 RCW. No more than one temporary certificate may be issued to any applicant. Such permittee shall be employed by a licensed veterinary practitioner or by the state of Washington.

Sec. 158. Section 6, chapter 44, Laws of 1974 ex. sess. as amended by section 5, chapter 102, Laws of 1983 and RCW 18.92.125 are each amended to read as follows:

No veterinarian who uses the services of an animal technician shall be considered as aiding and abetting any unlicensed person to practice veterinary medicine (~~within the meaning of RCW 18.92.160~~). A veterinarian shall retain professional and personal responsibility for any act which constitutes the practice of veterinary medicine as defined in this chapter when performed by an animal technician in his employ.

NEW SECTION. Sec. 159. The following acts or parts of acts are each repealed:

- (1) Section 3, chapter 102, Laws of 1983 and RCW 18.92.033;
- (2) Section 47, chapter 279, Laws of 1984 and RCW 18.92.045;
- (3) Section 2, chapter 71, Laws of 1941 and RCW 18.92.050;
- (4) Section 13, chapter 71, Laws of 1941, section 1, chapter 157, Laws of 1961, section 10, chapter 50, Laws of 1967 ex. sess., section 7, chapter 44, Laws of 1974 ex. sess., section 8, chapter 102, Laws of 1983 and RCW 18.92.160;
- (5) Section 14, chapter 71, Laws of 1941, section 11, chapter 92, Laws of 1959, section 11, chapter 50, Laws of 1967 ex. sess., section 24, chapter 67, Laws of 1981, section 9, chapter 102, Laws of 1983 and RCW 18.92.180;
- (6) Section 15, chapter 71, Laws of 1941, section 63, chapter 81, Laws of 1971 and RCW 18.92.210;
- (7) Section 22, chapter 71, Laws of 1941 and RCW 18.92.220; and
- (8) Section 14, chapter 92, Laws of 1959 and RCW 18.92.235.

NEW SECTION. Sec. 160. The repeal of RCW 18.92.050, 18.92.160, and 18.92.180 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XXII

MESSAGE OPERATORS

NEW SECTION. Sec. 161. A new section is added to chapter 18.108 RCW to read as follows:

The uniform disciplinary act, chapter 18.130 RCW, governs the issuance and denial of licenses and the discipline of licensees under this chapter.

NEW SECTION. Sec. 162. The following acts or parts of acts are each repealed:

- (1) Section 48, chapter 279, Laws of 1984 and RCW 18.108.075;
- (2) Section 9, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.080; and
- (3) Section 18, chapter 280, Laws of 1975 1st ex. sess. and RCW 18.108.170.

NEW SECTION. Sec. 163. The repeal of RCW 18.108.080 and 18.108.170 by this act shall not be construed as affecting any rights and duties which matured, penalties which were incurred, and proceedings which were begun before the effective date of this act.

PART XXIII

MISCELLANEOUS

Sec. 164. Section 43.24.110, chapter 8, Laws of 1965 as last amended by section 60, chapter 279, Laws of 1984 and section 79, chapter 287, Laws of 1984 and RCW 43.24.110 are each reenacted and amended to read as follows:

Whenever there is filed in a matter under the jurisdiction of the director of licensing any complaint charging that the holder of a license has been guilty of any act or omission which by the provisions of the law under which the license was issued would warrant the revocation thereof, verified in the manner provided by law, the director of licensing shall request the governor to appoint, and the governor shall appoint within thirty days of the request, two qualified practitioners of the profession or calling of the person charged, who, with the director

or his duly appointed representative, shall constitute a committee to hear and determine the charges and, in case the charges are sustained, impose the penalty provided by law. In addition, the governor shall appoint a consumer member of the committee.

The decision of any three members of such committee shall be the decision of the committee.

The appointed members of the committee shall be compensated in accordance with RCW 43.03.240 and shall be reimbursed for their travel expenses, in accordance with RCW 43.03.050 and 43.03.060.

Sec. 165. Section 3, chapter 122, Laws of 1977 ex. sess. and RCW 70.54.150 are each amended to read as follows:

No physician may be subject to disciplinary action by any entity of either the state of Washington or a professional association for prescribing or administering amygdalin (Laetrile) to a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct ~~((as defined in RCW 18.57.170 and 18.72.030))~~.

Sec. 166. Section 2, chapter 50, Laws of 1981 and RCW 70.54.190 are each amended to read as follows:

No hospital or health facility may interfere with the physician/patient relationship by restricting or forbidding the use of DMSO (dimethyl sulfoxide) when prescribed or administered by a physician licensed pursuant to chapter 18.57 or 18.71 RCW and requested by a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

No physician may be subject to disciplinary action by any entity of either the state of Washington or a professional association for prescribing or administering DMSO (dimethyl sulfoxide) to a patient under his/her care who has requested the substance after having been given sufficient information in writing to make an informed decision.

It is not the intent of this section to shield a physician from acts or omissions which otherwise would constitute unprofessional conduct ~~((as defined in RCW 18.57.170 and 18.72.030))~~.

NEW SECTION. Sec. 167. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 168. The legislature recognizes that there is an increasing interest by the citizens of this state in physical fitness and that in response to such interest a wide variety of health and conditioning services are available. Therefore, the legislature declares that it is a matter of public interest that the citizens of this state be assured of reasonable protection when contracting for health and conditioning services.

NEW SECTION. Sec. 169. (1) As used in this chapter, unless the context clearly requires otherwise:

(a) 'Contract for health and conditioning services' means: A contract which provides as one of its primary purposes services or facilities which assist the purchaser to improve physical condition or appearance through physical fitness programs, body building, exercising, reducing, weight loss, figure development, or any other similar activity;

(b) 'Initiation or membership fee' means a fee paid either in a lump sum or installments on a one-time basis when a person first joins a health and conditioning facility for the privilege of belonging to such facility;

(c) 'Use fees' means fees paid on a regular periodic basis for use of a health club. This does not preclude prepayment of use fees at the buyer's option;

(d) 'Health club' or 'club' means any individual, partnership, corporation, or other legal entity offering contracts for health and conditioning services to the public.

(2) A 'contract for health and conditioning services' does not include:

(a) Professional services within the scope of the person's license rendered or furnished by a person licensed under Title 18 RCW;

(b) Instruction at public common schools, public institutions of higher education, private schools approved under RCW 28A.02.201, and private institutions of higher education;

(c) Instruction, training, or assistance relating to diet or control of eating habits not involving physical fitness programs, body building, exercising, figure development, or any other similar activity; or

(d) Recreational or social programs offered by organizations listed in section 169(3) of this act, which either involve no physical exercise or exercise only incidental to the program.

(3) Except for the purposes of sections 170, 175, and 176 of this act, a 'contract for health and conditioning services' does not include: (a) Services rendered by bona fide nonprofit organizations which have been granted tax exempt status by the internal revenue service, including, but not limited to, the Young Men's Christian Association, the Young Women's Christian Association, or other similar organizations, whose functions as health studios are only incidental to their overall functions and purposes; or (b) services rendered by bona fide nonprofit corporations organized under chapter 24.03 RCW which have members and whose members

have meaningful voting rights to elect and remove a board of directors which is responsible for the operation of the health club and corporation.

NEW SECTION. Sec. 170. Contracts for health and conditioning services shall be in writing and are subject to this chapter. A copy of the written contract shall be given to the customer when the customer signs the contract.

NEW SECTION. Sec. 171. Contracts for health and conditioning services between the same buyer and the same seller which have overlapping terms are deemed to be one contract for the purpose of this chapter.

NEW SECTION. Sec. 172. If a contract exceeds three years, the buyer shall sign or initial the provision which establishes the duration of the contract.

Contracts may not be sold, advertised, or measured by the lifetime of the buyer.

NEW SECTION. Sec. 173. A contract for health and conditioning services may be sold prior to opening of the facility. Such contract shall provide that:

(1) Agreed upon services will begin within twelve months from the date the contract is signed unless the buyer signs an extension; and

(2) A five-day period for cancellation of the contract shall begin to run from the day the facility opens for use of the buyer and the seller begins to provide the agreed upon services.

NEW SECTION. Sec. 174. (1) Except as provided in subsection (2) of this section, all moneys paid to the seller by the buyer prior to the opening of the facility shall promptly be deposited by the seller in a trust account, maintained by the seller for the purpose of holding such moneys for the buyer, in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington. The seller shall within seven days of the first deposit notify the office of the attorney general, in writing, of the name, address, and location of the depository and any subsequent change thereof. Unless otherwise agreed in writing, the seller is entitled to receipt of interest paid on such trust account moneys. The seller shall provide the buyer with a written receipt for the moneys and shall provide written notice of the name and address and location of the depository and any subsequent change thereof. If prior to the opening of the facility the status of the seller is transferred to another, any sums in the trust account affected by such transfer shall simultaneously be transferred to an equivalent trust account of the successor, and the successor shall promptly notify the buyer and the office of the attorney general of the transfer and of the name, address, and location of the new depository. The buyer's claim to any moneys paid under this section is prior to that of any creditor of the seller, including a trustee in bankruptcy or receiver, even if such moneys are commingled. After receipt of the notice of cancellation of the agreement or if the seller fails to open the facility and provide the agreed upon services within twelve months of the signing of the contract, the seller shall within ten days give a full refund to the buyer. The moneys on deposit shall revert to the seller on the day the facility opens.

(2) Subsection (1) of this section does not apply to any sellers who, prior to any preopening sales, have provided a bond guaranteeing performance of all contracts for health and conditioning services sold prior to the opening of the facility. The bond shall be drawn upon a surety in an amount acceptable to the office of the attorney general, running to the state of Washington. An action on the bond may be brought by the office of the attorney general or by any buyer of a contract for health and conditioning services sold prior to the opening of the facility.

NEW SECTION. Sec. 175. (1) The contract for health and conditioning services shall contain:

(a) The name and address of the health and conditioning facilities operator;

(b) The date the buyer signed the contract;

(c) The current fees to be paid by the buyer and, if such fees are subject to periodic adjustment, such fact shall be disclosed;

(d) The services to be provided under the contract; and

(e) The duration of the contract.

(2) Unless the health and conditioning facilities operator has complied with subsection (1) of this section, the buyer may cancel the contract for health and conditioning services at any time.

NEW SECTION. Sec. 176. Contracts for health and conditioning services shall contain clauses which notify buyers of the following rights:

(1) The buyer has the right to cancel the contract at any time prior to midnight of the third calendar day after the date the contract is signed by the buyer. Cancellation under this subsection entitles the buyer to a refund of all moneys paid and relieves the buyer from any future obligations under the contract without penalty.

(2) If by reason of death or total disability the person agreeing to receive services is unable to receive services that have been contracted for, the person or person's estate may cancel the contract.

(a) For total disability, a written confirmation of total disability shall be submitted by the person's treating physician. The health and conditioning facility may require the person to be examined by a physician of their choice if requested within sixty days after a written confirmation is submitted by the treating physician. If the two physicians disagree, they shall choose a third physician to examine the person, each party bearing half the fee. The third physician's

opinion shall be binding on all parties. Total disability is a condition incurred after the person signs the contract which precludes the person from physically using the facilities for the remaining term of the contract.

(b) For death, a certified copy of the death certificate shall be sufficient evidence to cancel the contract.

(3) If the health and conditioning facilities are permanently closed and comparable facilities owned and operated by the seller are not made available within a ten-mile radius of the closed facility, the person agreeing to receive health and conditioning services may cancel the contract.

(4) If a contract for health and conditioning services extends for more than one year or requires payment of an initiation or membership fee, the buyer has the right to cancel the contract for any reason upon thirty days' written notice to the seller.

(5) Upon cancellation under subsection (2), (3), or (4) of this section, the buyer is entitled to a refund and relief from future obligations for payments of one-time only initiation and membership fees and monthly use fees as follows:

(a) The buyer is entitled to a refund of the unused portion of any prepaid monthly use fees and relief from future obligations to pay use fees concerning use after the date of cancellation;

(b) If a contract includes a one-time only initiation or membership fee and the buyer cancels under subsection (2) of this section, the buyer is entitled to a pro rata refund of such fee less a predetermined fee not to exceed one-half of the initial initiation or membership fee;

(c) If the contract includes a one-time only initiation or membership fee and the buyer cancels under subsection (3) of this section, the buyer is entitled to a pro rata refund of such fee;

(d) If the contract includes a one-time only initiation or membership fee and the buyer cancels under subsection (4) of this section, the buyer is entitled to a pro rata refund of such fee and relief from future obligations for payment under the contract unless the contract clearly states that the initiation or membership fee is nonrefundable, or states what percentage of the fee is refundable, and the clause is separately signed by the buyer;

(e) To calculate the amount of the refund and relief from future obligations for payment under the contract, the fee shall be apportioned into an equal installment amount by dividing the total fee by the number of months of use contracted for by the buyer. The buyer is entitled to relief from the obligation for payment and a refund of any moneys paid in excess of the number of months of use prior to the date of cancellation multiplied by the equal installment amount; and

(f) All refunds shall be made within thirty days of receipt of the notice of cancellation by the health and conditioning facilities operator. Notice of cancellation shall be provided to the seller by mailing or delivering a signed and dated notice, or sending a telegram which states that the buyer is canceling the contract, or words of similar effect. The seller may require the buyer to return the original copy of the contract, or any membership card, or any other materials which evidence membership in the club.

(6) For any period in which a person is precluded from physically using the facilities due to a temporary total disability, the obligation of that person to pay any monthly use fees will be suspended. For a temporary total disability, a written confirmation shall be submitted by the person's treating physician. The health and conditioning facility may require, if requested within sixty days after a written confirmation is submitted by the treating physician, the person to be examined by a physician of their choice. If the two physicians disagree, they shall choose a third physician to examine the person, each party bearing half the fee. The third physician's opinion shall be binding on all parties.

NEW SECTION. Sec. 177. The provisions of this chapter are not exclusive and do not relieve the parties from compliance with all other applicable federal, state, and local laws and rules.

NEW SECTION. Sec. 178. Any contract for health and conditioning services which does not comply with the applicable provisions of this chapter or in which the buyer waives any provision of this chapter is void and unenforceable as contrary to public policy.

NEW SECTION. Sec. 179. It shall be unlawful to sell or offer for sale any contract for health and conditioning services entered into in reliance upon any false, fraudulent, or misleading information or representations.

NEW SECTION. Sec. 180. A seller who has not furnished a bond under section 174 of this act and who receives money from a buyer under a contract for services from health and conditioning facilities sold prior to the opening of the facility and the provision of the agreed upon services and who fails to deposit such moneys in a trust account maintained by the seller for the purpose of holding such funds for the buyer in a bank, savings and loan association, mutual savings bank, or licensed escrow agent located in Washington within three business days of receipt excluding Saturday, Sunday and holidays shall be guilty of a class C felony as defined in chapter 9A.20 RCW.

NEW SECTION. Sec. 181. A violation of this chapter, for purposes of the consumer protection act, chapter 19.86 RCW, constitutes an unfair or deceptive act or practice.

NEW SECTION. Sec. 182. The provisions of this chapter shall not apply to any contracts for health and conditioning services entered into before the effective date of this act.

NEW SECTION. Sec. 183. Sections 168 through 182 of this act shall constitute a new chapter in Title 19 RCW."

On page 1, line 2 of the title, after "businesses;" strike the remainder of the title and insert: "amending RCW 18.130.010, 18.130.020, 18.130.040, 18.130.070, 18.130.080, 18.130.090, 18.130.130, 18.130.160, 18.130.170, 18.130.180, 18.130.190, 18.130.200, 18.130.210, 18.130.900, 18.22.015, 18.25.017, 18.25.090, 18.26.030, 18.26.110, 18.32.085, 18.32.290, 18.32.360, 18.32.390, 18.32.500, 18.32.520, 18.32.530, 18.32.640, 18.35.110, 18.35.161, 18.35.190, 18.35.220, 18.36.010, 18.36.020, 18.36.030, 18.36.040, 18.36.050, 18.36.060, 18.36.130, 18.39.130, 18.39.145, 18.39.148, 18.39.150, 18.39.175, 18.39.181, 18.39.231, 18.39.260, 18.39.280, 18.39.290, 18.39.300, 18.39.320, 18.39.330, 18.52.100, 18.53.030, 18.53.100, 18.53.140, 18.53.150, 18.54.070, 18.57.005, 18.57A.030, 18.57A.040, 18.57A.050, 18.59.100, 18.59.130, 18.71.030, 18.71.050, 18.71.095, 18.71.200, 18.71.230, 18.71A.040, 18.71A.050, 18.72.020, 18.72.150, 18.72.265, 18.73.020, 18.74.023, 18.74.090, 18.78.050, 18.78.070, 18.78.090, 18.83.120, 18.83.130, 18.83.135, 18.83.155, 18.83.180, 18.88.270, 18.92.030, 18.92.070, 18.92.120, 18.92.125, 70.54.150, and 70.54.190; reenacting and amending RCW 43.24.110; adding a new section to chapter 18.22 RCW; adding a new section to chapter 18.25 RCW; adding a new section to chapter 18.26 RCW; adding a new section to chapter 18.29 RCW; adding a new section to chapter 18.32 RCW; adding a new section to chapter 18.34 RCW; adding a new section to chapter 18.35 RCW; adding a new section to chapter 18.36 RCW; adding a new section to chapter 18.39 RCW; adding a new section to chapter 18.50 RCW; adding a new section to chapter 18.52 RCW; adding a new section to chapter 18.53 RCW; adding a new section to chapter 18.54 RCW; adding a new section to chapter 18.55 RCW; adding a new section to chapter 18.57 RCW; adding a new section to chapter 18.57A RCW; adding a new section to chapter 18.59 RCW; adding a new section to chapter 18.71 RCW; adding a new section to chapter 18.71A RCW; adding a new section to chapter 18.72 RCW; adding a new section to chapter 18.74 RCW; adding a new section to chapter 18.78 RCW; adding a new section to chapter 18.83 RCW; adding a new section to chapter 18.88 RCW; adding a new section to chapter 18.92 RCW; adding a new section to chapter 18.108 RCW; adding a new section to chapter 18.130 RCW; adding a new chapter to Title 19 RCW; creating new sections; repealing RCW 18.130.030, 18.22.016, 18.22.017, 18.22.020, 18.22.141, 18.22.151, 18.22.215, 18.25.010, 18.25.018, 18.25.050, 18.26.027, 18.26.035, 18.26.037, 18.26.100, 18.26.120, 18.26.130, 18.26.140, 18.26.150, 18.26.160, 18.26.170, 18.26.180, 18.26.190, 18.26.200, 18.26.210, 18.26.220, 18.26.230, 18.26.240, 18.26.250, 18.26.270, 18.26.280, 18.26.290, 18.26.300, 18.26.310, 18.29.010, 18.29.075, 18.29.080, 18.29.090, 18.32.038, 18.32.055, 18.32.080, 18.32.090, 18.32.230, 18.32.380, 18.32.535, 18.32.540, 18.32.550, 18.32.630, 18.32.650, 18.32.660, 18.32.670, 18.32.680, 18.32.690, 18.32.700, 18.32.710, 18.32.720, 18.32.730, 18.32.740, 18.32.750, 18.32.760, 18.32.770, 18.32.780, 18.34.090, 18.34.100, 18.34.135, 18.34.140, 18.34.150, 18.35.173, 18.35.210, 18.36.135, 18.36.140, 18.36.150, 18.39.176, 18.39.179, 18.39.223, 18.39.225, 18.39.310, 18.39.340, 18.50.100, 18.50.120, 18.50.125, 18.52.055, 18.52.065, 18.52.090, 18.52.120, 18.52.150, 18.52.155, 18.53.020, 18.53.155, 18.54.075, 18.54.080, 18.54.100, 18.54.110, 18.54.120, 18.55.065, 18.55.070, 18.55.080, 18.55.090, 18.55.100, 18.57.009, 18.57.030, 18.57.170, 18.57.173, 18.57.175, 18.57.177, 18.57.181, 18.57.185, 18.57.195, 18.57.205, 18.59.030, 18.59.140, 18.59.200, 18.71.018, 18.71.020, 18.71.025, 18.71.120, 18.71.140, 18.71.145, 18.71.165, 18.71.180, 18.72.030, 18.72.135, 18.72.140, 18.72.153, 18.72.160, 18.72.170, 18.72.175, 18.72.180, 18.72.201, 18.72.230, 18.72.240, 18.72.245, 18.72.250, 18.72.260, 18.72.270, 18.72.275, 18.72.280, 18.72.290, 18.72.300, 18.72.320, 18.72.330, 18.74.028, 18.74.080, 18.74.082, 18.74.084, 18.74.086, 18.74.088, 18.74.100, 18.78.053, 18.78.135, 18.78.145, 18.78.155, 18.78.165, 18.78.170, 18.78.175, 18.83.053, 18.83.145, 18.83.161, 18.83.165, 18.88.085, 18.88.210, 18.88.230, 18.88.240, 18.88.250, 18.88.260, 18.88.265, 18.92.033, 18.92.045, 18.92.050, 18.92.160, 18.92.180, 18.92.210, 18.92.220, 18.92.235, 18.108.075, 18.108.080, and 18.108.170; repealing section 3, chapter 38, Laws of 1917 (uncodified); repealing section 2, chapter 48, Laws of 1935 (uncodified); repealing section 7, chapter 5, Laws of 1919 (uncodified); repealing section 30, chapter 16, Laws of 1923 (uncodified); repealing section 8, chapter 222, Laws of 1949 (uncodified); and prescribing penalties."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Brekke moved that the House do concur in the Senate amendments to Substitute House Bill No. 131.

POINT OF ORDER

Mr. Lewis: "Mr. Speaker, I ask your ruling on the scope and object of the Senate amendments to Substitute House Bill 131."

SPEAKER'S RULING

The Speaker: "The Speaker has examined Substitute House Bill 131, 'An Act Relating to regulation of health and health related professions and businesses....,' which is a pretty broad title, but the bill itself deals with technical implementation

of the uniform disciplinary act for eighteen licensed or regulated health professions. The effect of the Senate amendment is to add health club facilities and physical fitness conditioning services and make them subject to the consumer protection act under a new chapter created in Title 19 RCW. The Speaker, after examining both the original bill and the underlying purpose therein, and the Senate amendment, finds that your point is well taken; the Senate amendment broadens the scope and object of the bill."

MOTION

On motion of Ms. Brekke, the House refused to concur in the Senate amendments to Substitute House Bill No. 131, and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 686,
 SUBSTITUTE HOUSE BILL NO. 1148,
 SUBSTITUTE HOUSE BILL NO. 1218,
 HOUSE BILL NO. 1374,
 SUBSTITUTE HOUSE BILL NO. 1391,
 SUBSTITUTE HOUSE BILL NO. 1401,
 SUBSTITUTE HOUSE BILL NO. 1403,
 HOUSE BILL NO. 1407,
 SUBSTITUTE HOUSE BILL NO. 1408,
 HOUSE BILL NO. 1415,
 HOUSE BILL NO. 1419,
 HOUSE BILL NO. 1441,
 HOUSE BILL NO. 1450,
 SUBSTITUTE HOUSE BILL NO. 1458,
 SUBSTITUTE HOUSE BILL NO. 1580,
 HOUSE BILL NO. 1635,
 HOUSE BILL NO. 1656,
 SUBSTITUTE HOUSE BILL NO. 1669,
 SUBSTITUTE HOUSE BILL NO. 1678,
 HOUSE BILL NO. 1720,
 SUBSTITUTE HOUSE BILL NO. 1815,
 SUBSTITUTE HOUSE BILL NO. 1839,
 SUBSTITUTE HOUSE BILL NO. 1865,
 HOUSE BILL NO. 1900,
 HOUSE BILL NO. 2055,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SENATE AMENDMENTS TO HOUSE BILL

February 27, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1472 with the following amendments:

Strike everything after the enacting clause and insert the following:

***NEW SECTION.** Sec. 1. The legislature finds that both consumers and producers of agricultural and aquacultural products benefit from practices and policies which reduce the postproduction costs of making such products available to consumers. The legislature declares it to be the policy of the state to encourage and promote the marketing of agricultural products directly to consumers at the sites of the production of such products as one means of reducing those costs.

NEW SECTION. Sec. 2. A new section is added to chapter 47.42 RCW to read as follows:

The department shall take such actions as are practicable to assist the marketing of agricultural products including plantation Christmas trees, and cultured aquatic products as defined in RCW 15.85.020 at the sites of their production by ensuring that adequate directions to such sites within the state are available to the public. Adequate directions shall include allowing the placement of signs on public highway rights of way at no charge during the season that such products are available for purchase directly by consumers.

Sec. 3. Section 82.04.120, chapter 15, Laws of 1961 as amended by section 2, chapter 9, Laws of 1982 2nd ex. sess. and RCW 82.04.120 are each amended to read as follows:

"To manufacture" embraces all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different or useful substance or article of tangible personal property is produced for sale or commercial or industrial use, and shall include the production or fabrication of special made or custom made articles.

"To manufacture" shall not include conditioning of seed for use in planting, or activities which consist of cutting, grading, or ice glazing seafood which has been cooked, frozen or canned outside this state.

NEW SECTION. Sec. 4. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 2 of the title, after "section;" strike "adding a new section to chapter 43.23 RCW;"

On page 1, line 1 of the title after "marketing;" insert "amending RCW 82.04.120;" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Vekich moved that the House do not concur in the Senate amendments to House Bill No. 1472 and ask the Senate for a conference thereon.

POINT OF ORDER

Mr. Smitherman: "Mr. Speaker, I request that you rule on the amendment in respect to scope and object."

SPEAKER'S RULING

The Speaker: "The Speaker has examined House Bill 1472, 'An Act Relating to agricultural marketing....' The amendment adds injunction for the conditioning of the seed used for planting from the definition of manufacturing for the purposes of the state B&O tax laws. Having examined both the amendment and the underlying bill, the Speaker finds that your point is well taken and that the amendment is outside the scope and object of the bill."

MOTION

Mr. Barrett moved that the House do not concur in the Senate amendments and ask the Senate to recede therefrom.

SPEAKER'S RULING

The Speaker: "While no Point of Parliamentary Inquiry or Point of Order has been raised, the Speaker would like to read from (Reed's) Rule 245, Method of Obtaining Conference. '...The formal method, which perhaps any House has a right to insist on, is illustrated in this way: A bill passed by one House is amended in the other and returned. The originating House disagrees to the amendment, and notifies the amending House by a message, returning the papers. Thereupon the amending body either recedes and concurs or insists and asks for a conference.' The conventional method of dealing with this matter would be to not concur and ask the Senate to recede, as indicated in this rule. It has been the practice of this House to recognize the motion to not concur and ask for a conference thereon, but this action is also allowed. The Speaker believes that according to Reed's Rules, that the most conventional approach should come first and would find that your motion is, in fact, in order, Representative Barrett. Therefore, the question before the House is to not concur with the Senate amendments and ask the Senate to recede therefrom."

POINT OF PARLIAMENTARY INQUIRY

Mr. Vekich: "Having ruled the amendment out of scope, is it possible subsequently to concur in the rest of the bill? Would that take precedent over Representative Barrett's motion?"

The Speaker: "The answer is no. There was only one amendment before us and that was a striking amendment. The Speaker ruled that out of scope and object."

The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1950 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. (1) The legislature finds that medical malpractice will be reduced if hospitals establish coordinated medical malpractice prevention programs and provide greater scrutiny of physicians prior to granting or renewing hospital privileges.

(2) The legislature also finds that physician disciplinary boards can reduce medical malpractice if they have access to additional information on health care providers who are incompetent or impaired.

PART I

MEDICAL DISCIPLINARY BOARD

Sec. 2. Section 4, chapter 202, Laws of 1955 as amended by section 1, chapter 71, Laws of 1977 and RCW 18.72.040 are each amended to read as follows:

There is hereby created the 'Washington state medical disciplinary board,' which shall be composed of one holder of a valid license to practice medicine and surgery from each congressional district now existing or hereafter created in the state and ~~((one))~~ three members of the public who meet~~(s)~~ the qualifications contained in RCW 70.39.020(2) shall be appointed by the governor. The public ~~((member's))~~ members' term shall be for ~~((two))~~ four years ~~((commencing on October 1st of each odd-numbered year)).~~ In order to achieve staggered terms, the public member serving on the board on the effective date of this 1986 act shall continue to serve until October 1, 1987. The remaining two public members shall be appointed to initial terms of three years and four years, respectively.

The board shall be an administrative agency of the state of Washington. The attorney general shall be the advisor of the board and shall represent it in all legal proceedings. Assistant attorneys general assigned to the board are subject to the approval of the board and shall work under the direct control of the board while so assigned.

Sec. 3. Section 6, chapter 111, Laws of 1979 ex. sess. and RCW 18.72.155 are each amended to read as follows:

The director of the department of licensing shall appoint, from a list of three names supplied by the board, an executive secretary who shall act to carry out the provisions of this chapter. The director shall also employ such additional staff including administrative assistants, investigators, and clerical staff as are required to enable the board to accomplish its duties and responsibilities. Investigators employed under this section shall be assigned solely to the board and are subject to the approval of the board. The executive secretary shall be exempt from the provisions of the civil service law, chapter 41.06 RCW, as now or hereafter amended.

PART II

MEDICAL MALPRACTICE PREVENTION PROGRAM

NEW SECTION, Sec. 4. A new section is added to chapter 70.41 RCW to read as follows:

(1) Every hospital shall maintain a coordinated program for the identification and prevention of medical malpractice. The program shall include at least the following:

(a) The establishment of a quality assurance committee with the responsibility to review the services rendered in the hospital in order to improve the quality of medical care of patients and to prevent medical malpractice. The committee shall oversee and coordinate the medical malpractice prevention program and shall insure that information gathered pursuant to the program is used to review and to revise hospital policies and procedures. At least one member of the committee shall be a member of the governing board of the hospital who is not otherwise affiliated with the hospital in an employment or contractual capacity;

(b) A medical staff privileges sanction procedure through which credentials, physical and mental capacity, and competence in delivering health care services are periodically reviewed as part of an evaluation of staff privileges;

(c) The periodic review of the credentials, physical and mental capacity, and competence in delivering health care services of all persons who are employed or associated with the hospital;

(d) A procedure for the prompt resolution of grievances by patients or their representatives related to accidents, injuries, treatment, and other events that may result in claims of medical malpractice;

(e) The maintenance and continuous collection of information concerning the hospital's experience with negative health care outcomes and incidents injurious to patients, patient grievances, professional liability premiums, settlements, awards, costs incurred by the hospital for patient injury prevention, and safety improvement activities;

(f) The maintenance of relevant and appropriate information gathered pursuant to (a) through (e) of this subsection concerning individual physicians within the physician's personnel or credential file maintained by the hospital;

(g) Education programs dealing with patient safety, injury prevention, staff responsibility to report professional misconduct, the legal aspects of patient care, improved communication with patients, and causes of malpractice claims for staff personnel engaged in patient care activities; and

(h) Policies to ensure compliance with the reporting requirements of this section.

(2) Any person who, in substantial good faith, provides information to further the purposes of the medical malpractice prevention program or who, in substantial good faith, participates on the quality assurance committee shall not be subject to an action for civil damages or other relief as a result of such activity.

(3) Information and documents, including complaints and incident reports, created, collected, and maintained about health care providers arising out of the matters that are subject to evaluation by a review committee conducting quality assurance reviews are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or board shall be permitted or required to testify in any civil action as to the content of such proceedings. This subsection does not preclude: (a) In any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (b) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality assurance committees regarding such health care provider; or (c) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any.

(4) The department of social and health services shall adopt such rules as are deemed appropriate to effectuate the purposes of this section.

(5) The medical disciplinary board or the board of osteopathic medicine and surgery, as appropriate, may review and audit the records of committee decisions in which a physician's privileges are terminated or restricted. Each hospital shall produce and make accessible to the board the appropriate records and otherwise facilitate the review and audit. Information so gained shall not be subject to the discovery process and confidentiality shall be respected as required by subsection (3) of this section. Failure of a hospital to comply with this subsection is punishable by a civil penalty not to exceed two hundred fifty dollars.

(6) Violation of this section shall not be considered negligence per se.

NEW SECTION, Sec. 5. A new section is added to chapter 18.72 RCW to read as follows:

(1) A licensed health care professional licensed under chapter 18.71 RCW shall report to the medical disciplinary board when he or she has personal knowledge that a practicing physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing physician may be unable to practice medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any mental or physical conditions.

(2) Reporting under this section is not required by:

(a) An appropriately appointed peer review committee member of a licensed hospital or by an appropriately designated professional review committee member of a county or state medical society during the investigative phase of their respective operations if these investigations are completed in a timely manner; or

(b) A treating licensed health care professional of a physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(3) The medical disciplinary board may impose disciplinary sanctions, including license suspension or revocation, on any health care professional subject to the jurisdiction of the board who has failed to comply with this section.

NEW SECTION, Sec. 6. A new section is added to chapter 18.72 RCW to read as follows:

(1) Every institution or organization providing professional liability insurance to physicians shall send a complete report to the medical disciplinary board of all malpractice settlements, awards, or payments in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured physician's incompetency or negligence in the practice of medicine. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a year as the result of the alleged physician's incompetence or negligence in the practice of medicine regardless of the dollar amount of the award or payment.

(2) Reports required by this section shall be made within sixty days of the date of the settlement or verdict. Failure to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

NEW SECTION, Sec. 7. A new section is added to chapter 70.41 RCW to read as follows:

The chief administrator or executive officer of a hospital shall report to the board when a physician's clinical privileges are terminated or are restricted based on a determination, in accordance with an institution's bylaws, that a physician has either committed an act or acts

which may constitute unprofessional conduct. The officer shall also report if a physician accepts voluntary termination in order to foreclose or terminate actual or possible hospital action to suspend, restrict, or terminate a physician's clinical privileges. Such a report shall be made within sixty days of the date action was taken by the hospital's peer review committee or the physician's acceptance of voluntary termination or restriction of privileges. Failure of a hospital to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

NEW SECTION, Sec. 8. A new section is added to chapter 70.41 RCW to read as follows:

Each hospital shall keep written records of decisions to restrict or terminate privileges of practitioners. Copies of such records shall be made available to the board within thirty days of a request and all information so gained shall remain confidential in accordance with sections 4 and 11 of this act and shall be protected from the discovery process. Failure of a hospital to comply with this section is punishable by civil penalty not to exceed two hundred fifty dollars.

NEW SECTION, Sec. 9. A new section is added to chapter 18.57 RCW to read as follows:

A health care professional licensed under chapter 18.57 RCW shall report to the board when he or she has personal knowledge that a practicing osteopathic physician has either committed an act or acts which may constitute statutorily defined unprofessional conduct or that a practicing osteopathic physician may be unable to practice osteopathic medicine with reasonable skill and safety to patients by reason of illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material, or as a result of any impairing mental or physical conditions.

(2) Reporting under this section is not required by:

(a) An appropriately appointed peer review committee member of a licensed hospital or by an appropriately designated professional review committee member of an osteopathic medical society during the investigative phase of their respective operations if these investigations are completed in a timely manner; or

(b) A treating licensed health care professional of an osteopathic physician currently involved in a treatment program as long as the physician patient actively participates in the treatment program and the physician patient's impairment does not constitute a clear and present danger to the public health, safety, or welfare.

(3) The board may impose disciplinary sanctions, including license suspension or revocation, on any health care professional subject to the jurisdiction of the board who has failed to comply with this section.

NEW SECTION, Sec. 10. A new section is added to chapter 18.57 RCW to read as follows:

Every institution or organization providing professional liability insurance to osteopathic physicians shall send a complete report to the board of all malpractice settlements, awards, or payments in excess of twenty thousand dollars as a result of a claim or action for damages alleged to have been caused by an insured physician's incompetency or negligence in the practice of osteopathic medicine. Such institution or organization shall also report the award, settlement, or payment of three or more claims during a year as the result of the alleged physician's incompetence or negligence in the practice of medicine regardless of the dollar amount of the award or payment.

Reports required by this section shall be made within sixty days of the date of the settlement or verdict. Failure to comply with this section is punishable by a civil penalty not to exceed two hundred fifty dollars.

PART III

GRANT OR RENEWAL OF HOSPITAL PRIVILEGES

NEW SECTION, Sec. 11. A new section is added to chapter 70.41 RCW to read as follows:

(1) Prior to granting or renewing clinical privileges or association of any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from the physician and the physician shall provide the following information:

(a) The name of any hospital or facility with or at which the physician had or has any association, employment, privileges, or practice;

(b) If such association, employment, privilege, or practice was discontinued, the reasons for its discontinuation;

(c) Any pending professional medical misconduct proceedings or any pending medical malpractice actions in this state or another state, the substance of the allegations in the proceedings or actions, and any additional information concerning the proceedings or actions as the physician deems appropriate;

(d) The substance of the findings in the actions or proceedings and any additional information concerning the actions or proceedings as the physician deems appropriate;

(e) A waiver by the physician of any confidentiality provisions concerning the information required to be provided to hospitals pursuant to this subsection; and

(f) A verification by the physician that the information provided by the physician is accurate and complete.

(2) Prior to granting privileges or association to any physician or hiring a physician, a hospital or facility approved pursuant to this chapter shall request from any hospital with or at

which the physician had or has privileges, was associated, or was employed, the following information concerning the physician:

(a) Any pending professional medical misconduct proceedings or any pending medical malpractice actions, in this state or another state;

(b) Any judgment or settlement of a medical malpractice action and any finding of professional misconduct in this state or another state by a licensing or disciplinary board; and

(c) Any information required to be reported by hospitals pursuant to RCW 18.72.265.

(3) The medical disciplinary board shall be advised within thirty days of the name of any physician denied staff privileges, association, or employment on the basis of adverse findings under subsection (1) of this section.

(4) A hospital or facility that receives a request for information from another hospital or facility pursuant to subsections (1) and (2) of this section shall provide such information concerning the physician in question to the extent such information is known to the hospital or facility receiving such a request, including the reasons for suspension, termination, or curtailment of employment or privileges at the hospital or facility. A hospital, facility, or other person providing such information in good faith is not liable in any civil action for the release of such information.

(5) Information and documents, including complaints and incident reports, created, collected, and maintained about health care providers arising out of the matters that are subject to evaluation by a review committee conducting quality assurance reviews are not subject to discovery or introduction into evidence in any civil action, and no person who was in attendance at a meeting of such committee or board shall be permitted or required to testify in any civil action as to the content of such proceedings. This subsection does not preclude: (a) In any civil action, the testimony of any person concerning the facts which form the basis for the institution of such proceedings of which the person had personal knowledge acquired independently of such proceedings; (b) in any civil action by a health care provider regarding the restriction or revocation of that individual's clinical or staff privileges, introduction into evidence information collected and maintained by quality assurance committees regarding such health care provider; or (c) in any civil action, disclosure of the fact that staff privileges were terminated or restricted, including the specific restrictions imposed, if any.

(6) Hospitals shall be granted access to information held by the medical disciplinary board and the board of osteopathic medicine and surgery pertinent to decisions of the hospital regarding credentialing and recredentialing of practitioners.

(7) Violation of this section shall not be considered negligence per se.

NEW SECTION. Sec. 12. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, beginning on line 1 of the title, after "medical" strike the remainder of the title and insert "malpractice"; amending RCW 18.72.040 and 18.72.155; adding new sections to chapter 18.57 RCW; adding new sections to chapter 18.72 RCW; adding new sections to chapter 70.41 RCW; creating a new section; and prescribing penalties." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Brekke moved that the House do concur in the Senate amendments to Engrossed Substitute House Bill No. 1950.

Mr. Brooks spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1950 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1950 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; nays, 1; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander

Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Voting nay: Representative Schmidt - 1.

Excused: Representative Winsley - 1.

Engrossed Substitute House Bill No. 1950 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MOTION

On motion of Mr. J. King, Engrossed Substitute House Joint Resolution No. 49 was placed on the calendar for immediate consideration.

MOTION FOR RECONSIDERATION

Mr. J. King, having voted on the prevailing side of the motion to concur in the Senate amendments to Engrossed Substitute House Joint Resolution No. 49, moved that the House immediately reconsider the motion.

The motion was carried.

The Speaker stated the question before the House to be the motion to concur in the Senate amendments to Engrossed Substitute House Joint Resolution No. 49.

Mr. J. King spoke against the motion to concur and the motion was lost.

The Speaker stated that the House had, by its action, voted not to concur in the Senate amendments to Engrossed Substitute House Joint Resolution No. 49.

MESSAGES FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447, and the President has appointed the following members as conferees: Senators McManus, Saling, Goitz.

Bill Gleason, Assistant, Secretary.

March 9, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1614, and the President has appointed the following members as conferees: Senators Peterson, Patterson, Vognild.

Bill Gleason, Assistant, Secretary.

March 9, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1722, and the President has appointed the following members as conferees: Senators Kreidler, Bluechel, Talmadge.

Bill Gleason, Assistant, Secretary.

March 9, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587, providing for expanding international trade, have had the same under consideration, and we recommend that the Senate amendments be adopted to page 2, lines 3, 5, and 32; page 4, lines 9 and 33; and page 9, line 11, and we request the powers of Free Conference in order to further amend the bill.

Signed by Senators Warnke, Goltz, Sellar; Representatives McMullen, Kremen.

MOTION

On motion of Mr. McMullen, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 1708 and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1708, modifying liquor control board membership terms, have had the same under consideration, and we recommend that the Senate Commerce & Labor Committee amendments not be adopted to page 1, lines 14 and 19, and request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, Moore, Metcalf; Representatives Belcher, Walk, Fuhrman.

MOTION

On motion of Ms. Belcher, the Conference Committee report on House Bill No. 1708 was adopted, and the committee was granted the powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4762, adopting the supplemental budget, have had the same under consideration, and we request the powers of Free Conference in order to amend the bill.

Signed by Senators McDermott, Gaspard; Representatives Grimm, Braddock.

MOTION

Mr. Grimm moved that the House adopt the report of the Conference Committee on Engrossed Substitute Senate Bill No. 4762 and grant the committee powers of Free Conference.

Mr. B. Williams spoke against the motion.

The motion was carried.

SENATE AMENDMENTS TO HOUSE BILL

The House resumed consideration of the Senate amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598.

SPEAKER'S RULING

The Speaker: "Representative Braddock, you previously raised the question of scope and object of the Senate amendments to Engrossed Substitute House Bill 1598.

The Speaker has examined the original bill, 'An Act Relating to sexual offenders....' which transfers this responsibility from the Department of Social and Health Services to the Department of Corrections. The Senate amendment by the Committee on Judiciary adds the provision that sets up a supplemental program to reimburse institutional care employees of the Department of Social and Health Services and the Department of Veterans' Affairs for costs related to being assaulted by residents, patients or inmates. The original bill deals with transferring of the program from DSHS to Corrections. The Speaker, after examining the original bill and the amendments, finds that the amendments broaden the scope and object of the original bill. Therefore, your point is well taken. The Senate amendment is out of order; it is beyond the scope and object."

MOTION

On motion of Mr. Armstrong, the House refused to concur in the Senate amendments to Engrossed Substitute House Bill No. 1598 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Armstrong, Valle and Padden as conferees on Engrossed Substitute House Bill No. 1598.

MOTION

On motion of Mr. Appelwick, the House adjourned until 9:00 a.m., Monday, March 10, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FIFTY-SEVENTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Monday, March 10, 1986

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Dobbs, Sanders and Taylor. Representatives Dobbs and Taylor were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Carol McAlister and Lee Pallat. Prayer was offered by Father Patrick Godley of the Holy Family Church of Auburn.

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

MESSAGES FROM THE SENATE

March 9, 1986

Mr. Speaker:

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

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 3574,
 SUBSTITUTE SENATE BILL NO. 3948,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4497,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4503,
 SUBSTITUTE SENATE BILL NO. 4536,
 SENATE BILL NO. 4537,
 SUBSTITUTE SENATE BILL NO. 4547,
 SUBSTITUTE SENATE BILL NO. 4572,
 ENGROSSED SENATE BILL NO. 4620,
 SENATE BILL NO. 4675,
 SENATE BILL NO. 4681,
 SENATE BILL NO. 4693,
 SENATE BILL NO. 4712,
 SUBSTITUTE SENATE BILL NO. 4722,
 SUBSTITUTE SENATE BILL NO. 4724,
 SENATE BILL NO. 4749,
 SUBSTITUTE SENATE BILL NO. 4766,
 SUBSTITUTE SENATE BILL NO. 4769,
 SUBSTITUTE SENATE BILL NO. 4783,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 4790,
 SUBSTITTUTE SENATE BILL NO. 4815,
 SUBSTITUTE SENATE BILL NO. 4888,
 SENATE BILL NO. 4891,
 SUBSTITUTE SENATE BILL NO. 4897,
 ENGROSSED SUBSTITTUTE SENATE BILL NO. 4898,
 SUBSTITUTE SENATE BILL NO. 5044.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND SUBSTITUTE HOUSE BILL NO. 136,
 SUBSTITUTE HOUSE BILL NO. 205,
 HOUSE BILL NO. 244,
 SUBSTITUTE HOUSE BILL NO. 355,
 HOUSE BILL NO. 507,
 SUBSTITUTE HOUSE BILL NO. 594,
 SUBSTITUTE HOUSE BILL NO. 614,
 SUBSTITUTE HOUSE BILL NO. 1177.

SUBSTITUTE HOUSE BILL NO. 1270,
 SUBSTITUTE HOUSE BILL NO. 1333,
 SUBSTITUTE HOUSE BILL NO. 1349,
 SUBSTITUTE HOUSE BILL NO. 1355,
 SUBSTITUTE HOUSE BILL NO. 1356,
 SUBSTITUTE HOUSE BILL NO. 1363,
 SUBSTITUTE HOUSE BILL NO. 1382,
 SUBSTITUTE HOUSE BILL NO. 1388,
 HOUSE BILL NO. 1393,
 SUBSTITUTE HOUSE BILL NO. 1400,
 SUBSTITUTE HOUSE BILL NO. 1433,
 HOUSE BILL NO. 1486,
 SUBSTITUTE HOUSE BILL NO. 1495,
 SUBSTITUTE HOUSE BILL NO. 1545,
 SUBSTITUTE HOUSE BILL NO. 1624,
 HOUSE BILL NO. 1652,
 HOUSE BILL NO. 1725,
 SUBSTITUTE HOUSE BILL NO. 1726,
 SUBSTITUTE HOUSE BILL NO. 1762,
 HOUSE BILL NO. 1763,
 SUBSTITUTE HOUSE BILL NO. 1838,
 SUBSTITUTE HOUSE BILL NO. 1869,
 HOUSE BILL NO. 1899,
 HOUSE BILL NO. 1954,
 HOUSE BILL NO. 1962,
 SUBSTITUTE HOUSE BILL NO. 1967,
 SUBSTITUTE HOUSE BILL NO. 1972.

MESSAGES FROM THE SENATE

March 8, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 3419,
 SUBSTITUTE SENATE BILL NO. 3453,
 SENATE BILL NO. 3636,
 SUBSTITUTE SENATE BILL NO. 4425,
 SENATE BILL NO. 4452,
 SUBSTITUTE SENATE BILL NO. 4553,
 SUBSTITUTE SENATE BILL NO. 4664,
 SUBSTITUTE SENATE BILL NO. 4682,
 SENATE BILL NO. 4708,
 SUBSTITUTE SENATE BILL NO. 4926,
 SUBSTITUTE SENATE BILL NO. 4933,
 SENATE JOINT MEMORIAL NO. 113,
 SENATE JOINT MEMORIAL NO. 126,
 SENATE JOINT MEMORIAL NO. 143.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 9, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 3182,
 SENATE BILL NO. 3193,
 SENATE BILL NO. 3278,
 SUBSTITUTE SENATE BILL NO. 3416,
 SUBSTITUTE SENATE BILL NO. 3458,
 SECOND SUBSTITUTE SENATE BILL NO. 3487,
 SUBSTITUTE SENATE BILL NO. 3847,
 SUBSTITUTE SENATE BILL NO. 4305,
 SUBSTITUTE SENATE BILL NO. 4418,
 SUBSTITUTE SENATE BILL NO. 4465.

SENATE BILL NO. 4481,
 SENATE BILL NO. 4506,
 SUBSTITUTE SENATE BILL NO. 4525,
 SENATE BILL NO. 4535,
 SENATE BILL NO. 4538,
 SENATE BILL NO. 4540,
 SUBSTITUTE SENATE BILL NO. 4544,
 SUBSTITUTE SENATE BILL NO. 4571,
 SENATE BILL NO. 4582,
 SENATE BILL NO. 4584,
 SUBSTITUTE SENATE BILL NO. 4596,
 SENATE BILL NO. 4601,
 SUBSTITUTE SENATE BILL NO. 4658,
 SUBSTITUTE SENATE BILL NO. 4659,
 SUBSTITUTE SENATE BILL NO. 4661,
 SUBSTITUTE SENATE BILL NO. 4665,
 SUBSTITUTE SENATE BILL NO. 4676,
 SUBSTITUTE SENATE BILL NO. 4683,
 SENATE BILL NO. 4691,
 SUBSTITUTE SENATE BILL NO. 4717,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 3182,
 SENATE BILL NO. 3193,
 SENATE BILL NO. 3278,
 SUBSTITUTE SENATE BILL NO. 3416,
 SUBSTITUTE SENATE BILL NO. 3419,
 SUBSTITUTE SENATE BILL NO. 3453,
 SUBSTITUTE SENATE BILL NO. 3458,
 SECOND SUBSTITUTE SENATE BILL NO. 3487,
 SENATE BILL NO. 3636,
 SUBSTITUTE SENATE BILL NO. 3847,
 SUBSTITUTE SENATE BILL NO. 4305,
 SUBSTITUTE SENATE BILL NO. 4418,
 SUBSTITUTE SENATE BILL NO. 4425,
 SENATE BILL NO. 4452,
 SUBSTITUTE SENATE BILL NO. 4465,
 SENATE BILL NO. 4481,
 SENATE BILL NO. 4506,
 SUBSTITUTE SENATE BILL NO. 4525,
 SENATE BILL NO. 4535,
 SENATE BILL NO. 4538,
 SENATE BILL NO. 4540,
 SUBSTITUTE SENATE BILL NO. 4544,
 SUBSTITUTE SENATE BILL NO. 4553,
 SUBSTITUTE SENATE BILL NO. 4571,
 SENATE BILL NO. 4582,
 SENATE BILL NO. 4584,
 SUBSTITUTE SENATE BILL NO. 4596,
 SENATE BILL NO. 4601,
 SUBSTITUTE SENATE BILL NO. 4658,
 SUBSTITUTE SENATE BILL NO. 4659,
 SUBSTITUTE SENATE BILL NO. 4661,
 SUBSTITUTE SENATE BILL NO. 4664,
 SUBSTITUTE SENATE BILL NO. 4665,
 SUBSTITUTE SENATE BILL NO. 4676,
 SUBSTITUTE SENATE BILL NO. 4682,
 SUBSTITUTE SENATE BILL NO. 4683,

SENATE BILL NO. 4691,
 SENATE BILL NO. 4708,
 SUBSTITUTE SENATE BILL NO. 4717,
 SUBSTITUTE SENATE BILL NO. 4926,
 SUBSTITUTE SENATE BILL NO. 4933,
 SENATE JOINT MEMORIAL NO. 113,
 SENATE JOINT MEMORIAL NO. 126,
 SENATE JOINT MEMORIAL NO. 143.

MESSAGE FROM THE SENATE

March 8, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE JOINT RESOLUTION NO. 138, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Fisher, the House refused to recede from the amendment to Substitute Senate Joint Resolution No. 138, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Fisher, Vekich and Barnes as conferees on Substitute Senate Joint Resolution No. 138.

MESSAGE FROM THE SENATE

March 4, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 4990, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Rust, the House refused to recede from the amendment to Substitute Senate Bill No. 4990, and requested a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Rust, Unsoeld and Brough as conferees on Substitute Senate Bill No. 4990.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 4938, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Belcher, the House refused to recede from the amendments to Engrossed Substitute Senate Bill No. 4938, and requested a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Belcher, Peery and Sanders as conferees on Engrossed Substitute Senate Bill No. 4938.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 4917, and asks the House for a conference thereon, and the President has appointed the following members as conferees: Senators Moore, Bender, Deccio, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Zellinsky, the House granted the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 4917.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Zellinsky, Nutley and West as conferees on Engrossed Substitute Senate Bill No. 4917.

MESSAGE FROM THE SENATE

March 8, 1986

Mr. Speaker:

The House amendments to SUBSTITUTE SENATE BILL NO. 4905 were ruled beyond the scope and object of the bill, and the Senate asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Schmidt, the House insisted on its position on Substitute Senate Bill No. 4905, and requested a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Walk, Sutherland and Schmidt as conferees on Substitute Senate Bill No. 4905.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 4872, and asks the House for a conference thereon. The President has appointed the following conferees: Senators Gaspard, Bauer, Craswell, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Ebersole, the House granted the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 4872.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Ebersole, Peery and Taylor as conferees on Engrossed Substitute Senate Bill No. 4872.

MESSAGE FROM THE SENATE

March 8, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 4779, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Wang, the House refused to recede from the amendment to Substitute Senate Bill No. 4779, and requested a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Wang, O'Brien and Bond as conferees on Substitute Senate Bill No. 4779.

MESSAGE FROM THE SENATE

March 8, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 4741, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Haugen, the House refused to recede from the amendment to Substitute Senate Bill No. 4741, and requested a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Haugen, Basich and Thomas as conferees on Substitute Senate Bill No. 4741.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 4725, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Wang, the House refused to recede from the amendments to Engrossed Senate Bill No. 4725, and requested a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives O'Brien, Belcher and Chandler as conferees on Engrossed Senate Bill No. 4725.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 4738, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Talmadge, Rinehart, Pullen, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Scott, the House granted the request of the Senate for a conference on Engrossed Senate Bill No. 4738.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Armstrong, K. Wilson and G. Nelson as conferees on Engrossed Senate Bill No. 4738.

MESSAGE FROM THE SENATE

March 8, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 4639, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Fisher, the House refused to recede from the amendments to Substitute Senate Bill No. 4639, and requested a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Fisher, Fisch and Walker as conferees on Substitute Senate Bill No. 4639.

MESSAGE FROM THE SENATE

March 8, 1986

Mr. Speaker:

The House amendments to SENATE BILL NO. 4628 were ruled beyond the scope and object of the bill, and the Senate asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Sommers, the House receded from its amendments to Senate Bill No. 4628.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker stated the question before the House to be the final passage of Senate Bill No. 4628 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 4628 without the House amendments, and the bill passed the House by the following vote: Yeas, 85; nays, 10; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Smitherman, Sommers, Sutherland, Tanner, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Barnes, Bond, Chandler, Fuhrman, Hastings, Holland, Lundquist, Nealey, Prince, Smith C - 10.

Absent: Representative Sanders - 1.

Excused: Representatives Dobbs, Taylor - 2.

Senate Bill No. 4628 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 8, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 4590, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Haugen, the House refused to recede from the amendments to Substitute Senate Bill No. 4590, and requested a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Haugen, Nutley and Brough as conferees on Substitute Senate Bill No. 4590.

MESSAGE FROM THE SENATE

March 8, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 4486, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Haugen, the House refused to recede from the amendments to Substitute Senate Bill No. 4486, and requested a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Haugen, Nutley and Brough as conferees on Substitute Senate Bill No. 4486.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SENATE BILL NO. 4463, and asks the House for a conference thereon, and the President has appointed the following members as conferees: Senators Warnke, Vognild, Bailey, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. McMullen, the House granted the request of the Senate for a conference on Engrossed Senate Bill No. 4463.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives McMullen, Kremen and Lundquist as conferees on Engrossed Senate Bill No. 4463.

MESSAGES FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on HOUSE BILL NO. 1631, and the President has appointed the following members as conferees: Senators McDermott, Fleming, Deccio.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1992, and the President has appointed the following members as conferees: Senators Fleming, McDermott, Zimmerman.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED HOUSE BILL NO. 2021, and the President has appointed the following members as conferees: Senators McDermott, Sellar, Talmadge.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 4128 were ruled beyond the scope and object of the bill, and the Senate asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Tanner, the House insisted on its position on Engrossed Substitute Senate Bill No. 4128, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Tanner, Brekke and Lewis as conferees on Engrossed Substitute Senate Bill No. 4128.

MESSAGE FROM THE SENATE

March 8, 1986

Mr. Speaker:

The House amendments to REENGROSSED SUBSTITUTE SENATE BILL NO. 4541 were ruled beyond the scope and object of the bill, and the Senate asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Lewis moved that the House insist on its position on Reengrossed Substitute Senate Bill No. 4541, and ask the Senate for a conference thereon.

Mr. West moved that the House recede from the amendments.

The Speaker stated that under Reed's Rule 247, Representative West's motion was of higher rank and therefor the question before the House.

Representatives West and Bristow spoke in favor of the motion, and Mr. Lux opposed it.

On motion of Ms. Hine, further action was deferred.

Representatives Sanders and Taylor appeared at the bar of the House.

MOTION

On motion of Mr. Wang, Engrossed Substitute House Bill No. 32 was placed on the calendar for immediate consideration.

Mr. J. King demanded a Call of the House, and the demand was sustained.

CALL OF THE HOUSE

The Sergeant at Arms was instructed to lock the doors.

The Clerk called the roll and all members were present except Representatives Dobbs and Vekich.

On motion of Mr. J. King, the absent members were excused, and the House proceeded with business under the Call of the House.

The Speaker stated the question before the House to be the motion not to concur in the Senate amendments to Engrossed Substitute House Bill No. 32 and ask the Senate for a conference thereon.

MOTIONS

Mr. Padden moved that the House do not concur in the Senate amendments to Engrossed Substitute House Bill No. 32 and ask the Senate to recede therefrom.

Mr. J. King moved that the House do concur in the Senate amendments.

Mr. J. King spoke against the motion to concur and Representatives Vander Stoep and Padden spoke in favor of it.

A division was called.

ROLL CALL

The Clerk called the roll on the motion to concur in the Senate amendments to Engrossed Substitute House Bill No. 32, and the motion failed by the following vote: Yeas, 47; nays, 49; excused, 2.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Bristow, Brooks, Brough, Chandler, Doty, Fuhrman, Hankins, Hastings, Haugen, Holland,

Isaacson, Lewis, Long, Lundquist, May, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Zellinsky - 47.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sutherland, Tanner, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, Winsley, and Mr. Speaker - 49.

Excused: Representatives Dobbs, Vekich - 2.

The Speaker stated that the motion having failed, the House had by its action failed to concur in the Senate amendments.

MOTION

Mr. J. King moved that the House ask the Senate for a conference on Engrossed Substitute House Bill No. 32.

POINT OF ORDER

Mr. Barrett: "Mr. Speaker, under Reed's Rules we have already taken action on this bill. It is no longer before us for the purpose of a motion."

SPEAKER'S RULING

The Speaker: "Representative Barrett, the issue is still before us. We have had one motion; the item is still in possession of the House and there has been a motion made on the issue. Your point is not well taken."

MOTION

Mr. Padden moved that the House do not concur in the Senate amendments and ask the Senate to recede therefrom.

SPEAKER'S RULING

The Speaker: "Representative Padden, that action was taken by motion. When the motion to concur failed, that opportunity is no longer before us. The question before us now, Representative Padden, is the request for a conference."

POINT OF PARLIAMENTARY INQUIRY

Mr. G. Nelson: "Mr. Speaker, the motion presented by Representative Padden is to not concur and ask the Senate to recede therefrom, which is a high ranking motion by virtue of your ruling last night on another measure. The motion to ask for a conference is made only after the previous action in asking for the recession from the amendment."

The Speaker: "Representative Nelson, the action that I ruled on last night was that when Representative Barrett raised a question, and the motion was a motion to not concur and ask for a conference thereon, Representative Barrett made the motion to not concur and ask to recede therefrom. I ruled that had a high order, which I also indicated a few moments ago to Representative Padden, that this was the case. Subsequently, Representative King made the motion to concur. This has a higher order than any of the three. When that was turned down (the motion to concur), we are then in a position, having taken that action, of being in a position of having voted not to concur. At that point the only appropriate request would be either to send that message or to have a subsequent motion which gives further direction to the other body. In this case, Representative King has made a motion to request a conference and that is what is before us. I would like to read Reed's 245, please. 'Whenever the two Houses have reached the point where they disagree, the House which has the papers may reject the amendments of the other House and ask a conference...'"

Mr. G. Nelson: "I would ask that the Speaker then address to the body Reed's 250 relative to the ranking and relationship of the motions to concur and nonconcur."

The Speaker: "Representative Nelson, examining Reed's 250 in addition to 245, the Speaker would also point out 240 supersedes, notwithstanding Rule 250. Rule

240: 'A conference is one of the methods of communication between two assemblies which together constitute the legislative department of a government. Whenever a disagreement as to amendments between the two Houses has reached such a phase that it seems likely to be final, the House which has the papers usually asks a conference upon the disagreeing votes of the two Houses and announces the names of the committee of conference.' The Speaker would rule, Representative Nelson, that your point is not well taken."

Representative Vekich appeared at the bar of the House.

MOTION

Mr. Padden moved that the House ask the Senate to recede from the amendments.

The Speaker: "That would be a redundant motion; we have already done that, Representative Padden."

POINT OF INFORMATION

Mr. Padden: "Mr. Speaker, we've only moved previously to ask the Senate to not concur and recede. We've not made a separate motion to recede, which I believe by your ruling yesterday, is a higher motion than a request for a conference."

The Speaker: "Representative Padden, you made the motion to not concur and ask the Senate to recede therefrom. Representative King made the motion to concur. That failed. As I stated previously, the effect of that action is to put us into the position of nonconcurrency. As I stated previously, at that point a motion to request conference was not one that was made previously and that is now being made. The question---"

POINT OF PARLIAMENTARY INQUIRY

Mr. Barrett: "Regarding what you just said, if the record to the House should show that the first motion made--and you say that the request for conference has never been made before, but recession has--I would say that the record of the House would show that the first motion made was to nonconcur and request a conference. Your ruling seems a little inconsistent here."

The Speaker: "Representative Barrett, you are accurate in the sense that I am inaccurate in that the motion was made, but no action was taken on it, which is what I should have said, because of the higher ranking motion that was made."

A division was called.

ROLL CALL

The Clerk called the roll on the motion to ask the Senate for a conference on Engrossed Substitute House Bill No. 32, and the motion was carried by the following vote: Yeas, 56; nays, 41; excused, 1.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hine, Isaacson, Jacobsen, King J. King P. King R. Kremen, Leonard, Locke, Lux, Madsen, McMullen, Miller, Nelson D. Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K. Wineberry, Winsley, Zellinsky, and Mr. Speaker - 56.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Doty, Fuhrman, Hastings, Haugen, Holland, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sommers, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 41.

Excused: Representative Dobbs - 1.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives R. King, Wang and Vander Stoep as conferees on Engrossed Substitute House Bill No. 32.

On motion of Mr. J. King, Engrossed Substitute House Bill No. 32 was immediately transmitted to the Senate.

MESSAGES FROM THE SENATE

March 10, 1986

Mr. Speaker:

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

ENGROSSED SUBSTITUTE SENATE BILL NO. 4674,

ENGROSSED SENATE BILL NO. 4927,

ENGROSSED SUBSTITUTE SENATE BILL NO. 4949,

SENATE BILL NO. 4982,

SUBSTITUTE SENATE BILL NO. 5026.

Bill Gleason, Assistant Secretary.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5068, and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Braddock moved that the House insist on its position and again ask the Senate to concur in the House amendment to Senate Bill No. 5068.

Mr. Tilly spoke in favor of the motion and it was carried.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 5005, and asks the House to recede therefrom, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Lux, the House receded from the amendments to Substitute Senate Bill No. 5005.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker stated the question before the House to be final passage of Substitute Senate Bill No. 5005 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 5005 without the House amendments, and the bill passed the House by the following vote: Yeas, 97; excused, 1.

Voting yeas: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 97.

Excused: Representative Dobbs - 1.

Substitute Senate Bill No. 5005 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

On motion of Mr. Barrett, Representative Walker was excused from further business under the Call of the House.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 3498, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Warnke, Williams, Cantu, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Brekke the House granted the request of the Senate for a conference on Engrossed Substitute Senate Bill No. 3498.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Brekke, Day and Lewis as conferees on Engrossed Substitute Senate Bill No. 3498.

MOTION

On motion of Mr. Appelwick, the House dispensed with further business under the Call of the House.

MESSAGE FROM THE SENATE

March 4, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 3397 on page 1, lines 7, 19 and 22 and on page 2, line 16, and refuses to concur in the House amendment on page 2, line 9, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Sutherland, the House insisted on its position on Senate Bill No. 3397 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Sutherland, McMullen and Lundquist as conferees on Senate Bill No. 3397.

MESSAGE FROM THE SENATE

March 8, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to SENATE BILL NO. 3021 on page 1, line 28 and page 2, line 7, but refuses to concur in the House amendments on page 2, line 8 and page 1, line 1, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Vekich, the House insisted on its position on Senate Bill No. 3021, and again asked the Senate to concur therein.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to recede from its amendments to HOUSE BILL NO. 1499, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Talmadge, Newhouse, Halsan, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Armstrong, the House granted the request of the Senate for a conference on House Bill No. 1499.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Hargrove, Locke and Tilly as conferees on House Bill No. 1499.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1134 with the following amendments:

Strike everything after the enacting clause and insert the following:

*NEW SECTION, Sec. 1. A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall investigate the conviction records or pending charges of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons. The investigation may include an examination of state and national criminal identification data and the child abuse and neglect register established under chapter 26.44 RCW. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose. If necessary, persons may be employed on a conditional basis pending completion of the background investigation.

NEW SECTION, Sec. 2. A new section is added to chapter 41.06 RCW to read as follows:

The state personnel board shall adopt rules, in cooperation with the secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons.

Sec. 3. Section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 6, chapter 97, Laws of 1984 and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of reported cases of child abuse or abuse of an adult dependent person and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or agency except (1) law enforcement agencies as defined in this chapter in the course of an investigation of alleged abuse or neglect; (2) protective services workers or juvenile court personnel who are investigating reported incidents of abuse or neglect; (3) department of social and health services personnel who are investigating the character and/or suitability of an agency and other persons who are applicants for licensure, registration, or certification, or applicants for employment with such an agency or persons, or under contract to or employed by an agency or persons directly responsible for the care and treatment of children, expectant mothers, or adult dependent persons pursuant to chapter 74.15 RCW; (4) department of social and health services personnel who are investigating the character, suitability, and competence of persons being considered for employment with the department in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons pursuant to chapters 43.20A and 41.06 RCW; (5) department of social and health services personnel who are investigating the character or suitability of any persons with whom children may be placed under the interstate compact on the placement of children, chapter 26.34 RCW; ~~((6))~~ (6) physicians who are treating the child or adult dependent person or family; ~~((7))~~ (7) any child or adult dependent person named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; ~~((8))~~ (8) a parent, guardian, or other person legally responsible for the welfare and safety of the child or adult dependent person named in the registry; ~~((9))~~ (9) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and ~~((10))~~ (10) any individual whose name appears on the registry shall have access to his own records. Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor.

NEW SECTION, Sec. 4. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to sales of eligible foods which are purchased with coupons issued under the Food Stamp Act of 1977, notwithstanding anything to the contrary in RCW 82.08.0293.

When a purchase of eligible foods is made with a combination of coupons issued under the Food Stamp Act of 1977 and cash, check, or similar payment, the cash, check, or similar payment shall be applied first to food products exempt from tax under RCW 82.08.0293 whenever possible.

As used in this section, 'eligible foods' shall have the same meaning as that established under federal law for purposes of the Food Stamp Act of 1977.

NEW SECTION. Sec. 5. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to the use of eligible foods which are purchased with coupons issued under the Food Stamp Act of 1977, notwithstanding anything to the contrary in RCW 82.12.0293.

As used in this section, 'eligible foods' shall have the same meaning as that established under federal law for purposes of the Food Stamp Act of 1977.

NEW SECTION. Sec. 6. The governor shall petition the secretary of the United States department of agriculture for a delay in the date section 1505(a) of the federal Food Security Act of 1985 takes effect with respect to this state.

NEW SECTION. Sec. 7. (1) Section 6 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

(2) Sections 4 and 5 of this act shall take effect on the day section 1505(a) of the federal Food Security Act of 1985 takes effect with respect to this state.

NEW SECTION. Sec. 8. Section 5, chapter 151, Laws of 1981 and RCW 43.20A.700 are each repealed."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 26.44.070; adding a new section to chapter 43.20A RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating a new section; repealing RCW 43.20A.700; and providing an effective date."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Brekke moved that the House do not concur in the Senate amendments to Substitute House Bill No. 1134 and ask the Senate for a conference thereon.

POINT OF ORDER

Mr. J. King: "Mr. Speaker, I would ask you to rule on the scope and object of the Senate amendments to our House bill."

SPEAKER'S RULING

The Speaker: "Representative King, the Speaker has examined the bill, which is an act relating to the Department of Social and Health Services, very broad, then examined the underlying bill, which is requiring DSHS to investigate conviction records of pending charges against persons applying for positions directly responsible to the supervision, care and treatment of children or developmentally disabled persons. The Speaker notes that within the amendment, section 5, 'The provisions of this chapter shall not apply with respect to use of eligible foods which are purchased with coupons issued under the Food Stamp Act of 1977....' The Speaker finds that this particular section violates the scope and object of the bill and your point is well taken."

The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Brekke, Leonard and Lewis as conferees on Substitute House Bill No. 1134.

MOTION FOR RECONSIDERATION

Mr. West, having voted on the prevailing side, moved that the House reconsider the vote by which SUBSTITUTE SENATE BILL NO. 5005 without the House amendments passed the House.

Mr. Lux spoke in favor of the motion and it was carried.

The Speaker stated the question before the House to be reconsideration of final passage of Substitute Senate Bill No. 5005 without the House amendments.

MOTION FOR RECONSIDERATION

Mr. Lux, having voted on the prevailing side, moved that the House reconsider the vote by which the House receded from the amendments to Substitute Senate Bill No. 5005.

The motion was carried.

On motion of Mr. Lux, the House insisted on its position on Substitute Senate Bill No. 5005, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Lux, Crane and West as conferees on Substitute Senate Bill No. 5005.

The Speaker declared the House to be at ease until 4:00 p.m.

AFTERNOON SESSION

The House was called to order at 4:00 p.m. by the Speaker.

MESSAGES FROM THE SENATE

March 5, 1986

Mr. Speaker:

The President has signed:

SENATE BILL NO. 3018,
 SUBSTITUTE SENATE BILL NO. 3160,
 SENATE BILL NO. 3336,
 SENATE BILL NO. 4446,
 SENATE BILL NO. 4450,
 SUBSTITUTE SENATE BILL NO. 4455,
 SENATE BILL NO. 4470,
 SUBSTITUTE SENATE BILL NO. 4479,
 SENATE BILL NO. 4490,
 SUBSTITUTE SENATE BILL NO. 4491,
 SENATE BILL NO. 4529,
 SENATE BILL NO. 4556,
 SENATE BILL NO. 4569,
 SUBSTITUTE SENATE BILL NO. 4627,
 SENATE BILL NO. 4645,
 SENATE BILL NO. 4647,
 SENATE BILL NO. 4678,
 SUBSTITUTE SENATE BILL NO. 4797,
 SENATE BILL NO. 4894,
 SUBSTITUTE SENATE BILL NO. 4923,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 7, 1986

Mr. Speaker:

The President has signed:

SENATE BILL NO. 3352,
 SENATE BILL NO. 3527,
 SUBSTITUTE SENATE BILL NO. 3990,
 SUBSTITUTE SENATE BILL NO. 4710,
 SUBSTITUTE SENATE BILL NO. 5037,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 3018,
 SUBSTITUTE SENATE BILL NO. 3160,
 SENATE BILL NO. 3336,

SENATE BILL NO. 3352,
 SENATE BILL NO. 3527,
 SUBSTITUTE SENATE BILL NO. 3990,
 SENATE BILL NO. 4446,
 SENATE BILL NO. 4450,
 SUBSTITUTE SENATE BILL NO. 4455,
 SENATE BILL NO. 4470,
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 SENATE BILL NO. 4569,
 SUBSTITUTE SENATE BILL NO. 4627,
 SENATE BILL NO. 4645,
 SENATE BILL NO. 4647,
 SENATE BILL NO. 4678,
 SUBSTITUTE SENATE BILL NO. 4710,
 SUBSTITUTE SENATE BILL NO. 4797,
 SENATE BILL NO. 4894,
 SUBSTITUTE SENATE BILL NO. 4923,
 SUBSTITUTE SENATE BILL NO. 5037.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to recede from its amendments to SUBSTITUTE HOUSE BILL NO. 1829, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Gaspard, Kiskaddon, Bauer, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Ebersole, the House granted the request of the Senate for a conference on Substitute House Bill No. 1829.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Ebersole, Valle and Vander Stoep as conferees on Substitute House Bill No. 1829.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1825 with the following amendments:

On page 1, line 23, after "RCW 43.165.010" insert ", in the following manner: A special fund shall be set up within the state general fund to be called the historic preservation tourism account. Ten percent of the revenues from the taxes levied pursuant to RCW 67.28.180 in class AA counties shall be transferred by said counties to the historic preservation tourism account in the state general fund. Moneys from this account shall be distributed pursuant to grant by the department of community development to projects in distressed areas promoting tourism through historic preservation or reconstruction of historic structures or vessels."

On page 1, line 23 after "43.165.010" insert ": PROVIDED, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes solely for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to the effective date of this act" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Kremen, the House refused to concur in the Senate amendments to House Bill No. 1825, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Vekich, McMullen and Doty as conferees on House Bill No. 1825.

Representatives Dobbs and Walker appeared at the bar of the House.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendment to SUBSTITUTE SENATE BILL NO. 4531, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Moore, Granlund, Sellar, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Mr. Zellinsky, the House granted the request of the Senate for a conference on Substitute Senate Bill No. 4531.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Lux, Niemi and Barrett as conferees on Substitute Senate Bill No. 4531.

MESSAGES FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has concurred in the House amendment to ENGROSSED SENATE BILL NO. 5033, and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate refused to grant the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 4590, and concurred in the House amendments and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

SENATE AMENDMENTS TO HOUSE BILL

March 7, 1986

Mr. Speaker:

The Senate has passed HOUSE BILL NO. 1647 with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 8, chapter 197, Laws of 1983 and RCW 43.131.269 are each amended to read as follows:

The public disclosure commission and its powers and duties shall be terminated on June 30, ~~((1986))~~ 1992, as provided in RCW 43.131.270.

Sec. 2. Section 34, chapter 197, Laws of 1983 and RCW 43.131.270 are each amended to read as follows:

The following acts or parts of acts, as now existing or hereafter amended, are each repealed, effective June 30, ~~((1987))~~ 1993:

(1) Section 1, chapter 1, Laws of 1973, section 1, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.010;

(2) Section 3, chapter 1, Laws of 1973, section 2, chapter 313, Laws of 1977 ex. sess., section 2, chapter 367, Laws of 1985 and RCW 42.17.030;

(3) Section 4, chapter 1, Laws of 1973, section 3, chapter 294, Laws of 1975 1st ex. sess., section 1, chapter 336, Laws of 1977 ex. sess., section 1, chapter 147, Laws of 1982 and RCW 42.17.040;

(4) Section 5, chapter 1, Laws of 1973, section 2, chapter 147, Laws of 1982, section 3, chapter 367, Laws of 1985 and RCW 42.17.050;

(5) Section 6, chapter 1, Laws of 1973, section 4, chapter 294, Laws of 1975 1st ex. sess., section 3, chapter 313, Laws of 1977 ex. sess., section 3, chapter 147, Laws of 1982, section 4, chapter 367, Laws of 1985 and RCW 42.17.060;

(6) Section 5, chapter 294, Laws of 1975 1st ex. sess., section 4, chapter 147, Laws of 1982 and RCW 42.17.065;

(7) Section 9, chapter 112, Laws of 1975-'76 2nd ex. sess., section 5, chapter 147, Laws of 1982 and RCW 42.17.067;

(8) Section 7, chapter 1, Laws of 1973, section 5, chapter 367, Laws of 1985 and RCW 42.17.070;

(9) Section 8, chapter 1, Laws of 1973, section 6, chapter 294, Laws of 1975 1st ex. sess., section 6, chapter 147, Laws of 1982 and RCW 42.17.080;

(10) Section 9, chapter 1, Laws of 1973, section 7, chapter 294, Laws of 1975 1st ex. sess., section 3, chapter 112, Laws of 1975-'76 2nd ex. sess., section 2, chapter 336, Laws of 1977 ex. sess., section 7, chapter 147, Laws of 1982, section 1, chapter 96, Laws of 1983 and RCW 42.17.090;

(11) Section 3, chapter 336, Laws of 1977 ex. sess., section 8, chapter 147, Laws of 1982 and RCW 42.17.095;

(12) Section 10, chapter 1, Laws of 1973, section 4, chapter 112, Laws of 1975-'76 2nd ex. sess., section 9, chapter 147, Laws of 1982, section 6, chapter 367, Laws of 1985 and RCW 42.17.100;

(13) Section 1, chapter 176, Laws of 1983, section 1, chapter 359, Laws of 1985 and RCW 42.17.105;

(14) Section 11, chapter 1, Laws of 1973, section 5, chapter 112, Laws of 1975-'76 2nd ex. sess. and RCW 42.17.110;

((+4)) (15) Section 12, chapter 1, Laws of 1973, section 8, chapter 294, Laws of 1975 1st ex. sess. and RCW 42.17.120;

((+5)) (16) Section 6, chapter 336, Laws of 1977 ex. sess., section 7, chapter 367, Laws of 1985 and RCW 42.17.125;

((+6)) (17) Section 15, chapter 1, Laws of 1973, section 10, chapter 147, Laws of 1982 and RCW 42.17.150;

((+7)) (18) Section 21, chapter 294, Laws of 1975 1st ex. sess., section 11, chapter 147, Laws of 1982, section 8, chapter 367, Laws of 1985 and RCW 42.17.155;

((+8)) (19) Section 16, chapter 1, Laws of 1973, section 9, chapter 294, Laws of 1975 1st ex. sess., section 4, chapter 313, Laws of 1977 ex. sess., section 12, chapter 147, Laws of 1982 and RCW 42.17.160;

((+9)) (20) Section 17, chapter 1, Laws of 1973, section 10, chapter 294, Laws of 1975 1st ex. sess., section 5, chapter 313, Laws of 1977 ex. sess., section 13, chapter 147, Laws of 1982, section 9, chapter 367, Laws of 1985 and RCW 42.17.170;

(21) Section 2, chapter 359, Laws of 1985 and RCW 42.17.175;

((22)) (22) Section 18, chapter 1, Laws of 1973, section 11, chapter 294, Laws of 1975 1st ex. sess., section 6, chapter 34, Laws of 1984 and RCW 42.17.180;

((23)) (23) Section 19, chapter 1, Laws of 1973, section 12, chapter 294, Laws of 1975 1st ex. sess., section 6, chapter 313, Laws of 1977 ex. sess., section 1, chapter 265, Laws of 1979 ex. sess. and RCW 42.17.190;

((24)) (24) Section 20, chapter 1, Laws of 1973, section 10, chapter 367, Laws of 1985 and RCW 42.17.200;

((25)) (25) Section 21, chapter 1, Laws of 1973 and RCW 42.17.210;

((26)) (26) Section 22, chapter 1, Laws of 1973 and RCW 42.17.220;

((27)) (27) Section 23, chapter 1, Laws of 1973, section 14, chapter 147, Laws of 1982 and RCW 42.17.230;

((28)) (28) Section 9, chapter 10, Laws of 1982, section 27, chapter 161, Laws of 1983, section 1, chapter 34, Laws of 1984, section 14, chapter 125, Laws of 1984 and RCW 42.17.240;

(29) Section 2, chapter 34, Laws of 1984, section 8, chapter 6, Laws of 1985 and RCW 42.17.240.1;

((27)) (30) Section 42, chapter 126, Laws of 1979 ex. sess., section 3, chapter 34, Laws of 1984 and RCW 42.17.241;

((28)) (31) Section 4, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.242;

((29)) (32) Section 5, chapter 336, Laws of 1977 ex. sess. and RCW 42.17.243;

((30)) (33) Section 10, chapter 112, Laws of 1975-'76 2nd ex. sess., section 1, chapter 102, Laws of 1981, section 1, chapter 213, Laws of 1983 and RCW 42.17.245;

((31)) (34) Section 35, chapter 1, Laws of 1973, section 23, chapter 294, Laws of 1975 1st ex. sess., section 93, chapter 34, Laws of 1975-'76 2nd ex. sess., section 8, chapter 112, Laws of 1975-'76 2nd ex. sess., section 15, chapter 147, Laws of 1982, section 74, chapter 287, Laws of 1984 and RCW 42.17.350;

((32)) (35) Section 36, chapter 1, Laws of 1973 and RCW 42.17.360;

((33)) (36) Section 37, chapter 1, Laws of 1973, section 25, chapter 294, Laws of 1975 1st ex. sess., section 7, chapter 336, Laws of 1977 ex. sess., section 7, chapter 34, Laws of 1984, section 11, chapter 367, Laws of 1985 and RCW 42.17.370;

(37) Section 1, chapter 294, Laws of 1983 and RCW 42.17.375;

((34)) (38) Section 38, chapter 1, Laws of 1973, section 26, chapter 294, Laws of 1975 1st ex. sess., section 196, chapter 35, Laws of 1982 and RCW 42.17.380;

((35)) (39) Section 12, chapter 112, Laws of 1975-'76 2nd ex. sess., section 16, chapter 147, Laws of 1982, section 12, chapter 367, Laws of 1985 and RCW 42.17.395;

~~((36))~~ (40) Section 13, chapter 112, Laws of 1975-'76 2nd ex. sess., section 17, chapter 147, Laws of 1982 and RCW 42.17.397;

~~((37))~~ (41) Section 1, chapter 60, Laws of 1982, section 13, chapter 367, Laws of 1985 and RCW 42.17.405;

~~((38))~~ (42) Section 42, chapter 1, Laws of 1973, section 2, chapter 176, Laws of 1983 and RCW 42.17.420;

~~((39))~~ (43) Section 43, chapter 1, Laws of 1973 and RCW 42.17.430; and

~~((40))~~ (44) Section 45, chapter 1, Laws of 1973 and RCW 42.17.450.

Sec. 3. Section 9, chapter 10, Laws of 1982 as last amended by section 1, chapter 34, Laws of 1984 and by section 14, chapter 125, Laws of 1984 and RCW 42.17.240 are each reenacted and amended to read as follows:

(1) Every elected official and every executive state officer shall after January 1st and before April 15th of each year file with the commission a statement of financial affairs for the preceding calendar year. However, any local elected official whose term of office expires immediately after December 31st shall file the statement required to be filed by this section for the year that ended on that December 31st.

(2) Every candidate shall within two weeks of becoming a candidate file with the commission a statement of financial affairs for the preceding twelve months.

(3) Every person appointed to a vacancy in an elective office or executive state officer position shall within two weeks of being so appointed file with the commission a statement of financial affairs for the preceding twelve months.

(4) A statement of a candidate or appointee filed during the period from January 1st to April 15th shall cover the period from January 1st of the preceding calendar year to the time of candidacy or appointment if the filing of the statement would relieve the individual of a prior obligation to file a statement covering the entire preceding calendar year.

(5) No individual may be required to file more than once in any calendar year.

(6) Each statement of financial affairs filed under this section shall be sworn as to its truth and accuracy.

(7) For the purposes of this section, the term 'executive state officer' includes those listed in RCW 43.17.020 and those listed in RCW 42.17.2401.

(8) This section does not apply to incumbents or candidates for a federal office or the office of precinct committeeman.

(9) 'Executive state officers' as defined in RCW 42.17.2401 are prohibited from filing as a registered lobbyist for any entity other than to fulfill their responsibilities as an executive state officer.'

On page 1, line 4 of the title, after "commission," strike the remainder of the title and insert "amending RCW 43.131.269 and 43.131.270; and reenacting and amending RCW 42.17.240." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Ms. Fisher moved that the House do concur in the Senate amendments to House Bill No. 1647.

Representatives Fisher and Barnes spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of House Bill No. 1647 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1647 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Loven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

House Bill No. 1647 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1688 with the following amendments:

On page 2, line 25, after "(b)" strike all material through "chapter" on line 27, and insert "Institutions that have been accredited by an accrediting association recognized by the agency for the purposes of this chapter, provided that an institution, branch, extension, or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of any such accrediting association to qualify for this exemption"

On page 3, line 6, after "the" strike "indirect or direct"

On page 4, after line 32, strike all material through "bond." on line 36, and insert the following:

"(e) Within ten days after a recovery on a bond or other posted security has occurred, the institution shall file a new bond or otherwise restore its security on file to the required amount." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Sommers, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 1688.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1688 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1688 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Deilwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 1688 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 573,
 SUBSTITUTE HOUSE BILL NO. 1182,
 HOUSE BILL NO. 1339,
 HOUSE BILL NO. 1463,
 SUBSTITUTE HOUSE BILL NO. 1479,
 SUBSTITUTE HOUSE BILL NO. 1687,
 SUBSTITUTE HOUSE BILL NO. 1950,
 SUBSTITUTE HOUSE BILL NO. 1986,
 SUBSTITUTE HOUSE BILL NO. 2014,
 SUBSTITUTE HOUSE BILL NO. 2083,
 HOUSE JOINT RESOLUTION NO. 55,
 HOUSE CONCURRENT RESOLUTION NO. 19.

MESSAGE FROM THE SENATE

March 9, 1986

Mr. Speaker:

The Senate refuses to recede, insists on its position and once again asks the House to concur in the Senate amendments to HOUSE BILL NO. 1643, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

On motion of Ms. Rust, the House insisted on its position on House Bill No. 1643 and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Rust, D. Nelson and May as conferees on House Bill No. 1643.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4762, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. J. King, Joint Rule 11 was suspended to allow immediate consideration of the Free Conference Committee Report on Engrossed Substitute Senate Bill No. 4762.

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4762, adopting the supplemental budget, have had the same under consideration, and we recommend that the bill be amended as follows:

Strike everything after the enacting clause and insert the following:

PART I

GENERAL GOVERNMENT

Sec. 101. Section 107, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPREME COURT

	FY 1986	FY 1987
General Fund Appropriation \$	4,436,000	((4,436,000)) 4,651,000
Total Appropriation	\$((6,872,000)) 9,087,000	

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

(1) \$1,314,000 of the fiscal year 1986 appropriation and \$1,314,000 of the fiscal year 1987 appropriation are provided solely for the indigent appeals program.

(2) \$215,000 of the appropriation is provided solely for the twelve-month project ABLE (Appellate Backlog Elimination). The funds are to be expended during the twelve months of the project in divisions I and II of the court of appeals.

Sec. 102. Section 110, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE ADMINISTRATOR FOR THE COURTS

	FY 1986	FY 1987
General Fund Appropriation \$	9,552,000	((9,501,000)) 9,752,000
General Fund—Public Safety and Education Account Appropriation \$	((7,219,000)) 6,998,000	((6,619,000)) 5,733,000
Total Appropriation	\$((32,891,000)) 32,035,000	

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

(1) A maximum of \$5,767,000 of the fiscal year 1986 general fund appropriation and \$5,767,000 of the fiscal year 1987 general fund appropriation may be spent for the superior court judges.

(2) ~~\$(50,000)~~ 123,000 of the general fund appropriation for fiscal year 1987 is provided solely for the additional costs associated with the newly created superior court judges positions in ((accordance with Substitute Senate Bill No. 3165, if SSB 3165 is not enacted by July 1, 1985, this appropriation shall lapse)) chapter 357, Laws of 1985.

(3) \$1,456,000 of the fiscal year 1986 and \$1,456,000 of the fiscal year 1987 general fund—state appropriation are provided solely for the continuation of the alternatives to street crime programs in Pierce, Snohomish, Clark, King, Spokane and Yakima counties. All property which has been received by the department of corrections from contractors for these programs shall be delivered to the custody of the administrator for the courts.

(4) \$122,000 of the fiscal year 1986 and \$121,000 of the fiscal year 1987 general fund—state appropriation are provided solely for community diversion programs.

(5) ~~\$(100,000)~~ 278,000 of the general fund appropriation is provided solely for allocation to the superior court of Thurston county to relieve the impact of litigation involving the state of Washington.

(6) If House Bill No. 1869 is not enacted before April 1, 1986, \$1,384,000 of the public safety and education account appropriation shall revert.

Sec. 103, Section 121, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE OFFICE OF FINANCIAL MANAGEMENT

	FY 1986	FY 1987
General Fund Appropriation \$	((7,939,000))	((6,861,000))
	<u>7,794,000</u>	<u>6,892,000</u>
Medical Aid Fund Appropriation \$	50,000	50,000
Total Appropriation	<u>\$((14,900,000))</u>	
	14,786,000	

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

(1) \$8,300 of the general fund appropriation is provided solely for payment of claims against the state of \$500 or less, under RCW 4.92.040.

(2) ~~((~~\$195,000 of the fiscal year 1986 and \$169,000 of the fiscal year 1987 general fund appropriation are provided solely for health care cost containment activities as provided in chapter (SHB 1077 or SSB 4242), Laws of 1985, if neither bill is enacted by July 1, 1985, the amounts provided in this subsection shall revert.~~~~

(~~3~~) ~~(\$69,000 of the fiscal year 1986 and \$38,000 of the fiscal year 1987 general fund appropriation are provided solely for jail population forecast activities as provided in chapter ((~~SB 3596~~)) 201, Laws of 1985. ((if SB 3596 is not enacted by July 1, 1985, the amounts provided in this subsection shall revert.~~

(~~4~~) (3) \$1,000,000 of the fiscal year 1986 general fund—state appropriation is provided solely for grants to cities and counties for adjudication of serious traffic offenses as defined in section 2, chapter 110, Laws of 1984. The funding provided under this subsection is intended to assist cities and counties in becoming able to adjudicate these offenses without financial assistance from the state. These grants shall be distributed using the eligibility and priority standards provided in sections 2 through 5 of chapter 110, Laws of 1984, after adjusting the dates specified in that chapter as appropriate to achieve the purpose of this subsection. These grants shall be limited to adjudication activities conducted on or before February 28, 1986.

(4) \$50,000 of the general fund—state appropriation for fiscal year 1986 is provided solely to pay defense costs in State v. Howard, Yakima County superior court no. 84-1-00953-1, that may become a liability of the state under the final decision of the state supreme court upon reconsideration of its decision in State v. Howard, 105 Wn.2d 71. This amount shall be placed in a reserve account, and the director shall pay to the attorney general such sums, if any, from the account as the attorney general from time to time certifies are required to be paid under the final decision. The director may transfer the balance of the reserve account to the appropriation for fiscal year 1987 as necessary to meet the certified payment requirements. Upon certification by the attorney general that the defense costs in the case have been fully paid, the balance remaining in the reserve account shall lapse.

(5) \$200,000 of the fiscal year 1987 general fund appropriation is provided solely for costs related to the governor's advisory council on education funding.

(6) (a) A study to assess the feasibility of establishing an office of state public defender for trial and appellate cases shall be undertaken, to include:

(i) A description of the current system for providing representation to persons accused of crime who would not otherwise be able to afford representation;

(ii) A proposal to establish a state defender program;

(iii) Recommendations for a manner of financing the program;

(iv) Standards and guidelines for determining who should be eligible to receive legal services under the program;

(v) Recommendations for a plan to provide counsel when a conflict of interest would prevent representation by attorneys in the program;

(vi) Standards and guidelines for determining maximum and minimum caseloads for attorneys in the program;

(vii) Recommendations for a plan to train attorneys in the program; and

(viii) Mandatory pro bono publico efforts by attorneys.

(b) The study group shall include the following:

(i) One member appointed by the association of Washington cities;

(ii) One member appointed by the Washington association of counties;

(iii) One member appointed by the Seattle-King county public defender;

(iv) One member appointed by Evergreen legal services;

(v) One member appointed by the Washington appellate defender association;

(vi) Two members appointed by the Washington association of prosecuting attorneys;

(vii) One member appointed by the office of the governor;

(viii) One retired judge designated by the chief justice of the supreme court; and

(ix) One member, appointed by the Washington defender association, who is a public defender in a county of the third class or smaller.

(c) The study shall be presented to the judiciary and ways and means committees of the senate and house of representatives no later than January 15, 1987.

Sec. 104. Section 123, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF PERSONNEL

	FY 1986	FY 1987
Department of Personnel Service Fund		
Appropriation \$	((5,867,000))	((5,856,000))
	<u>5,842,000</u>	<u>5,900,000</u>
State Employees' Insurance Fund Appropriation \$	885,000	933,000
Total Appropriation	\$((13,475,000))	
	<u>13,560,000</u>	

Sec. 105. Section 127, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF REVENUE

	FY 1986	FY 1987
General Fund Appropriation \$	30,552,000	((29,305,000))
		<u>28,994,000</u>
General Fund—Hazardous Waste Control and Elimination Account Appropriation . . . \$	54,000	54,000
General Fund—Timber Tax Distribution Account Appropriation \$	1,469,000	1,469,000
Total Appropriation	\$((62,903,000))	
	<u>62,592,000</u>	

The appropriations in this section are subject to the following conditions and limitations: The department, in cooperation with the department of social and health services, shall seek a waiver from the federal department of agriculture to delay implementation of the sales tax exemption on food stamp purchases in accordance with Public Law 99-198.

Sec. 106. Section 129, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	FY 1986	FY 1987
General Fund Appropriation—State \$	3,825,000	((3,869,000))
		<u>3,738,000</u>
General Fund Appropriation—Private/Local \$	30,000	30,000
General Fund—Motor Transport Account Appropriation \$	3,452,000	3,207,000
General Administration Facilities and Services Revolving Fund Appropriation \$	9,897,000	9,048,000
Total Appropriation	\$((33,358,000))	
	<u>33,227,000</u>	

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

(1) The community college districts shall transfer to the motor transport account \$8,373 from the general local fund and \$34,469 from the local motor pool fund. These transfers shall be made in accordance with schedules provided by the office of financial management.

(2) \$((131,000 for fiscal year 1986 and \$175,000 for fiscal year 1987)) 115,000 of the general fund—state appropriation ((are)) is provided solely to continue storage and transportation activities in connection with the surplus commodities distribution program of the federal

department of agriculture. If federal funding for this purpose is continued after September 30, ((+985)) 1986, this appropriation shall lapse.

(3) \$136,411 of the fiscal year 1986 and \$136,411 of the fiscal year 1987 general fund appropriation are provided solely for the operation of the risk management office.

(4) \$109,425 of the fiscal year 1986 and \$109,425 of the fiscal year 1987 general fund appropriation are to fully implement ((Senate Bill No. 3569—If SB 3569 is not enacted by July 1, 1985, this appropriation shall lapse)) chapter 188, Laws of 1985.

(5) \$150,000 of the fiscal year 1986 and \$150,000 of the fiscal year 1987 general fund—state appropriation are provided solely for energy retrofit studies.

(6) Not later than December 1, 1986, the department shall submit to the legislature an interim plan for the relocation of offices of the department of natural resources now located in the John A. Cherberg building. The interim plan shall not include design or construction of the proposed natural resources building but shall include one or more specific proposals to lease appropriate space within the Olympia area to house the offices now located in the Cherberg building.

Sec. 107. Section 130, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE INSURANCE COMMISSIONER

	FY 1986	FY 1987
General Fund Appropriation—State \$	4,332,000	((4,332,000)) <u>1,013,000</u>
<u>Insurance Commissioner's Regulatory</u>		
Account \$		4,082,000
Total Appropriation	\$((8,764,000)) <u>9,427,000</u>	

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

(1) If Senate Bill No. 3636 is not enacted prior to June 30, 1986, the appropriation from the insurance commissioner regulatory account shall lapse and the fiscal year 1987 general fund appropriation shall be \$4,332,000.

(2) A portion of the fiscal year 1986 and \$929,000 of the fiscal year 1987 general fund—state appropriations shall be transferred to the department of community development to support activities related to the state fire marshal. The exact amount of the fiscal year 1986 appropriation to be transferred shall be negotiated by the insurance commissioner and the director of community development, with the approval of the director of financial management.

(3) \$100,000 of the insurance commissioner's regulatory account appropriation is provided solely for a legal action task force, including legislative participation, to collect and review data relevant to Washington's experience in tort law and to recommend any changes needed to improve the availability and affordability of liability insurance.

(4) \$84,000 of the fiscal year 1987 general fund appropriation is provided solely to regulate health maintenance organizations.

Sec. 108. Section 134, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIFORM LEGISLATION COMMISSION

	FY 1986	FY 1987
General Fund Appropriation \$	12,000	((2,000)) <u>17,000</u>
Total Appropriation	\$((14,000)) <u>29,000</u>	

The appropriation in this section is subject to the following conditions and limitations: \$((10,000 is)) 9,800 of the fiscal year 1986 appropriation and \$9,800 of the fiscal year 1987 appropriation are provided solely for Washington state's contribution to the national conference of commissioners on uniform state laws.

Sec. 109. Section 143, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF EMERGENCY MANAGEMENT

	FY 1986	FY 1987
General Fund Appropriation—State \$	((518,000)) 529,000	((518,000)) 594,000
General Fund Appropriation—Federal \$	((2,715,000)) 2,423,000	((2,715,000)) <u>2,304,000</u>
Total Appropriation	\$((6,466,000)) <u>5,850,000</u>	

The appropriations in this section are subject to the following conditions and limitations: \$30,000 of the general fund—state appropriation is provided solely for emergency medical treatment services for protecting the lives and safety of Washington residents as well as visitors to the Mt. St. Helens area.

NEW SECTION. Sec. 110. A new section is added to chapter 6, Laws of 1985 ex. sess to read as follows:

The legislative budget committee shall prepare a comprehensive report on the issuance of state debt. Among other things, such report shall address the following: (1) Given the inflation rates, interests rates, and the costs of issuing debt, when is it prudent for the state to use a 'pay as you go' approach, instead of borrowing? (2) To what extent do other states use a 'pay as you go' approach? (3) What devices, if any, do other states use to limit their costs of issuing debt, including underwriter, bond counsel, and financial adviser costs? (4) Would it be in the public interest to require that bond counsel costs for state general obligation bonds be paid from the state treasurer's appropriations, as opposed to from the proceeds of bond sales, and to require that bond counsel state their fees in dollars per hour of services provided? (5) To what extent are bond proceeds used to pay operating costs that could be paid from the general fund?

PART II
HUMAN SERVICES

Sec. 201, Section 201, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF CORRECTIONS

(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation	\$ (27,799,000)	((27,816,000))
	<u>27,349,000</u>	<u>27,366,000</u>
Total Appropriation	\$ ((55,615,000))	
	<u>54,715,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:
(a) \$15,226,000 is provided for fiscal year 1986 and \$15,243,000 is provided for fiscal year 1987 to provide community supervision services. The department shall develop workload standards for meeting the requirements of chapter 9.94A RCW and shall report to the legislature such workload standards and actual results on June 30, 1986, and annually thereafter.

(b) \$ ~~((11,351,000))~~ 10,901,000 is provided for fiscal year 1986 and \$ ~~((11,351,000))~~ 10,901,000 is provided for fiscal year 1987 to operate and/or contract with nonprofit corporations for work training release for convicted felons.

(c) \$1,122,000 is provided for fiscal year 1986 and \$1,122,000 is provided for fiscal year 1987 for support of the office of the director of community services. The director of community services shall monitor community corrections services provided and/or contracted for by other governmental jurisdictions in the state. The state director shall document such nonstate community corrections services as of July 1, 1985, for the purpose of establishing a basis upon which to evaluate current services, to assess any local program changes, and to identify emerging program needs.

(d) \$100,000 of the fiscal year 1986 and \$100,000 of the fiscal year 1987 general fund—state appropriation are provided solely for a program to notify victims and witnesses of any parole, work release placement, furlough, or unescorted leave of absence from a state correctional facility of any inmate convicted of a violent offense.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation	\$ ((126,625,000))	((119,240,000))
	<u>127,275,000</u>	<u>121,190,000</u>
Total Appropriation	\$ ((245,865,000))	
	<u>248,465,000</u>	

The appropriations in this subsection are subject to the following conditions and limitations:
(a) \$13,475,000 of the general fund—state appropriation is provided solely for operating the Clallam Bay corrections center, of which \$5,443,000 is provided for fiscal year 1986 and \$8,032,000 is provided for fiscal year 1987.

(b) \$502,000 of the fiscal year 1986 and \$502,000 of the fiscal year 1987 general fund—state appropriation are provided solely for drug and alcohol rehabilitation treatment programs at appropriate state correctional institutions, as defined in RCW 72.01.050, for persons who: (i) Are defined as inmates under RCW 72.09.020; (ii) in the opinion of a qualified health professional designated by the department, are in need of such treatment; and (iii) have less than one year remaining in their confinement to a state correctional facility. Such programs may include facilities for both residential and outpatient treatment.

(c) The superintendents of each correctional institution, as defined in RCW 72.65.010, shall establish community-based volunteer alcohol and drug rehabilitation programs in their respective correctional institution. The superintendents shall encourage groups conducting such programs outside the institutions to participate in such programs inside the institution. An employee at each correctional institution shall be designated to coordinate the programs mandated in this subsection.

(d) \$620,000 of the fiscal year 1986 and \$620,000 of the fiscal year 1987 general fund—state appropriation are provided solely for contracting with counties for the use of county jail beds for state inmates.

(e) \$200,000 is provided solely for Snohomish county pursuant to Snohomish county v. State of Washington to cover local impact costs of the Twin Rivers corrections center.

(f) A maximum of \$500,000 of the general fund—state appropriation may be spent for the operation of Firlands corrections center.

(3) ADMINISTRATION AND PROGRAM SUPPORT

	FY 1986	FY 1987
General Fund Appropriation \$	((9,426,000))	8,527,000
	<u>9,226,000</u>	
General Fund—Institutional		
Impact Account Appropriation \$	150,000	150,000
Total Appropriation	\$((10,253,000))	
	<u>18,053,000</u>	

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

(a) \$400,000 of the general fund appropriation is provided solely for the one-time cost impact to communities associated with locating additional state correctional facilities.

(b) The department shall report to the house and senate ways and means committees on January 1, 1986, and January 1, 1987, regarding its progress toward employing more minorities and women in top level management positions.

(4) INSTITUTIONAL INDUSTRIES

	FY 1986	FY 1987
General Fund Appropriation \$	2,039,000	((1,766,000))
		<u>766,000</u>
Total Appropriation	\$((3,805,000))	
	<u>2,805,000</u>	

Sec. 202. Section 203, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—CHILDREN AND FAMILY SERVICES PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	((64,335,000))	((63,290,000))
	<u>64,545,000</u>	<u>66,425,000</u>
General Fund Appropriation—Federal \$	24,343,000	26,095,000
Total Appropriation	\$((178,063,000))	
	<u>181,408,000</u>	

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

(1) Vendor rate adjustments shall average 3% on January 1, 1986.

(2) \$2,423,000 for fiscal year 1986 and \$3,231,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for phased-in increases in child protective services field staff.

(3) \$116,000 for fiscal year 1986 and \$116,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand the homebuilders program beyond current service levels.

(4) \$185,000 for fiscal year 1986 and \$185,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to expand services in the therapeutic day-care program beyond current levels.

(5) \$516,000 for fiscal year 1986 and \$487,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for field staff increases in day-care screening, licensing, monitoring, and information and referral. The department shall conduct at least one scheduled and one unannounced on-site inspection of each licensed day-care facility during the facility's licensing period. The department shall make available to any parent, guardian, or custodian requesting information about day-care providers, for inspection and copying (with copying fees waivable in cases of hardship), any documents in its possession relating to any licensed day-care facility that are not exempt from public disclosure under chapter 42.17 RCW. The department shall require that every licensed day-care facility display prominently on its premises the address and telephone number of the appropriate local or regional office of the department and the name(s) of any department employee(s) responsible for the licensing and monitoring of the facility.

(6) \$3,654,000 for fiscal year 1986, of which \$3,370,000 is from the general fund—state appropriation, and \$3,654,000 for fiscal year 1987, of which \$3,370,000 is from the general fund—state appropriation, are provided solely to increase the safety and quality of care in children's group homes, including the conversion of at least 75 but not more than 143 beds for use in intensive residential treatment of severely disturbed youth at a monthly rate of \$2,100 per occupied bed, effective July 1, 1985. The department shall develop and implement written standards as to which children may be placed in residential treatment, clearly distinguishing the residential treatment population from the remaining group care population. As used in this subsection, 'residential treatment' includes permanent planning for child placement, counseling of natural parents when appropriate, and recruiting, training, and counseling of adoptive or foster parents when appropriate, for which services the department may develop additional

rates. The department shall develop a client outcome monitoring system as part of a specific plan for performance-based contracts whereby a portion of vendor payments for group care and residential treatment is contingent on vendor attainment of client outcome standards to be developed by the department. The plan shall be transmitted to the ways and means committees of the senate and house of representatives and the legislative budget committee by July 1, 1986, and scheduled for implementation on July 1, 1987, pending legislative review.

(7) \$615,000 for fiscal year 1986, of which \$554,000 is from the general fund—state appropriation, and \$615,000 for fiscal year 1987, of which \$554,000 is from the general fund—state appropriation, are provided solely to increase vendor rates for family foster care, effective July 1, 1985.

(8) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase private agency service fees in connection with foster care placements, effective July 1, 1985.

(9) \$17,000 for fiscal year 1986 and \$17,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for group crisis residential centers, effective July 1, 1985.

(10) \$51,000 for fiscal year 1986 and \$51,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to increase vendor rates for family interim care homes, effective July 1, 1985.

(11) \$139,000 for fiscal year 1986, of which \$132,000 is from the general fund—state appropriation, and \$139,000 for fiscal year 1987, of which \$132,000 is from the general fund—state appropriation, are provided solely to expand the children's hospitalization alternative program by up to 25 additional beds, including expansion into geographical areas not presently served.

(12) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for emergency medical examinations of child protective services clients who are not eligible for federally matched medical assistance.

(13) ~~\$(455,000)~~ 910,000 of the general fund—state appropriation (~~for fiscal year 1986~~) is provided solely for contracted services to 'street kids.' For purposes of this subsection, 'street kids' are children between the ages of eight and seventeen who do not receive care, shelter, or supervision from parents or other responsible adults, who are not placed in residential settings by the department, and who are living in a dangerous urban environment. Services may include street outreach, advocacy, counseling, and foster care. Not more than 150 'street kids' may receive services supported under this subsection from any single center at any one time. All programs receiving funds under this subsection shall provide cultural- and language-sensitive services to minority 'street kids.'

(14) ~~\$(1,241,000)~~ 11,451,000 for fiscal year 1986, of which ~~\$(7,976,000)~~ 8,186,000 is from the general fund—state appropriation, and ~~\$(1,376,000)~~ 13,960,000 for fiscal year 1987, of which ~~\$(6,361,000)~~ 8,971,000 is from the general fund—state appropriation, shall be initially allotted for day-care payments. ~~(The department shall revise program eligibility and/or participation criteria, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year.)~~

(15) \$175,000 for fiscal year 1986 and \$175,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for the victims of sexual assault program.

(16) \$90,000 from the general fund—state appropriation for fiscal year 1987 is provided solely for an education and training pilot project for the prevention of child abuse and neglect in inner-city Seattle. The department shall distribute these funds to the department of pediatrics at Harborview medical center. The project shall be evaluated by comparing the group of mothers served to a control group based on objective outcome measures such as episodes of abuse and neglect, evidence of failure to thrive, hospitalizations, anemia, immunization status, and the ratio of scheduled well-child visits to episodic drop-in visits. The department shall report to the legislature by January 1, 1987, on the status of the project.

Sec. 203, Section 205, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—MENTAL HEALTH PROGRAM
(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 49,275,000	50,057,000
General Fund Appropriation—Federal	17,930,000	18,178,000
General Fund Appropriation—Local	355,000	355,000
Total Appropriation	\$136,150,000	

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

(a) \$240,000 for fiscal year 1986 and \$240,000 for fiscal year 1987 from the general fund—state are provided solely for continuation of the community psychiatric training program at the University of Washington.

(b) \$309,000 for fiscal year 1986 and \$309,000 for fiscal year 1987 from the general fund—federal are provided solely for the continuation of the minority mental health program.

(c) \$565,000 for fiscal year 1986 of which \$500,000 is from the general fund—state appropriation and \$65,000 for fiscal year 1987 of which \$500,000 is from the general fund—state appropriation, is provided solely to increase the children's hospitalization alternative program by 25 additional beds to allow for increased service capacity and to extend the program to unserved areas within the state. The department shall not increase the number of beds over 85 in total.

(d) \$452,000 for fiscal year 1986, of which \$405,000 is from the general fund—state appropriation and \$783,000 for fiscal year 1987, of which \$689,000 is from the general fund—state appropriation are provided solely for the Kitsap (~~resources consolidated~~) mental health services residential treatment center's alternative project. Of the \$452,000 for fiscal year 1986, \$61,000 of the general fund—state appropriation is provided solely for initial program costs associated with implementation. The state reimbursement rate shall not exceed \$180 per client day and treatment for individual clients shall not exceed 180 days. All eligible involuntary treatment referrals will be made to the project. No involuntary treatment referrals of Kitsap county residents will be made to Western State Hospital after (~~December 31, 1985~~) March 31, 1986. The maximum reimbursement rate to Kitsap county private hospitals shall be \$250 per day per patient. Kitsap (~~resources consolidated~~) mental health services shall provide quarterly reports to the senate and house committees on ways and means describing the numbers and characteristics of clients served and resulting diversions from private hospitals and Western State Hospital. In addition, the department shall present an annual report to the same legislative committees beginning January 1, 1987, indicating progress made toward meeting the long-term residential bed needs of Kitsap County.

(e) \$280,000 from the fiscal year 1987 general fund—state appropriation is provided solely for the operation of the El Rey residential treatment facility for homeless mentally ill adults, effective January 1, 1987.

(f) \$350,000 for fiscal year 1987 from the general fund—state appropriation is provided solely for community mental health services for children in Spokane and Pierce counties who have been displaced from services due to impacts on the communities from institutional releases and the low priority assigned to children in the community mental health services act, chapter 71.24 RCW.

(g) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State \$	((66,188,000))	((66,904,000))
	67,607,000	71,085,000
General Fund Appropriation—Federal \$	((3,193,000))	((3,116,000))
	4,003,000	4,316,000
Total Appropriation	S((139,311,000))	
	147,011,000	

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

(a) \$814,000 for fiscal year 1986 and \$1,086,000 for fiscal year 1987 from the general fund—federal appropriation are provided solely for compliance with the Medicare survey of eastern state hospital.

(b) \$86,000 for fiscal year 1986 and \$114,000 for fiscal year 1987 from the general fund—federal appropriation are provided solely for continuation of five positions at the child study and treatment center added in the 1983-1985 biennium.

(c) \$1,419,000 for fiscal year 1986 and \$4,181,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for compliance with the Medicare survey of western state hospital.

(d) \$20,000 for fiscal year 1986 and \$20,000 for fiscal year 1987 from the general fund—state appropriation are provided solely to conduct a study to develop alternatives for the long range use of Northern state hospital.

(e) \$15,000 for fiscal year 1986 and \$15,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for a neurologically impaired service center pilot project to be established on the grounds of Northern state hospital.

(3) PROGRAM SUPPORT

	FY 1986	FY 1987
General Fund Appropriation—State \$	1,439,000	1,438,000
General Fund Appropriation—Federal \$	771,000	771,000
Total Appropriation	\$4,419,000	

The appropriations in this section are subject to the following conditions and limitations: \$38,000 for fiscal year 1986 and \$38,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for an allocation to a nonprofit agency advocating for the mentally ill for the purposes of technical assistance to state agencies, educational programs, outreach and family support, self-help support groups, and patient advocacy.

(4) SPECIAL PROJECTS

	FY 1986	FY 1987
General Fund Appropriation—Federal \$	111,000	111,000

Total Appropriation \$222,000
 Sec. 204, Section 206, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—DEVELOPMENTAL DISABILITIES PROGRAM

(1) COMMUNITY SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 30,435,000	((30,969,000)) 31,494,000
General Fund Appropriation—Federal	\$ ((26,046,000))	((26,252,000))
	26,678,000	27,040,000
Total Appropriation	\$((113,702,000))	115,647,000

The appropriations in this subsection are subject to the following conditions and limitations:
 (a) \$56,000 for fiscal year 1986 and \$56,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for the dental education in care of the disabled graduate training program with the University of Washington.

(b) \$1,952,000 for fiscal year 1986 of which \$1,144,000 is from the general fund—state appropriation and \$1,952,000 for fiscal year 1987 of which \$1,144,000 is from the general fund—state appropriation, is provided solely to increase compensation for staff providing treatment and training in division contracted community residential and training programs. Contracts with vendors shall specify the amount of payments to be used solely for this purpose.

(c) Vendor rate adjustments shall average 3.0% on January 1, 1986.

(d) If House Bill No. 1702 or Substitute Senate Bill No. 4719 is enacted, creating 42 new community residential beds and/or placements, by June 30, 1986, \$525,000 for fiscal year 1987, of which \$505,000 is from the general fund—state appropriation, is provided solely for the establishment of 16 additional community residential beds and/or placements for a combined total of 58 new community residential beds and/or placements which will result in the reduction of the average daily population at the Rainier school to not more than 563 by June 30, 1987: PROVIDED, That:

(i) The department shall develop an appropriate, cost-conscious configuration of community residential beds and/or placements within the funds appropriated;

(ii) If the net cost to develop the additional 16 community residential beds and/or placements is less than the amount contained in subsection (1)(d) of this section, the savings shall revert;

(iii) The department shall apply for a federal Title XIX waiver for financial participation for the residents transferred from the Rainier school to community living; and

(iv) If neither House Bill No. 1702 nor Substitute Senate Bill No. 4719 is enacted by June 30, 1986, the funds provided in this subsection (1)(d) shall revert.

(e) \$20,000 for fiscal year 1987 from the general fund—state appropriation is provided solely for continued support of the deaf/blind service center. This amount represents a transfer of moneys from the administration and supporting services program.

(2) INSTITUTIONAL SERVICES

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 53,405,000	((52,812,000)) 47,562,000
General Fund Appropriation—Federal	\$ ((37,330,000))	((37,330,000))
	40,620,000	47,921,000
Total Appropriation	\$((180,877,000))	189,508,000

The appropriations in this subsection are subject to the following conditions and limitations:
 (a) If Substitute Senate Bill No. 4658 is enacted by June 30, 1986, the secretary may transfer funds between the appropriations in subsections (1) and (2) of this section in order to provide program options as authorized in RCW 72.33.125. Any transfer of funds shall not reduce services to existing clients.

(b) If House Bill No. 1702 or Substitute Senate Bill No. 4719 is enacted on or before June 30, 1986:

(i) The department shall reduce the average daily population of the Rainier school to not more than 563 by June 30, 1987;

(ii) The secretary shall have beds in excess of the 563 level decertified in accordance with a plan developed with the federal health care financing administration; and

(iii) If the net cost of community residential beds and/or placements is less than that assumed in the cost estimate contained in subsection (1)(d) of this section for the transfer of Rainier school residents to community living, such savings shall revert.

(c) The department shall apply for a federal Title XIX waiver for financial participation for the residents transferred from the Rainier school to community living.

(d) If neither House Bill No. 1702 nor Substitute Senate Bill No. 4719 is enacted by June 30, 1986, the general fund—state appropriation in this subsection for fiscal year 1987 shall be

increased by \$250,000 and the general fund—federal appropriation in this subsection for fiscal year 1987 shall be increased by \$250,000.

(e) Prior to the community placement of a resident of Rainier school pursuant to subsection (2) (b) through (d) of this section, the department shall ensure that the review process established by RCW 72.33.161 is utilized.

(f) The department shall, within existing resources, report to the legislature on factors affecting the placement of institutional clients into community settings. The report shall include a comparison of the characteristics and service requirements of Rainier school residents identified for community placement, to clients residing in community settings. The report shall include a cost comparison of proposed community services for Rainier residents identified for community placement to the costs of their continued institutional care. The report shall include the characteristics and numbers of clients returning to the six institutions from community placements and, to the extent possible, the reasons for their return. The department shall report these findings to the appropriate committees of the senate and house of representatives by December 1, 1986.

(3) PROGRAM SUPPORT

		FY 1986	FY 1987
General Fund Appropriation—State	\$	1,652,000	1,652,000
General Fund Appropriation—Federal	\$	388,000	388,000
Total Appropriation		\$4,080,000	

((4) SPECIAL PROJECTS

		FY 1986	FY 1987
General Fund Appropriation—State	\$	54,000	54,000
General Fund Appropriation—Federal	\$	606,000	606,000
Total Appropriation		\$1,320,000)	

Sec. 205, Section 207, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—LONG-TERM CARE SERVICES

		FY 1986	FY 1987
General Fund Appropriation—State	\$	137,965,000	((132,964,000)) 136,509,000
General Fund Appropriation—Federal	\$	120,741,000	((126,895,000)) 129,895,000
Total Appropriation		\$((510,565,000)) 525,110,000	

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

(1) The department shall provide an integrated system of long-term care services which will allow for the most efficient, equitable, and appropriate use of available resources. The department shall endeavor to provide these services in the least restrictive and most cost-effective manner appropriate for individual clients.

(2) \$187,048,000 for fiscal year 1986, of which \$94,078,000 is from the general fund—state appropriation, and \$((188,104,000)) 194,104,000 for fiscal year 1987, of which \$((94,610,000)) 97,610,000 is from the general fund—state appropriation, are provided for nursing home services.

(a) ((If Substitute Senate Bill No. 3390 is not enacted before July 1, 1985, \$2,500,000 in fiscal year 1986 and \$2,500,000 in fiscal year 1987 of the general fund—state appropriation shall be provided solely for full-scope audits under chapter 74.46 RCW as interpreted by the state auditor.

(b)) Rates shall be adjusted for inflation under RCW 74.46.495 by 3% on July 1, 1985, and on July 1, 1986.

((c)) (b) Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

((d)) (c) \$65,000 for fiscal year 1986 and \$65,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for prospective rate increases for installation of sprinkler systems in facilities not meeting federal and state fire safety requirements.

(3) \$63,899,000 for fiscal year 1986, of which \$39,543,000 is from the general fund—state appropriation, and \$64,554,000 for fiscal year 1987, of which \$34,555,000 is from the general fund—state appropriation, are provided solely for community-based long-term care services including congregate care, adult family home care, chore services, home health care, nutrition services, transportation services, and case management services.

(a) Vendor rate adjustments shall average 3% on January 1, 1986.

(b) Adjustments to the clothing and personal incidentals allowance shall average 3% on January 1, 1986.

(c) \$80,000 for fiscal year 1986 and \$80,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to purchase insurance coverage for adult family homes in order to promote participation in the program.

(d) \$41,000 for fiscal year 1986 and \$41,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to extend eligibility for adult family home and congregate care services to adult protective services clients.

(e) \$200,000 for fiscal year 1986 and \$200,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for case management services under the senior citizen services act for adult protective services clients.

(f) \$7,558,000 for fiscal year 1986 and \$7,666,000 for fiscal year 1987 from the general fund—state appropriation shall be initially allotted for implementation of the senior citizens services act. At least 7 percent of the amount allotted for the senior citizens services act in each fiscal year shall be used for programs that utilize volunteer workers for the provision of chore services to persons whose need for chore services is not being met by the chore services program.

(g) \$39,225,000 for fiscal year 1986, of which \$25,611,000 is from the general fund—state appropriation, and \$39,286,000 for fiscal year 1987, of which \$19,762,000 is from the general fund—state appropriation, shall be initially allotted for chore services. The department shall revise eligibility and cost-sharing criteria and/or establish waiting lists for the chore services program, consistent with statute, if necessary to prevent the overexpenditure of moneys allotted for the program in each fiscal year, including state general fund moneys used to match federal moneys under the community options programs entry system.

(4) The bureau of nursing home affairs shall increase patient review staff by two full time equivalents not later than October 1, 1985.

(5) ~~\$(545,000 for fiscal year 1986)~~ 1,090,000 of the general fund—state appropriation is provided solely to continue the three respite care demonstration projects as established and defined under chapter 158, Laws of 1984 until June 30, ~~(1986)~~ 1987.

Sec. 206. Section 208, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—INCOME ASSISTANCE PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	((213,137,000))	((224,166,000))
	<u>226,695,000</u>	<u>239,686,000</u>
General Fund Appropriation—Federal \$	((171,116,000))	((176,924,000))
	<u>185,518,000</u>	<u>193,724,000</u>
Total Appropriation	S((787,365,000))	<u>845,623,000</u>

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

(1) The department shall continue the aid to families with dependent children program for two-parent families through June 30, 1987.

(2) Not later than October 1, 1985, the department shall adopt by rule medical criteria for general assistance eligibility to ensure that eligibility decisions are consistent with statutory requirements and are based on clear, objective medical information.

(a) The process implementing such medical criteria shall involve consideration of opinions of the treating or consulting physicians or health care professionals regarding incapacity, and any eligibility decision which rejects uncontradicted medical opinion must set forth clear and convincing reasons for doing so.

(b) Recipients of general assistance who remain otherwise eligible shall not have their benefits terminated absent a clear showing of material improvement in their medical or mental condition or specific error in the prior determination that found the recipient eligible by reason of incapacitation.

(3) Grant payment standards and vendor rates shall be increased by 3% on January 1, 1986, above the standards and rates in effect on March 1, 1985, for aid to families with dependent children, general assistance, consolidated emergency assistance, and refugee assistance.

(4) It is the continuing intention of the legislature that payment levels in the aid to families with dependent children, general assistance, and refugee assistance programs contain an energy allowance to offset the high and rising costs of energy and that such allowance be excluded from consideration as income for the purpose of determining eligibility and benefit levels of the food stamp program to the maximum extent such exclusion is authorized under federal law and RCW 74.08.046. To this end, up to \$100,000,000 is so designated for exemptions of the following amounts:

Family size:	1	2	3	4	5	6	7	8	or more
Exemption:	\$30	39	46	56	63	72	84	92	

(5) The department shall establish a study committee to examine the general assistance income and medical programs. The committee shall particularly examine the structure of the general assistance—unemployable program as it relates to treatment programs for alcoholism, mental illness, and substance abuse. The committee shall include representatives of affected department programs, treatment providers, community advocacy groups, legal services, and the legislature. The committee shall examine alternative treatment or assistance methods which would help clients to overcome their illnesses, while providing necessary

assistance. The report shall include detailed historical and projected income and medical caseload and cost information by client group. The report shall further identify policy changes, statutory or otherwise, which have affected caseload levels and costs. The department shall report the findings and recommendations of the study committee to the appropriate committees of the senate and house of representatives by January 15, 1987.

(6) The department, in cooperation with the department of revenue, shall seek a waiver to delay implementation of the sales tax exemption on food stamp purchases in accordance with Public Law 99-198.

Sec. 207. Section 211, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—PUBLIC HEALTH PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 21,765,000	((21,646,000)) 22,846,000
General Fund Appropriation—Federal	\$ ((33,260,000))	((33,375,000))
	34,317,000	35,718,000
General Fund Appropriation—Local	\$ 4,024,000	3,996,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Appropriation	\$ 22,444,000	22,444,000
General Fund Appropriation—State and Local Improvements Revolving Account—Water Supply Facilities: Appropriated pursuant to chapter 128, Laws of 1972 ex. sess. (Referendum 27); chapter 258, Laws of 1979 ex. sess. (chapter 43.99D RCW); and chapter 234, Laws of 1979 ex. sess. (Referendum 38)—Reappropriation	\$ 28,908,000	\$((191,862,000))
Total Appropriation	196,462,000	

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

(1) No funds shall be expended directly or indirectly for the production or distribution of any materials regarding homosexual sex safety.

(2) Vendor rate adjustments shall average 3% on January 1, 1986.

((2)) (3) \$1,000,000 for fiscal year 1986 and \$1,000,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to public and private non-profit community health centers serving populations that lack access to affordable health care. Grants awarded under this subsection shall be used by the centers to provide primary health care services to persons who have no health care coverage. The grants shall be in addition to any federal or other funding available to the centers. No center may receive funding under this subsection if it fails or refuses to provide medically necessary care on the basis of any patient's inability to pay or lack of coverage, or if it does not contract with the department to provide care under the medical assistance program. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of community health centers to assure compliance with the purposes of this subsection. In awarding grants, the secretary shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

((3)) (4) \$43,000 for fiscal year 1986 and \$43,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 187, Laws of 1984, regarding standards for organic chemicals in drinking water.

((4)) (5) \$34,000 for fiscal year 1986 and \$34,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to implement the provisions of chapter 156, Laws of 1984, regarding compiling of information on sentinel birth defects.

((5)) (6) \$90,000 for fiscal year 1986 and \$90,000 for fiscal year 1987 of the general fund—local appropriation are provided solely for monitoring and implementation of health and sanitation standards for agricultural labor camps under chapter 248-63 WAC, as adopted by the state board of health in 1984. In health jurisdictions where there is no agreement with the local health officer for local enforcement of the standards, the department shall enforce the standards and charge fees under RCW 43.20A.670 in amounts sufficient to cover its enforcement costs.

((6)) (7) \$260,000 for fiscal year 1986 and \$276,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for contracts on a competitive selection basis to public and private nonprofit nationally recognized academic or research organizations

engaged in cancer research or in research concerning the effects of smoking on the cardiovascular and respiratory systems.

~~((7))~~ (8) \$593,000 for fiscal year 1986 and \$554,000 for fiscal year 1987 of the general fund—local appropriation is provided solely for radiation control activities, including those required under Engrossed Substitute Senate Bill No. 3799 and Engrossed Second Substitute House Bill No. 3.

(9) \$2,800,000 of the general fund—federal appropriation is provided solely to continue prenatal care services for low-income pregnant women who do not qualify for full coverage under the medical assistance program. The department shall pay for direct prenatal care, including delivery and postpartum medical services, and including the services of licensed nurse midwives where appropriate, as defined by the department, at rates not exceeding those paid under the medical assistance program and only to the extent of available funds. The department may also provide educational services to low-income women regarding the importance of early prenatal care through the development or acquisition of pamphlets or video tapes to be distributed through county health departments, schools, and other appropriate social and health services agencies and organizations. Not later than January 1, 1987, the department shall submit a report to the social and health services and ways and means committees of the senate and house of representatives on the prenatal program. The report shall include definitions of eligibility, numbers of persons served, an estimate of the number of persons potentially eligible for program services and, if the department has requested funding to continue the program in the 1987-89 biennium, a proposal for legislation establishing the program in statute.

(10) \$600,000 of the general fund—federal appropriation is provided solely for increased vaccine costs.

(11) \$1,000,000 from the general fund—state appropriation is provided solely for adult dental services that are not mandated by Title XIX of the federal social security act. The department shall contract for these services with public and private nonprofit community health centers serving populations that lack access to affordable dental health care. The department shall impose such limitations as may be necessary to provide services throughout fiscal year 1987.

Sec. 208. Section 213, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—ADMINISTRATION AND SUPPORTING SERVICES PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	31,922,000	(31,049,000)
		31,029,000
General Fund Appropriation—Federal \$	19,555,000	19,477,000
General Fund—Institutional Impact		
Account Appropriation \$	37,000	37,000
Total Appropriation	\$(102,077,000)	
	<u>102,057,000</u>	

The appropriations in this section are subject to the following conditions and limitations: The department of social and health services shall transfer from its various programs up to \$1,600,000 from the general fund—state appropriations from the operating programs to the administration and support services program for travel, goods and services, and equipment for the biennium ending June 30, 1987, and revise initial allotments accordingly.

Sec. 209. Section 214, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—COMMUNITY SERVICES ADMINISTRATION PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	(61,040,000)	(62,614,000)
	61,870,000	62,734,000
General Fund Appropriation—Federal \$	(72,747,000)	(72,979,000)
	<u>72,777,000</u>	<u>73,099,000</u>
General Fund Appropriation—Local \$	366,000	366,000
Total Appropriation	\$(270,912,000)	
	<u>271,212,000</u>	

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

(1) Department staff shall assist general assistance clients in establishing eligibility for social security and/or supplemental security income benefits. The assistance shall include providing to the client or the appropriate social security office any documentation of the client's disability and, if appropriate, referral to legal counsel with expertise in social security law.

(2) The department shall provide a comprehensive report to the legislature no later than January 15, 1987, on all child day care programs currently being provided, including but not limited to programs related to seasonal and regular employment, child welfare or protection, training, and education. To the extent possible, the report shall provide historical and projected

data by program on the number of families and children served, client characteristics, expenditures, eligibility criteria, payment or income disregard levels, and program policy. In addition, the report shall identify programs or services mandated or prioritized by federal or state statutes or rules and identify variations in administrative processes or eligibility determination among programs. The department shall also study and report on the cost effectiveness of current child care programs for employed parents and parents in training. The study shall measure the effectiveness of these programs in reducing or avoiding public assistance costs on both a short- and long-term basis. The report shall include an analysis of existing programs and recommendations regarding continuing, revising, or discontinuing any existing programs.

(3) \$300,000, of which \$150,000 is from the general fund—state appropriation, is provided solely to implement the employment partnership program created in Engrossed Second Substitute House Bill No. 1505. If Engrossed Second Substitute House Bill No. 1505 is not enacted by July 1, 1986, the amounts provided by this subsection shall revert.

Sec. 210. Section 215, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES—REVENUE COLLECTIONS PROGRAM

	FY 1986	FY 1987
General Fund Appropriation—State \$	7,815,000	8,043,000
General Fund Appropriation—Federal \$	15,556,000	((16,093,000))
		16,693,000
General Fund Appropriation—Local \$		200,000
Total Appropriation	\$((47,507,000))	
	48,307,000	

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

(1) \$1,195,000 for fiscal year 1986, of which \$359,000 is from the general fund—state appropriation, and \$1,597,000 for fiscal year 1987, of which \$478,000 is from the general fund—state appropriation, are provided solely to implement the order of the King county superior court in Carter v. Simpson, cause number 82-5-50039-0. If this order is reversed on appeal, the unexpended balance of the amounts provided in this subsection shall revert.

(2) In serving custodial parents not on public assistance who apply for support enforcement services, the department shall, to the maximum extent permitted by federal and state law, give priority to cases in which the custodial parent is at risk of becoming eligible for aid to families with dependent children.

(3) The department shall study and make recommendations to the legislature regarding a comprehensive and equitable plan for determining financial responsibility of clients and relatives of clients who receive department-provided or department-funded services. A committee shall be established to oversee the study, to be composed of representatives of the department, the affected population, the public, and other branches of government, including both caucuses of both houses of the legislature. The secretary of social and health services, or the secretary's designee, shall serve as chairperson of the committee. The study shall consider the legal, ethical, financial, managerial, and pragmatic consequences of the imposition of financial responsibility on utilizers of services provided or funded by the department. The study specifically shall address, but is not limited to:

(a) The level of financial responsibility assessed under existing statutes and policy for utilization of various department services by clients and their responsible relatives;

(b) The effect of financial responsibility on discouraging the utilization of necessary services provided by the department; and

(c) An equitable method of assessing the amount of financial responsibility.

The study findings shall be submitted to the appropriate committees of the house of representatives and the senate no later than November 1, 1986, along with any recommendations for legislative action.

Sec. 211. Section 217, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

	FY 1986	FY 1987
General Fund Appropriation—State \$	((6,383,000))	((6,146,000))
	6,442,000	9,478,000
General Fund Appropriation—Federal \$	((70,233,000))	70,406,000
	68,233,000	
General Fund—Building Code Council Account Appropriation \$	84,000	120,000
Public Works Assistance Account Appropria- tion \$	204,000	303,000
Total Appropriation	\$((153,372,000))	
	155,270,000	

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

(1) \$975,000 for fiscal year 1986 and \$975,000 for fiscal year 1987 of the general fund—state appropriation shall be used solely for grants in aid to public or private nonprofit organizations operating shelters for homeless persons. Grants awarded under this subsection shall be used to provide temporary emergency shelter, including either direct shelter services or vouchers to pay for low-cost commercial accommodations, to persons and families who are without housing and lack funds to purchase lodging. Grantee organizations shall give priority in the use of grant funds to shelter for families and children. Grants shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(2) \$475,000 for fiscal year 1986 and \$475,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for grants in aid to public or private nonprofit organizations operating food banks which distribute food without charge to persons unable to purchase enough food for their subsistence, and to public or private nonprofit organizations operating food distribution systems that furnish donated or purchased food to food banks. Grants awarded under this subsection shall be in addition to any federal or other funding available to grantee organizations, and shall be awarded in amounts not exceeding the amount of local government and private funds that an organization receives in the grant year. Sixty percent of the funds under this subsection shall be provided to food banks and forty percent to food distribution organizations. Grants shall not be awarded to cover periods exceeding twelve months. The department may audit the books and records of grantee organizations to assure compliance with the purposes of this subsection. In awarding grants, the director shall attempt to provide an equitable distribution of funds based on need throughout the state, including rural areas.

(3) \$50,000 for fiscal year 1986 and \$50,000 for fiscal year 1987 of the general fund—state appropriation is provided solely for administration of grants in aid to emergency shelter and food programs under subsections (1) and (2) of this section.

(4) If Second Substitute House Bill No. 738 is not enacted by July 1, 1985, \$250,000 in fiscal year 1986 and \$250,000 in fiscal year 1987 of the general fund—state appropriation shall revert.

(5) \$120,000, of which \$96,000 is from the general fund—state appropriation for fiscal year 1986 and \$24,000 is from the general fund—building code council account appropriation for fiscal year 1986, and \$120,000 from the general fund—building code council account appropriation for fiscal year 1987 is provided solely to implement Engrossed Substitute Senate Bill No. 3261. The general fund—state appropriation shall be paid back to the state general fund from the building code council account by June 30, 1989.

(6) \$60,000 of the general fund—building code council account appropriation for fiscal year 1986 is provided solely to implement Substitute House Bill No. 1114. The funds generated from the surcharge on building permits established by SHB 1114 shall be deposited in the general fund—building code council account. If federal funds are available for the purposes of SHB 1114, a portion of the amount provided in this subsection equal to the amount of available federal funds shall revert.

(7) A maximum of \$100,000 for fiscal year 1986 and \$100,000 for fiscal year 1987 of the general fund—state appropriation may be spent in a study of mitigating the impact of the proposed Navy home port at Everett, Washington.

(8) \$2,970,000 of the general fund—state appropriation for fiscal year 1987 is provided solely to initiate preschool state education and assistance programs at the local level in accordance with chapter 418 (E2SHB 1078), Laws of 1985 (early childhood assistance act).

(9) \$46,000 of the general fund—state appropriation for fiscal year 1986 is provided solely for the reimbursement of government and nonprofit entities for costs incurred in controlling fires on the L.T. Murray Range.

(10) \$200,000 for fiscal year 1986 and \$550,000 for fiscal year 1987 of the general fund—state appropriation are provided solely for the state matching funds for the federal emergency management agency grant for damages caused by heavy rains, flooding, mud slides, and wind which occurred on January 16-25, 1986.

NEW SECTION, Sec. 212. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

General Fund Appropriation—State	\$	108,000
General Fund Appropriation—Federal	\$	1,212,000
Total Appropriation	\$	1,320,000

The appropriations in this section are provided solely for the operation and support of the developmental disabilities planning council. However, moneys expended under this section shall not exceed amounts remaining unexpended from the moneys appropriated by section 206(4), chapter 6, Laws of 1985 ex. sess.

Sec. 213. Section 221, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF INDUSTRIAL INSURANCE APPEALS

	FY 1986	FY 1987
General Fund—Public Safety and Education Account Appropriation	\$ ((67,000))	((67,000))
	65,000	58,000
Accident Fund Appropriation	\$ 1,893,000	1,848,000
Medical Aid Fund Appropriation	\$ 1,893,000	1,848,000
Total Appropriation	\$((7,616,000))	
	7,605,000	

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

(1) \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the accident fund appropriation, and \$153,000 for fiscal year 1986 and \$153,000 for fiscal year 1987 of the medical aid fund appropriation, are provided solely for a mediation program and the publication and indexing of board decisions, as provided in Substitute Senate Bill No. 4190. If the bill is not enacted by July 1, 1985, the amounts provided shall revert.

(2) If House Bill No. 1869 is not enacted before April 1, 1986, \$13,000 of the public safety and education account appropriation shall revert.

Sec. 214. Section 222, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE CRIMINAL JUSTICE TRAINING COMMISSION

	FY 1986	FY 1987
General Fund—Death Investigations Account Appropriation	\$ 15,000	15,000
General Fund—Public Safety and Education Account Appropriation	\$ ((3,506,000))	((3,506,000))
	3,450,000	3,282,000
Total Appropriation	\$((7,042,000))	
	6,762,000	

The appropriations in this section are subject to the following conditions and limitations: If House Bill No. 1869 is not enacted before April 1, 1986, \$351,000 of the public safety and education account appropriation shall revert.

Sec. 215. Section 223, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LABOR AND INDUSTRIES

	FY 1986	FY 1987
General Fund Appropriation	\$ 4,014,000	3,795,000
General Fund—Public Safety and Education Account Appropriation	\$ 3,952,000	3,954,000
Accident Fund Appropriation	\$ 35,481,000	34,916,000
Electrical License Fund Appropriation	\$ 3,642,000	3,651,000
Medical Aid Fund Appropriation	\$ 34,530,000	33,868,000
Plumbing Certificate Fund Appropriation	\$ 218,000	((218,000))
		314,000
Pressure Systems Safety Fund Appropriation ..	\$ 524,000	531,000
Worker and Community Right to Know Fund Appropriation	\$ 540,000	961,000
Farm Worker Revolving Fund Appropriation—Local	\$ 78,000	72,000
Total Appropriation	\$((164,945,000))	
	165,041,000	

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

(1) The department shall establish a review committee. The review committee shall monitor on a regular quarterly basis the progress reports and work plans of the agency's information systems, including the medical information and payment system (MIPS), to ensure executive-level oversight and control of the data processing and management information systems within the agency. The review committee shall include representatives of the department of labor and industries, the office of financial management, and other appropriate persons.

(2) \$160,000 of the general fund appropriation is provided solely as a loan for the worker-right-to-know program and shall be repaid to the general fund when sufficient funds are available in the worker and community right to know fund.

(3) The farm worker revolving fund appropriation is provided solely for increased activities in connection with the licensing and regulation of farm labor contractors under ~~(Substitute House Bill No. 199)~~ chapter 280, Laws of 1985. If the bill is not enacted by July 1, 1985, this appropriation shall lapse.

Sec. 216. Section 224, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE BOARD OF PRISON TERMS AND PAROLES

		FY 1986	FY 1987
General Fund Appropriation	\$	(1,458,000)	(1,294,000)
		1,506,000	1,342,000
Total Appropriation		\$(2,752,000)	
		2,848,000	

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

(1) \$77,000 for fiscal year 1986 and \$77,000 for fiscal year 1987 of the general fund—state appropriation are provided to continue the board membership at seven members through June 30, 1986, under Engrossed Substitute House Bill No. 204. If Engrossed Substitute House Bill No. 204 is not enacted by July 1, 1985, the amounts provided shall revert.

(2) \$36,000 of the general fund—state appropriation is provided solely for one-time overtime costs associated with meeting the requirements of In re Obert Myers, 105 Wn.2d 257 (February 13, 1986).

(3) \$60,000 of the general fund—state appropriation is provided solely for one-time attorney general costs associated with meeting the requirements of In re Obert Myers, 105 Wn.2d 257 (February 13, 1986).

Sec. 217. Section 226, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE EMPLOYMENT SECURITY DEPARTMENT

		FY 1986	FY 1987
General Fund Appropriation—State	\$	2,526,000	(2,526,000)
			2,801,000
General Fund Appropriation—Federal	\$	75,144,000	75,144,000
General Fund Appropriation—Local	\$	3,866,000	3,866,000
Administrative Contingency Fund			
Appropriation—Federal	\$	3,204,000	3,204,000
Unemployment Compensation Administration			
Fund Appropriation	\$	52,696,000	52,696,000
Total Appropriation		\$(274,872,000)	
		275,147,000	

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

(1) In administering the work incentive program under chapter 74.23 RCW, the department shall emphasize efforts to prepare registrants for long-term unsubsidized employment and economic independence. To the maximum extent permissible under federal law, and to the maximum extent to which exceptions to limitations on training duration may be obtained from the federal government, the department shall permit registrants to enter or continue in training programs that are aimed at preparing them for long-term unsubsidized employment and economic independence.

(2) \$300,000 for fiscal year 1986 and \$300,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for contracting with other agencies for the Washington conservation corps. None of these funds may be spent by the employment security department for administration.

(3) \$275,000 of the general fund—state appropriation for fiscal year 1987 is provided solely for contracting with community nonprofit groups for comprehensive job-generation community development projects with substantial private sector financial and planning support. None of these funds may be spent by the employment security department for administration.

Sec. 218. Section 228, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE CORRECTIONS STANDARDS BOARD

		FY 1986	FY 1987
General Fund Appropriation—State	\$	346,000	346,000
General Fund Appropriation—Federal	\$	36,000	36,000
General Fund—Local Jail Improvement and Construction Account Appropriation	\$	21,232,000	(11,904,000)
			17,382,000
Total Appropriation		\$(33,900,000)	
		39,378,000	

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

(1) The corrections standards board shall not make disbursements, accruals, or encumbrances in excess of \$31,614,000 of the local jail improvement and construction account—state appropriation.

(2) A maximum of \$875,000 from moneys that are turned back to the local jail improvement and construction account from existing projects authorized by the board on or before

February 7, 1986, and any unobligated interest earned shall be provided for the Kitsap county jail extension project.

PART III
NATURAL RESOURCES

Sec. 301. Section 301, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE ENERGY OFFICE

	FY 1986	FY 1987
General Fund Appropriation—State	\$ 818,000	((777,000))
		792,000
General Fund Appropriation—Federal	\$ 7,281,000	6,697,000
General Fund Appropriation—Geothermal Account/Federal	\$ 42,000	44,000
General Fund—Building Code Council Account Appropriation	\$ 375,000	375,000
Total Appropriation	\$ ((16,409,000))	
	16,424,000	

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

(1) \$122,000 in each fiscal year is provided solely for the state building energy management program. The office of financial management shall revert savings in state agency budgets resulting from this program.

(2) The general fund—building code council account appropriation is provided solely for an in situ testing program by the University of Washington college of architecture and department of mechanical engineering, of annual thermal transmittance of individual construction components and conservation measures proposed for new residential construction by the Pacific northwest electric power planning and conservation council. These funds shall be inclusive of administrative costs incurred by the state energy office. The funds generated from the surcharge on building permits established in Substitute House Bill No. 1114 shall be deposited in the general fund—building code council account. This appropriation is limited to the amount of revenues in the building code council account.

(3) \$15,000 of the fiscal year 1987 general fund—state appropriation is provided solely for membership assessments in the western interstate energy board.

Sec. 302. Section 303, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF ECOLOGY

	FY 1986	FY 1987
General Fund Appropriation—State	((21,250,000))	((21,143,000))
	20,873,000	22,136,000
General Fund Appropriation—Federal	10,122,000	10,128,000
General Fund Appropriation—Private/Local	\$ 64,000	((64,000))
		460,000
General Fund—Hazardous Waste Control and Elimination Account Appropriation	\$ 1,154,000	1,158,000
General Fund—Flood Control Account Appropriation	\$ 2,000,000	2,000,000
General Fund—Special Grass Seed Burning Account Appropriation	\$ 35,000	35,000
General Fund—Reclamation Revolving Account Appropriation	\$ 561,000	562,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess.	\$ 311,000	335,000
General Fund—Emergency Water Project Revolving Account Appropriation: Appropriated pursuant to chapter 1, Laws of 1977 ex. sess: Reappropriation	\$ 3,000,000	3,570,000
Water Project Revolving Account Subtotal	\$ 3,311,000	3,905,000
General Fund—Litter Control Account Appropriation	\$ 2,356,000	((2,394,000))
		2,929,000
((General Fund—Water Quality Account Appropriation	\$ 10,000,000	90,000,000))
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant		

to chapter 127, Laws of 1972 ex. sess. (Referendum 26)	\$	363,000	373,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities: Appropriated pursuant to chapter 127, Laws of 1972 ex. sess. (Referendum 26): Reappropriation	\$	20,000,000	26,278,000
Referendum 26 Subtotal	\$	20,363,000	26,651,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39)	\$	39,346,000	39,441,000
General Fund—State and Local Improvements Revolving Account—Waste Disposal Facilities 1980: Appropriated pursuant to chapter 159, Laws of 1980 (Referendum 39): Reappropriation	\$	130,000,000	127,400,000
Referendum 39 Subtotal	\$	169,346,000	166,841,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities	\$	3,354,000	3,412,000
General Fund—State and Local Improvements Revolving Account—Water Supply Facilities: Reappropriation	\$	18,000,000	18,043,000
Water Supply Subtotal	\$	21,354,000	21,455,000
Stream Gaging Basic Data Fund Appropriation	\$	100,000	100,000
Total Appropriation	\$	(608,468,000) 509,999,000	

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

(1) On or before October 1, 1985, the department of ecology shall file with the committees on ways and means of the senate and house of representatives and the office of financial management a master compilation by project type of those projects proposed for funding during the 1985-87 biennium from the appropriations for waste disposal facilities and water supply facilities. A separate compilation shall be supplied for each bond proceed account. The department shall submit updates for the master compilation to the committees on ways and means and the office of financial management at six-month intervals during the 1985-87 biennium. The updates shall reflect project completions, deletions, substitutions, or additions made during the course of administering the projects. If the department proposes to change or modify any project list on the master compilation, it shall give the committees on ways and means and the office of financial management thirty days' written notice of the change or modification prior to the expenditure or obligation of any funds appropriated by this section. The department shall immediately inform the committees and the office of financial management of significant changes from historic federal funding levels for waste disposal facilities and water supply facilities. If the department does not comply fully and in a timely manner with the several compilations, updates, and modification reports required by this subsection, the director of financial management is authorized to place in reserve the second year funds allotted to the department until such time as the documents are produced and distributed as directed by this subsection.

(2) The appropriation from the state and local improvements revolving account—water supply facilities (Referendum 27) may be expended to pay up to 50% of the eligible cost of any project as a grant or loan or combination thereof. Also, the department may lend up to 100% of the eligible costs of preconstruction activities and the department may provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(3) The appropriation from the state and local improvements revolving account—waste disposal facilities (Referendum 26) may be expended by the department to pay for up to 50% of the eligible cost of any project as a grant or up to 100% as a loan or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(4) The appropriation from the state and local improvements revolving account—waste disposal facilities 1980 (Referendum 39) may be expended by the department to pay up to 75% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution, lake rehabilitation, or solid waste management facilities. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.

(5) ~~((Contingent on the enactment of House Bill No. 811, House Bill No. 1081, Substitute Senate Bill No. 3703, or Engrossed Second Substitute Senate Bill No. 3827, the appropriation from the water quality account may be expended by the department to pay up to 50% of the eligible cost of any project as a grant or up to 100% as a loan, or combination thereof, for waste water treatment or disposal, agricultural pollution or water storage facilities which enhance water quality. The department is authorized to provide up to 100% of the costs necessary to meet the conditions required to receive federal funds.~~

~~(6) In order to monitor the expenditure of Referendum 38 funds that are to be expended prior to the use of funds provided by Second Substitute Senate Bill No. 4136, the department of ecology shall provide an annual report to the legislature of the funds remaining from Referendum 38 and the projects that are in work and awaiting approval. If SSB 4136 is not enacted by July 1, 1985, the annual reports shall not be required.~~

~~(7)) The department may operate, and seek and accept grants or gifts for the purpose of operating and maintaining, the Padilla Bay estuarine sanctuary and interpretive center.~~

~~((8)) (6) Not more than \$10,545,000 of the general fund—state appropriation for fiscal year 1986 and \$((10,473,000)) 11,302,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the hazardous waste and air quality program. ((This includes funds necessary to implement Engrossed Substitute House Bill No. 975.~~

~~(9)) (7) Not more than \$((4,364,000)) 3,919,000 of the general fund—state appropriation for fiscal year 1986 and \$((4,361,000)) 4,361,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water and land resources program including but not limited to:~~

- ~~(a) Public water supply reservation;~~
- ~~(b) Well drilling enforcement;~~
- ~~(c) Ground/surface water data collection;~~
- ~~(d) State-wide groundwater planning;~~
- ~~(e) Increased shoreline management grants to local governments; and~~
- ~~(f) Shoreline management support.~~

~~((10)) (8) Not more than \$2,155,000 of the general fund—state appropriation for fiscal year 1986 and \$((2,133,000)) 2,178,000 of the general fund—state appropriation for fiscal year 1987 shall be expended in the water quality program including but not limited to:~~

- ~~(a) Groundwater management and investigation;~~
- ~~(b) Groundwater technical assistance; and~~
- ~~(c) Municipal water management.~~

~~((11)) (9) \$985,000 of the general fund—state appropriation is provided for grants to activated air pollution control authorities.~~

~~((12)) (10) \$200,000 of the general fund—state appropriation is provided solely as a loan for the hazardous substances information and education program. At the close of the 1985-87 biennium, the state treasurer shall transfer \$200,000 from the worker and community right to know fund to the general fund. If House Bill No. 865 is not enacted before July 1, 1985, the general fund amount provided in this subsection shall revert and the transfer from the worker and community right to know fund shall not occur.~~

~~((13)) (11) \$354,000 of the general fund—state appropriation is provided solely for the department to develop a state hazardous waste management plan, including criteria for the siting of hazardous waste management facilities.~~

~~((14)) (12) For the purpose of implementing the requirements of a shellfish protection program, including a pilot program for the prevention of nonpoint source pollution of important shellfish resource areas, the department of ecology shall expend up to a maximum of \$300,000 for:~~

- ~~(a) The development of regulations designating priority shellfish protection resource areas;~~
- ~~(b) Contracts with local governments and conservation districts to develop plans, educational programs, and other activities to clean up and protect shellfish resource areas; and~~
- ~~(c) Washington conservation corps activities and other programs to assist land owners in eliminating animal waste related pollution.~~

~~((15)) (13) The office of financial management is authorized to allow the department to deviate from the annual allocation of moneys provided in this section. This authorization pertains only to moneys appropriated and reappropriated for construction grants and hazardous waste remedial action construction contracts.~~

~~(14) \$470,000 of the general fund—state appropriation and \$396,000 of the general fund—local appropriation are provided solely to implement either Senate Bill No. 4876 or House Bill No. 1655 on low-level radioactive waste. If neither Senate Bill No. 4876 nor House Bill No. 1655 is enacted by July 1, 1986, the amounts provided by this subsection shall lapse.~~

~~(15) \$57,000 of the general fund—state appropriation is provided solely to implement Substitute House Bill No. 69 (chapter 426, Laws of 1985), dealing with the development of guidelines and standards for the establishment of solid waste trust funds.~~

~~(16) \$52,000 of the general fund—state appropriation is provided solely to implement House Bill No. 974 (chapter 456, Laws of 1985), dealing with acid rain assessment.~~

(17) \$45,000 of the general fund—state appropriation is provided solely for water quality laboratory analysis.

(18) \$59,000 of the general fund—state appropriation is provided solely for the conduct of civil and criminal investigations of violations of environmental statutes.

(19) Not more than \$15,000 from the general fund—reclamation revolving account appropriation shall be paid to Cowlitz county as reimbursement for prior contributions of the flood control district to the account.

(20) Not more than \$150,000 from the general fund—private/local appropriation may be expended by the department to perform studies, by contract or otherwise, to define site closure and perpetual care and maintenance requirements for the Hanford low-level radioactive waste disposal facility and to assess the adequacy of insurance coverage for general liability, radiological liability, and transportation liability for the facility. The department shall complete the studies and report its findings to the legislature by December 31, 1987. The department shall make a preliminary progress report to the legislature by December 31, 1986.

Sec. 303. Section 310, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

	FY 1986	FY 1987
General Fund Appropriation	\$ 10,265,000	10,016,000
Motor Vehicle Fund Appropriation	\$ ((258,000))	((261,000))
	281,000	298,000
Total Appropriation	\$((20,800,000))	
	20,860,000	

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

(1) \$1,951,000 of the general fund—state appropriation shall be expended in each fiscal year solely for the University of Washington for the continuation of the Washington high technology center and the center for international trade in forest products as matching funds to private-sector, federal, and in-kind contributions, on the basis of the following percentages:

(a) Washington high technology center, 50 percent; and nonstate contributions, 50 percent; and

(b) Center for international trade in forest products, 50 percent; and nonstate contributions, 50 percent.

(2) The motor vehicle fund appropriation shall be used in conformance with constitutional limitations.

(3) \$175,000 of the general fund appropriation is provided solely for the Washington state economic development board. If House Bill No. 627 is not enacted before July 1, 1985, the amount provided in this subsection shall revert.

(4) Not more than \$251,000 of the general fund—state appropriation shall be expended in fiscal year 1986 for the high-technology coordinating board. A plan shall be submitted to the legislature not later than December 20, 1985, detailing the future activities, structure, and costs of the board.

(5) Funds provided for county economic development councils shall be matched at fifty percent, except that no funds contained in this appropriation nor in-kind contributions shall be used for such matching funds.

(6) The department may contract with the small business development center at Washington State University for services to assist the promotion and expansion of small businesses in the state.

(7) The department is authorized to transfer from the surplus of the state trade fair fund not more than \$150,000 to the Centennial Commission.

(8) \$23,000 for fiscal year 1986 and \$37,000 for fiscal year 1987 from the motor vehicle fund appropriation are provided solely to implement a computer-assisted tourist information network at selected visitor information centers and state highway rest areas. The department shall coordinate with the state department of transportation in establishing the system. All revenue derived from a vendor or vendors associated with the system shall be deposited by the department in the motor vehicle fund.

Sec. 304. Section 312, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF GAME

	FY 1986	FY 1987
General Fund—ORV (Off-Road Vehicle) Account Appropriation	\$ 123,000	124,000
General Fund—Aquatic Lands Enhancement Account Appropriation	\$ 158,000	158,000
General Fund—Public Safety and Education Account Appropriation	\$ ((233,000))	((245,000))
	225,000	214,000
Game Fund Appropriation—State	\$ ((20,054,000))	((19,585,000))
	20,116,000	19,917,000

Game Fund Appropriation—Federal	\$	5,664,000	5,803,000
Game Fund Appropriation—Private/Local . . .	\$	647,000	646,000
Game Fund—Special Wildlife Account			
Appropriation	\$	148,000	148,000
Total Appropriation		\$(53,736,000)	
		<u>54,091,000</u>	

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

(1) \$57,000 from the game fund—state appropriation is provided solely for legal fees resulting from the Chehalis river contempt hearing.

(2) Not more than \$337,000 from the game fund—state appropriation may be expended for the purposes of chapter 243, Laws of 1985.

(3) If HB 1869 is not enacted before April 1, 1986, \$48,000 of the public safety and education account appropriation shall revert.

Sec. 305. Section 314, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF NATURAL RESOURCES

		FY 1986	FY 1987
General Fund Appropriation—State	\$	\$(15,799,000)	\$(14,992,000)
		<u>22,416,000</u>	<u>14,923,000</u>
General Fund Appropriation—Federal	\$	129,000	129,000
General Fund—ORV (Off-Road Vehicle)			
Account Appropriation	\$	1,508,000	1,488,000
General Fund—Geothermal Account			
Appropriation—Federal	\$	8,000	8,000
General Fund—Forest Development			
Account Appropriation	\$	\$(6,606,000)	\$(6,481,000)
		<u>7,496,000</u>	<u>7,945,000</u>
General Fund—Survey and Maps Account			
Appropriation	\$	362,000	369,000
General Fund—Landowner Contingency			
Forest Fire Suppression Account Approp-			
riation	\$	708,000	724,000
General Fund—Resource Management			
Cost Account Appropriation	\$	\$(24,595,000)	\$(24,655,000)
		<u>26,361,000</u>	<u>27,419,000</u>
Total Appropriation		\$(98,561,000)	
		<u>111,993,000</u>	

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

(1) ~~\$(601,000)~~ 346,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1986, and ~~\$(581,000)~~ 245,000 of the general fund—state appropriation is provided solely for litigation costs in fiscal year 1987, associated with court actions brought by the state against timber companies that have defaulted on timber sales contracts. ~~(Ten percent of all funds recovered by the state in these court actions shall be deposited in the general fund until the total deposited in the general fund equals \$1,182,000.)~~

(2) \$310,000 of the general fund—state appropriation in each fiscal year is provided solely for costs associated with flood damage litigation in Skagit and Whatcom counties.

(3) \$482,000 of the general fund—state appropriation for fiscal year 1986 shall be used solely for the department of natural resources to move from the public lands building and vacate the house office building.

Sec. 306. Section 315, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF AGRICULTURE

		FY 1986	FY 1987
General Fund Appropriation—State	\$	7,482,000	\$(7,352,000)
			<u>7,409,000</u>
General Fund Appropriation—Federal	\$	387,000	354,000
General Fund—Feed and Fertilizer			
Account Appropriation	\$	10,000	7,000
Fertilizer, Agricultural, Mineral and Lime			
Fund Appropriation	\$	214,000	220,000
Commercial Feed Fund Appropriation	\$	246,000	236,000
Seed Fund Appropriation	\$	486,000	498,000
Nursery Inspection Fund Appropriation	\$	315,000	316,000
<u>Livestock Security Interest Fund Appropria-</u>			
<u>tion</u>	\$	<u>21,000</u>	<u>17,000</u>
Total Appropriation		\$(18,123,000)	
		<u>18,218,000</u>	

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

(1) Not more than \$851,000 of the general fund—state appropriation shall be expended in each fiscal year for enhanced export and domestic marketing in the agricultural development program.

(2) Not more than \$549,000 of the general fund—state appropriation in each fiscal year shall be expended for the continuation of the IMPACT center at Washington State University.

(3) \$125,000 for fiscal year 1986 and \$125,000 for fiscal year 1987 from the general fund—state appropriation are provided solely for the purchase of materials or biological control agents for controlling or eradicating noxious weeds and shall be available only for distribution by the director of the department to those activated county noxious weed control boards and active weed districts that employ administrative personnel to supervise a weed control program and that have a budget from other than state sources of at least twenty-five thousand dollars annually. The moneys provided under this paragraph shall be allocated to such boards and districts based on the severity of the noxious weed control problems.

(4) \$57,000 of the general fund—state appropriation is provided for the purchase of vaccine for the prevention of brucellosis and for the cost of distributing brucellosis vaccine to veterinarians practicing in the state of Washington, in a manner to be established by the office of state veterinarian.

PART IV
TRANSPORTATION

Sec. 401. Section 401, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE PATROL

	FY 1986	FY 1987
General Fund Appropriation—State \$	(6,604,000)	(6,611,000)
	<u>6,881,000</u>	<u>6,778,000</u>
General Fund Appropriation—Federal \$	70,000	70,000
General Fund Appropriation— Private/Local \$	718,000	539,000
General Fund—Death Investigations Account Appropriation \$	12,000	12,000
Total Appropriation \$	(14,716,000)	
	<u>15,080,000</u>	

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

(1) \$95,000 for fiscal year 1986 and \$63,000 for fiscal year 1987 of the general fund—state appropriation are provided solely to operate a missing children clearinghouse under Substitute House Bill No. 242. (If the bill is not enacted before July 1, 1985, the amounts provided shall revert.)

(2) \$197,000 for fiscal year 1986 and \$167,000 for fiscal year 1987 from the general fund—state appropriation are provided to eliminate backlogs and provide mandated services for the state patrol identification and criminal history section.

Sec. 402. Section 402, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING

	FY 1986	FY 1987
General Fund Appropriation \$	6,342,000	(5,697,000)
		<u>6,924,000</u>
General Fund—Architects' License Account Appropriation \$	234,000	234,000
General Fund—Medical Disciplinary Account Appropriation \$	440,000	440,000
General Fund—Health Professions Account Appropriation \$	2,826,000	2,770,000
General Fund—Professional Engineers' Account Appropriation \$	405,000	400,000
General Fund—Real Estate Commission Account Appropriation \$	2,834,000	2,434,000
Total Appropriation \$	(25,056,000)	
	<u>26,283,000</u>	

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

(1) \$900,000 of the fiscal year 1987 general fund—state appropriation is provided solely for redevelopment and expansion of the master license system. This funding is contingent on interagency transfers of \$200,000 from the department of labor and industries and \$200,000 from the department of employment security, and contingent on services in kind worth \$200,000 from the department of revenue. The department shall begin development and pilot testing of common business identification numbers.

(2) \$44,000 of the fiscal year 1987 general fund—state appropriation is provided solely for regulation of commodity-related activities under Senate Bill No. 4527 or Substitute House Bill

No. 1012. If neither Substitute House Bill No. 1012 nor Senate Bill No. 4527 is enacted by July 1, 1986, the amount provided by this subsection shall lapse.

(3) \$151,000 of the fiscal year 1987 general fund—state appropriation is provided solely to establish a small business capital formation program under Substitute House Bill No. 205. If Substitute House Bill No. 205 is not enacted by July 1, 1986, the amount provided by this subsection shall lapse.

(4) \$132,000 of the fiscal year 1987 general fund—state appropriation is provided solely for registration and regulation of vessel dealers under House Bill No. 1613. If House Bill No. 1613 is not enacted by July 1, 1986, the amount provided by this subsection shall lapse.

Sec. 403. Section 10, chapter 460, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF LICENSING—DRIVER SERVICES

General Fund—Public Safety and Education Account Appropriation	\$	((2,056,000)) 1,892,000
Highway Safety Fund Appropriation	\$	30,005,000
Highway Safety Fund—Motorcycle Safety Education Account Appropriation	\$	193,000
Total Appropriation	\$	((32,254,000)) 32,090,000

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

(1) The appropriations in this section provide no moneys for the administrative suspension of drivers' licenses pursuant to chapter 165, Laws of 1983 (SHB 289).

(2) The appropriations in this section provide no moneys for the 'predriver education program' operated by the department and no funds may be expended by the department for this purpose.

(3) If House Bill No. 1869 is not enacted before April 1, 1986, \$206,000 of the public safety and education account appropriation shall revert.

PART V
EDUCATION

Sec. 501. Section 501, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR STATE ADMINISTRATION

General Fund Appropriation—State	\$	((19,173,000)) 19,448,000
General Fund Appropriation—Federal	\$	7,412,000
General Fund—Public Safety and Education Account Appropriation	\$	464,000
Total Appropriation	\$	((27,049,000)) 27,324,000

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

(1) The general fund—public safety and education account appropriation may be expended solely for administration of the traffic safety education program, including in-service training related to instruction in the risks of driving while under the influence of alcohol and other drugs.

(2) \$66,000 of the general fund—state appropriation is provided for compensation of members of the state board of education pursuant to RCW 43.03.240.

(3) The superintendent of public instruction is directed to establish an environmental education task force of natural resource agency representatives, educators, legislators, and concerned citizens to:

(a) Establish a definition of environmental literacy;

(b) Identify existing environmental and conservation education resources in the public and private sectors; and

(c) Conduct a needs assessment to determine how to maximize use of existing environmental education resources and to provide for future needs.

\$5,000 of the general fund—state appropriation is provided solely to establish the environmental education task force. The task force shall report its findings to the committees on education and parks and ecology of the senate and the committees on education and environmental affairs of the house of representatives during the 1986 regular legislative session.

(4) \$58,000 of the general fund—state appropriation is provided solely for teacher exchange activities between the province of Sichuan, China, and the state of Washington. Such funds may be used to offset living expenses and travel costs for not more than three Chinese and three American exchange teachers per year.

(5) A maximum of \$350,000 of the general fund—state appropriation may be expended for the implementation of Second Substitute House Bill No. 141, achievement test/10th grade.

(6) ~~S((+550,000))~~ 1,625,000 of the general fund—state appropriation is provided solely for implementation of Engrossed Second Substitute House Bill No. 174, teacher's assistance program.

(7) \$512,000 of the general fund—state appropriation is provided solely for implementation of House Bill No. 849, teacher evaluation.

(8) \$500,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1056, school based management.

(9) \$1,000,000 of the general fund—state appropriation is provided solely for implementation of Second Substitute House Bill No. 1065, school inservice program.

(10) \$10,000, or so much thereof as is necessary, of the general fund—state appropriation may be expended for implementation of section 2 of House Bill No. 999, authorizing a data base report on educational clinics.

(11) \$150,000 of the general fund—state appropriation is provided solely for the implementation of Substitute House Bill No. 1829, categorical program study. If the bill is not enacted by June 30, 1986, this amount provided by this subsection shall lapse.

(12) \$50,000 of the general fund—state appropriation is provided solely for community-based pilot projects in remedial assistance.

Sec. 502, Section 503, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR GENERAL APPORTIONMENT (BASIC EDUCATION)

General Fund Appropriation	\$	((3,465,393,000))
		3,436,768,000

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

(1) As a condition to the allocation of funds to school districts appropriated pursuant to this section, the superintendent shall require school districts to ensure that, during the respective school year, the district has complied with all rules adopted by the superintendent of public instruction to implement RCW 28A.58.095. For any violation of such rules, the superintendent shall withhold an amount equal to the level of the violation when applied to the district's respective basic education allocation, unless or until such time as the school district comes into compliance with the rules.

(2) ~~S((3+7,285,000))~~ 314,650,000 is provided solely for the remaining months of the 1984-85 school year.

(3) Allocations for certificated salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education certificated salary allocation defined in section 504 of this act by the district's formula-generated certificated staff units determined as follows:

(a) One certificated staff unit for each twenty average annual full time equivalent kindergarten, elementary, and secondary students, excluding handicapped full time equivalent enrollment as calculated according to the procedures in the allocation model established in section 506 of this act and excluding full time equivalent enrollment otherwise recognized for certificated staff unit allocations in subsection (3) (b) through ~~((d))~~ (e) of this section: PROVIDED, That those school districts with a minimum enrollment of 250 full time equivalent students and whose full time equivalent student enrollment count in a given enrollment month exceeds the first of the month full time equivalent enrollment count by 5% shall be entitled to an additional state allocation of 110% of the pro rata share that such enrollment would have generated had such additional full time equivalent students been included in the normal enrollment count for that particular month.

(b) During the 1985-86 school year, one certificated staff unit for each average annual eighteen and three-tenths full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction, for the 1986-87 school year one certificated staff unit for each average annual seventeen and one-half full time equivalent students enrolled in a vocational education program approved by the superintendent of public instruction: PROVIDED, That in skills centers, the ratio shall be one certificated staff unit for each average annual sixteen and sixty-seven one-hundredths full time equivalent students enrolled in an approved vocational education program.

(c) For districts enrolling not more than twenty-five average annual full time equivalent students and for small school plants within any school district, which small plants enroll not more than twenty-five average annual full time equivalent students and have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For the 1985-86 school year, for those enrolling no students in grades seven or eight, three certificated staff units;

(ii) For the 1985-86 school year, for those enrolling students in either grades seven or eight, four certificated staff units;

(iii) For the 1986-87 school year, for those enrolling no students in grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-twentieth of a certificated staff unit for each additional student enrolled; and

(iv) For the 1986-87 school year, for those enrolling students in either grades seven or eight, two certificated staff units for enrollment of not more than five students, plus one-tenth of a certificated staff unit for each additional student enrolled.

(d) For districts enrolling more than twenty-five but not more than one hundred average annual full time equivalent students (except as otherwise specified) and for small school plants within any school district, which small plants enroll more than twenty-five average annual full time equivalent students and have been judged to be remote and necessary by the state board of education, certificated staff units shall be determined as follows:

(i) For grades K-6, for enrollments of not more than sixty annual average full time equivalent students, three certificated staff units;

(ii) For grades K-6, for enrollments above sixty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(iii) For grades 7 and 8, for enrollments of not more than twenty annual average full time equivalent students, one certificated staff unit;

(iv) For grades 7 and 8, for enrollments above twenty annual average full time equivalent students, additional certificated staff units based upon a ratio of one certificated staff unit per twenty annual average full time equivalent students;

(v) For each nonhigh school district having an enrollment of more than seventy annual average full time equivalent students and less than one hundred eighty students, operating a grades K-8 program or a grades 1-8 program, an additional one-half of a certificated staff unit;

(vi) For each nonhigh school district having an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, operating a grades K-6 program or a grades 1-6 program, an additional one-half of a certificated unit.

~~((d))~~ (e) A district that operates no more than two high schools with enrollments of not more than three hundred average annual full time equivalent students shall be allocated certificated staff units for enrollment in each such high school as follows:

(i) Nine and one-half certificated staff units for the first sixty annual average full time equivalent students;

(ii) Additional certificated staff units based upon a ratio of one certificated staff unit per forty-three and one-half average annual full time equivalent students.

~~((e))~~ (f) In addition to those staffing ratios specified by RCW 28A.41.140, school districts with an enrollment of at least 100 annual average full time equivalent students in grades kindergarten through third grade shall receive during the 1986-87 school year a certificated unit allocation in addition to that provided in subsection (3)(a) of this section, at a rate of one certificated staff unit per 1,000 annual average full time equivalent students enrolled in grades kindergarten through third grade: PROVIDED, That school districts shall use the additional certificated unit allocation to provide during the 1986-87 school year additional personnel whose primary duty is the daily classroom educational instruction of students.

(4) Allocations for classified salaries for the 1985-86 and 1986-87 school years shall be calculated by multiplying each district's average basic education classified salary allocation as defined in section 504 of this act by the district's formula-generated classified staff units determined as follows:

(a) One classified staff unit per each three certificated staff units determined under subsection (3) (a), (c), ~~((and))~~ (d), and (e) of this section;

(b) One classified staff unit for each sixty full time equivalent vocational students enrolled; and

(c) For each nonhigh school district with an enrollment of more than fifty annual average full time equivalent students and less than one hundred eighty students, an additional one-half of a classified staff unit.

(5) Fringe benefit allocations shall be calculated at a rate of 20.03 percent in the 1985-86 school year and 20.08 percent in the 1986-87 school year of certificated salary allocations provided pursuant to subsection (3) of this section, and a rate of 16.86 percent in the 1985-86 school year and 16.91 percent in the 1986-87 school year of classified salary allocations provided pursuant to subsection (4) of this section.

(6) Insurance benefit allocations for the 1985-86 and 1986-87 school years shall be calculated at a rate of \$167 per month for the number of certificated staff units determined in subsection (3) of this section and for the number of classified staff units determined in subsection (4) of this section multiplied by 1.152.

(7)(a) For nonemployee related costs with each certificated staff unit determined under subsection (3) (a), (c), ~~((and))~~ (d), and (e) of this section, there shall be provided a maximum of \$5,614 per staff unit in the 1985-86 school year and a maximum of \$5,833 per staff unit in the 1986-87 school year.

(b) For nonemployee related costs with each certificated staff unit determined under subsection (3)(b) of this section, there shall be provided a maximum of \$10,698 per staff unit in the 1985-86 school year and a maximum of \$11,115 per staff unit in the 1986-87 school year.

(8) Allocations for costs of substitutes for classroom teachers shall be provided at a rate of \$268 per full time equivalent basic education classroom teacher during the 1985-86 and 1986-87 school years.

(9) The superintendent shall distribute a maximum of \$3,010,000 outside the basic education formula during fiscal years 1986 and 1987 as follows:

(a) For fire protection for school districts located in a fire protection district as now or hereafter established pursuant to chapter 52.04 RCW, a maximum of \$320,000 may be expended in fiscal year 1986 and a maximum of \$342,000 in fiscal year 1987.

(b) For summer vocational programs at skills centers, not more than ~~\$(999,000)~~ 771,000 shall be expended in fiscal year 1986 and not more than \$1,077,000 in fiscal year 1987.

(c) For school district emergencies, a maximum of \$136,000 may be expended in fiscal year 1986 and a maximum of \$136,000 may be expended in fiscal year 1987.

(10) A maximum of \$125,000 shall be distributed to enhance funding provided in subsections (3) through (9) of this section in the 1986-87 school year for remote and necessary school plants on islands without scheduled public transportation which are the sole school plants serving students in elementary grades on these islands.

NEW SECTION. Sec. 503. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—RETIREMENT BENEFITS
General Fund—Revenue Accrual Account

Appropriation \$ 11,297,000'

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

(1) The superintendent shall distribute funds appropriated in this section in proportion to the state-supported classified salary allocation to each district.

(2) Funds appropriated in this section are intended to fully fund employer contributions to the public employees' retirement system.

Sec. 504. Section 504, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—SCHOOL DISTRICT EMPLOYEE COMPENSATION

General Fund Appropriation \$ 47,733,000

(1) For the purposes of section 503 of this act and this section, the following conditions and limitations apply:

(a) 'LEAP Document 7' means the computer tabulation of 1984-85 derived base salaries for basic education certified staff and 1984-85 average salaries for basic education classified staff, as developed by the legislative evaluation and accountability program committee on April 11, 1985, at 10:36 hours.

(b) 'Revised LEAP Document 7' means the computer tabulation of certificated and classified derived base salaries as developed by the legislative evaluation and accountability program committee on February 27, 1986, at 9:41 hours.

(c) For the purposes of the appropriation in section 502 of this 1986 act, each district's average basic education certificated salary allocation shall be the district's certificated derived base salary shown on LEAP Document 7, multiplied by the district's prior year staff mix factor calculated using LEAP Document 1.

~~((c))~~ (d) For the purposes of the appropriation in section 502 of this 1986 act, each district's average basic education classified salary allocation for both the 1985-86 and 1986-87 school years shall be the district's classified derived base salary multiplied by the district's prior year classified increment mix factor, as specified in this section. For the 1985-86 school year, the classified derived base salary for each district shall be the average classified salary specified for each district in LEAP Document 7 divided by the 1984-85 classified increment mix factor for each district calculated according to the formula used by the superintendent of public instruction in the 1984-85 school year. By December 1, 1985, the superintendent of public instruction shall provide to the legislative evaluation and accountability program committee the appropriate data with which to modify LEAP Document 7 to reflect the classified derived base salary for use in the 1986-87 school year.

(e) 'Incremental fringe benefits' means 19.44 percent for certificated staff and 15.49 percent for classified staff, which percentages shall be the fringe benefit rates applied to all salary increases provided in this section, and is for employer contributions to employee benefits and retirement benefits.

(2) For the purposes of RCW 28A.58.095 and section 503(1) of this act, the following conditions and limitations apply:

(a) Effective September 1, 1986, each school district is authorized to grant salary increases that increase the district's actual basic education certificated derived base salary to no more than the sum of: (i) The district's certificated derived base salary as shown on revised LEAP Document 7; and (ii) three percent of the state-wide average certificated derived base salary as shown on revised LEAP Document 7.

(b) Effective September 1, 1986, each school district is authorized to grant salary increases that increase the district's actual basic education classified derived base salary to no more than the sum of: (i) The district's classified derived base salary as shown on revised LEAP Document 7; and (ii) three percent of the state-wide average classified derived base salary as shown on revised LEAP Document 7.

(c) The maximum average percentage salary increase in school district programs other than the basic education program shall not exceed the percentage increase authorized pursuant to this section for the district's basic education program.

((b)) (d) Insurance benefits are limited by this act to an average monthly rate of \$167 per full time equivalent certificated employee and to an average monthly rate of \$167 per classified unit. Classified units shall be calculated on the basis of 1.440 hours of work per year, with no individual employee counted for more than one unit. In accordance with RCW 28A.58.095, this subsection relates to insurance benefit increases granted in either the 1985-86 or 1986-87 school year which would raise the rate per full time equivalent unit to over \$167 per month.

((c)) (e) Increments granted by school districts to certificated staff shall constitute salary increase in the year in which the increments are given by a district to the extent only that the aggregate of increments granted by a district exceeds the aggregate of increments pursuant to LEAP Document 1.

((d)) (f) Seniority increments granted by a school district pursuant to the district's salary schedule for classified employees shall constitute salary increase in the year in which the increments are given to the extent only that the aggregate of the increments granted by the district exceeds the amount of the district's increments calculated using the formula adopted by the superintendent of public instruction for the classified increment mix factor.

(g) Districts may elect an alternate measure of salary compliance for classified staff by comparing base salaries of 1986-87 staff to the imputed base that was or would have been paid the same staff in the same positions during 1985-86 if the districts electing this alternative certify by board resolution that any amount in excess of state-funded salary levels in each year henceforward is solely a district obligation created through local district personnel policies and salary schedule placements, and that the effect shall neither incur nor imply any current or future funding obligation by the state.

(3)(a) A maximum of \$650,000 of the appropriation in this section is provided to fund the conversion from LEAP Document 7 to revised LEAP Document 7, effective September 1, 1986. The superintendent of public instruction shall distribute these moneys to fund increases in salary costs and incremental fringe benefits resulting from using revised LEAP Document 7 to calculate allocations for certificated and classified staff units as in section 502 of this 1986 act.

(b) \$28,582,000 is provided, effective September 1, 1986, to increase funding for each basic education certificated staff unit allocated for the 1986-87 school year in section 502 of this 1986 act by an amount equal to the district's 1985-86 LEAP Document 1 basic education staff mix factor times three percent of the state-wide average certificated derived base salary as shown on revised LEAP Document 7, and for incremental fringe benefits.

(c) \$5,926,000 is provided, effective September 1, 1986, to increase funding for each basic education classified staff unit allocated for the 1986-87 school year in section 502 of this 1986 act by an amount equal to the district's 1985-86 basic education classified increment mix factor times three percent of the state-wide average classified derived base salary as shown on revised LEAP Document 7, and for incremental fringe benefits.

(d) A maximum of \$2,263,000 is provided for salary increases and incremental fringe benefits in the following programs, to be distributed by increasing 1986-87 school year allocation rates as specified:

(i) Transitional bilingual instruction (section 508), \$11.43 per pupil;

(ii) Remediation assistance (section 509), \$8.80 per pupil;

(iii) Education of highly capable students (section 510), \$6.77 per pupil;

(iv) Vocational-technical institutes (section 512), \$59.94 per FTE pupil;

(v) Pupil transportation (section 514), \$0.46 per weighted pupil-mile.

(e) A maximum of \$3,968,000 is provided for salary increases and incremental fringe benefits for state-supported staff unit allocations in the handicapped program (section 506), and for state-supported staff in educational service districts (section 502) and institutional education programs (section 507). The superintendent of public instruction shall distribute a three percent salary increase for these programs using the pertinent program state-wide average derived base salaries.

(f) \$6,344,000 of the appropriation in this section is provided to enhance salaries for certificated personnel in state-supported programs pursuant to this subsection. Each school district with a certificated derived base salary of less than \$16,500, as shown on revised LEAP Document 7, is authorized to grant salary increases effective September 1, 1986, which both:

(i) Increase the actual full time equivalent salary of each certificated employee of the district to a minimum of \$16,500 for the 1986-87 school year; and

(ii) Increase the district's actual basic education certificated derived base salary, excluding the salary increase provided in subsection (2)(a) of this section, to no more than \$16,500.

For the purposes of allocating basic education funds in the 1986-87 school year, the superintendent of public instruction shall modify revised LEAP Document 7 to reflect a certificated derived base salary of \$16,500 for each district which grants the increases authorized by this subsection. The superintendent of public instruction may distribute a maximum of \$71,000 of the funds provided by this subsection to those districts whose actual cost of granting minimum

increases to \$16,500 under (i) of this subsection exceeds the increase in the district's total salary allocation resulting from the modification of revised LEAP Document 7.

In addition to other increases provided by this section, each school district with a certificated derived base salary of at least \$16,500, as shown on revised LEAP Document 7, is authorized to grant such increases effective September 1, 1986, as are necessary to achieve a minimum full time equivalent salary of \$16,500 for any individual certificated employee, \$1,500,000, or so much thereof as may be necessary, shall be distributed by the superintendent of public instruction solely to increase salaries of individual certificated employees in these districts who would otherwise receive a full time equivalent salary of less than \$16,500.

(4) increases provided by this section shall be included in the programs referenced in RCW 84.52.0531(1) for purposes of calculating the levy lid.

Sec. 505. Section 506, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR HANDICAPPED EDUCATION PROGRAMS

General Fund Appropriation—State	\$	((355,371,000))
		362,380,000
General Fund Appropriation—Federal	\$	30,153,000
Total Appropriation	\$	((385,524,000))
		392,533,000

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

(1) ~~\$((32,235,000))~~ 32,120,000 of the general fund—state appropriation is provided solely for the remaining months of the 1984-85 school year.

(2) The superintendent of public instruction shall distribute state funds for the 1985-86 ~~((and 1986-87))~~ school year(s) in accordance with a district's actual handicapped enrollments and the allocation model established in ~~((new))~~ LEAP Document 8 as developed by the legislative evaluation and accountability program committee on May 28, 1985, at 14:04 hours.

(3) The superintendent of public instruction shall distribute state funds for the 1986-87 school year in accordance with a district's actual handicapped enrollments and the allocation model established in LEAP Document 8 (revised) as developed by the legislative evaluation and accountability program committee on December 10, 1985, at 9:45 hours.

(4) A maximum of \$250,840 may be expended from the general fund—state appropriation to fund three teachers and one aide at Children's Orthopedic Hospital and Medical Center. This amount is in lieu of money provided through home and hospital allocation and the handicapped program.

Sec. 506. Section 509, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR REMEDIATION ASSISTANCE

General Fund Appropriation	\$	((24,733,000))
		29,580,000

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

(1) \$2,644,000 is provided solely for the remaining months of the 1984-85 school year.

(2) Funding for school district remediation programs serving grades two through nine shall be distributed during the 1985-86 and 1986-87 school years at a maximum rate of \$337 per unit as calculated pursuant to this subsection. The number of units for each school district shall be the sum of: (a) The number of students enrolled in grades two through six in the district multiplied by the percentage of students taking the fourth grade basic skills test ~~((in the previous year))~~ who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages seven through eleven in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades two through six; and (b) the number of students enrolled in grades seven through nine in the district multiplied by the percentage of students taking the eighth grade basic skills test ~~((in the previous year))~~ who scored in the lowest quartile as compared to national norms, and then reduced to the extent that the number of students ages twelve through fourteen in the district who are identified as specific learning disabled and served through programs established pursuant to chapter 28A.13 RCW exceeds four percent of the district full time equivalent enrollment in grades seven through nine. For the purposes of allocating funds for the 1985-86 school year, the superintendent shall use the prior year's fourth and eighth grade basic skills test scores. For the purposes of allocating funds for the 1986-87 school year, the superintendent shall use the most recent prior five-year average scores on the fourth grade test and the most recent prior two-year average scores on the eighth grade test.

Sec. 507. Section 510, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PROGRAMS FOR HIGHLY CAPABLE STUDENTS

General Fund Appropriation	\$	((4,918,000))
		4,876,000

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

- (1) \$~~(488,000)~~ 400,000 is provided solely for distribution to school districts for the remaining months of the 1984-85 school year.
- (2) A maximum of \$~~(2,326,000)~~ 2,308,000 may be expended by school district programs for highly capable students during the 1985-86 school year, distributed at a maximum rate of \$326 per student for up to one percent of each district's 1985-86 full time equivalent enrollment.
- (3) A maximum of \$~~(2,391,000)~~ 2,365,000 may be expended in school district programs for highly capable students in the 1986-87 school year, at a maximum rate of \$330 per student for up to one percent of each district's 1986-87 full time equivalent enrollment.
- (4) A maximum of \$271,000 is provided to contract for an approved gifted program to be conducted at Fort Worden state park.

Sec. 508. Section 514, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR PUPIL TRANSPORTATION
 General Fund Appropriation \$ ~~(208,894,000)~~
 204,421,000

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

- (1) A maximum of \$~~(92,238,000)~~ 90,093,000 may be distributed for pupil transportation operating costs in the 1985-86 school year.
- (2) A maximum of \$755,000 may be expended for regional transportation coordinators.
- (3) A maximum of \$56,000 may be expended for bus driver training.

Sec. 509. Section 516, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION—FOR TRAFFIC SAFETY EDUCATION PROGRAMS
 General Fund—Public Safety
 and Education Account Appropriation \$ ~~(15,123,000)~~
 13,876,000

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

- (1) Not more than \$549,000 may be expended for regional traffic safety education coordinators.
- (2) If House Bill No. 1869 is not enacted before April 1, 1986, \$1,559,000 of the public safety and education account appropriation shall revert.

PART VI
 HIGHER EDUCATION

Sec. 601. Section 603, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

	FY 1986	FY 1987
General Fund Appropriation \$	218,702,000	(218,721,000) 218,852,000
Medical Aid Fund Appropriation \$	1,059,000	1,059,000
Accident Fund Appropriation \$	1,059,000	1,059,000
General Fund—Death Investigations		
Account Appropriation \$	335,000	379,000
Total Appropriation \$	(442,373,000) 442,504,000	

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

- (1) \$126,790,000 from the fiscal year 1986 general fund appropriation and \$126,791,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$4,281 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$1,829,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, a maximum of \$40,000 may be spent on activities related to federated learning centers.
- (2) A maximum of \$400,000 may be spent for costs of initiating in underserved urban areas those undergraduate programs that are intended to become substantially self-supporting. Full time equivalent enrollments resulting from expenditures under this subsection are not subject to the conditions of subsection (1) of this section. The university shall make every effort to provide the classes authorized in this subsection on the university campus.
- (3) The office of financial management shall initially allot for the following:
 - (a) Equipment \$8,318,000
 - (b) Plant operations and maintenance \$48,148,000
- (4) The salary increases for the faculty of the University of Washington~~(-effective)~~ which take effect January 1, 1986, may be granted solely to reduce critical market disparities in teaching disciplines. For the purposes of this subsection, 'faculty' means only those individuals holding faculty appointments in the instruction, research, public service, primary support, and sponsored research programs, including medical residents. The university shall report to the

office of financial management its plans for granting salary increases under this section, including but not limited to data on increases to specific disciplines by professorial rank by October 30, 1985. The office of financial management shall report to the ways and means committees of the senate and house of representatives regarding the specific criteria the university will use to measure market disparities in teaching disciplines and to allocate salary increases to reduce such disparities. The report shall be made no later than December 1, 1985.

(5) A maximum of \$25,000 from the general fund appropriation may be spent for the purpose of developing and/or operating a cardiac transplantation unit. The university shall provide a report to the senate and house ways and means committees on January 1, 1986, and January 1, 1987. The report shall detail total expenditures to date by fiscal year and by each fund source relating to the development and/or operation of the cardiac transplantation unit and shall include expenditures from all fund sources.

(6) A minimum of \$789,000 shall be spent for support of computer grants.

(7) \$131,000 of the general fund appropriation ((*) for fiscal year 1986 and \$131,000 of the general fund appropriation for fiscal year 1987 are provided solely for the handling of the papers of Senator Magnuson and Senator Jackson.

Sec. 602. Section 604, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR WASHINGTON STATE UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation \$	125,353,000	((124,940,000))
		<u>125,062,000</u>
Total Appropriation	\$((250,293,000))	
	<u>250,415,000</u>	

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

(1) \$55,330,000 from the fiscal year 1986 general fund appropriation and \$55,320,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$3,458 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$1,222,000 shall be spent for enhancement of the instructional equipment budget.

(2) The office of financial management shall initially allot for the following:

- (a) Equipment \$3,743,000
- (b) Plant operations and maintenance (09) \$33,092,000
- (c) Agriculture Research (021) \$23,573,000
- (d) Cooperative Extension (032) \$16,505,000

(3) A maximum of \$170,000 may be spent for continued funding of the endrin replacement project.

(4) The college of agriculture and home economics shall establish a plan for agricultural research projects and programs. The plan shall be developed in consultation with representatives of the state's agricultural industry. The plan shall identify the amount of funds allocated to or proposed to be allocated to the research projects and programs, by subject area, during each of fiscal years 1986 and 1987 and shall establish an order of priority for funding the various types and subject areas of agricultural research. The order of priority and funding shall reflect the current and future needs of Washington state agriculture and the process to coordinate with research of other land grant universities. The dean of the college shall submit the plan to the office of financial management and to the ways and means committees of the house of representatives and senate by January 1, 1986.

(5) The salary increases for the faculty of Washington State University, ((effective)) which take effect January 1, 1986, shall be granted solely to reduce critical market disparities in teaching disciplines. For the purposes of this subsection, 'faculty' means only those individuals holding faculty appointments in the instruction, research, public service, primary support, and sponsored research programs, including medical residents. The university shall report to the office of financial management its plans for granting salary increases under this section, including but not limited to data on increases to specific disciplines by professorial rank by October 30, 1985. The office of financial management shall report to the ways and means committees of the senate and house of representatives regarding the specific criteria the university will use to measure market disparities in teaching disciplines and to allocate salary increases to reduce such disparities. The report shall be made no later than December 1, 1985.

((*) (6) A maximum of \$1,165,000 may be spent on intercollegiate sports activities.

(7) \$122,000 of the fiscal year 1987 appropriation is provided solely to fund planned degree programs in business administration, education, and computer sciences at the South-west Washington joint center for education on the condition that the programs are reviewed and favorably recommended by the higher education coordinating board.

(8) Nothing in this section prevents expenditure for civic improvements.

Sec. 603. Section 605, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR EASTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation	\$ 36,274,000	35,293,000
Total Appropriation	\$71,567,000	

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

(1) ~~\$(18,912,000))~~ 18,435,000 from the fiscal year 1986 general fund appropriation and ~~\$(17,932,000))~~ 17,454,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of ~~\$(2,632))~~ 2,564 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$199,000 shall be spent for enhancement of the instructional equipment budget.

(2) A maximum of \$402,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment
- (b) Plant operations and maintenance

\$918,000
\$13,072,000

(4) A maximum of \$1,000,000 may be spent on intercollegiate sports activities.

Sec. 604. Section 607, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE EVERGREEN STATE COLLEGE

	FY 1986	FY 1987
General Fund Appropriation	\$ (16,768,000)	(16,875,000)
	<u>17,003,000</u>	<u>17,206,000</u>
Total Appropriation	\$ (33,643,000) 34,209,000	

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

(1) ~~\$(6,813,000))~~ 7,073,000 from the fiscal year 1986 general fund appropriation and ~~\$(7,007,000))~~ 7,273,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of ~~\$(2,831))~~ 2,797 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$132,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, at least \$582,000 shall be spent for enrollments in underserved urban areas.

(2) A maximum of \$130,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) \$20,000 is provided solely for fiscal year 1986 from the general fund appropriation for the Washington state institute for public policy to complete the Washington state minorities incarceration study using the staff of the University of Washington. \$15,000 of this amount is provided solely for increasing the number of sample counties in the study. \$5,000, or the amount equal to the unexpended balance of the 1983-85 appropriation for this purpose, is provided solely for continuation of the original study. The expanded study shall be presented to the legislature by November 1, 1985.

(4) ~~\$(75,000))~~ 50,000 of the fiscal year 1986 and \$45,000 of the fiscal year 1987 general fund appropriations (it) are provided solely for the institute of public policy to conduct a study using the staff of the school of business administration at the University of Washington to update the 1972 Washington input-output study. The study shall be completed and a report made to the senate and house ways and means committees by June 30, ~~((1986))~~ 1987.

(5) A maximum of \$40,000 from the general fund—state appropriation may be spent for matching funds as provided in this subsection. The Washington state center for the improvement of the quality of undergraduate instruction shall include The Evergreen State College, as a participant with other higher education institutions desiring to participate, in instructional program innovation through the establishment of federated learning centers. State funds shall be matched with cash matching funds to the greatest extent possible.

(6) The office of financial management shall initially allot for the following:

- (a) Equipment
- (b) Plant operations and maintenance

\$722,000
\$6,184,000

(7) A maximum of \$178,000 may be spent on intercollegiate sports activities.

(8) \$20,000 of the fiscal year 1987 appropriation is provided solely to the institute of public policy to conduct a study of social, economic, and demographic trends and their policy implications for the state of Washington.

Sec. 605. Section 608, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR WESTERN WASHINGTON UNIVERSITY

	FY 1986	FY 1987
General Fund Appropriation	\$ 38,731,000	(37,603,000)
Total Appropriation	\$ (76,333,000) 76,388,000	

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

(1) \$22,582,000 from the fiscal year 1986 general fund appropriation and \$21,442,000 from the fiscal year 1987 general fund appropriation are provided solely for the instruction program. Not less than a biennial average of \$2,668 per academic year full time equivalent student shall be spent from the state general fund in the instruction program. Of the amounts provided in this subsection, at least \$371,000 shall be spent for enhancement of the instructional equipment budget. Of the amounts provided in this subsection, a maximum of \$40,000 may be spent on activities related to federated learning centers.

(2) A maximum of \$407,000 may be spent for departmental research fellowships, limited to no more than three months per award.

(3) The office of financial management shall initially allot for the following:

- (a) Equipment \$1,991,000
- (b) Plant operations and maintenance \$9,752,000

(4) A maximum of \$395,000 may be spent on intercollegiate sports activities.

(5) \$54,000 of the general fund appropriation for fiscal year 1987 is provided solely for the Peoples Republic of China exchange training program: PROVIDED, That at least fifty percent of the expenses of the program shall be provided from nonappropriated and private fund sources.

NEW SECTION, Sec. 606. There is hereby appropriated from the general fund \$881,000 for fiscal year 1987 summer quarter support on the condition that the universities receiving this appropriation implement and collect summer quarter tuition fees at the same rates established for the regular academic quarter. This appropriation shall be disbursed according to the following schedule:

Central Washington University	\$295,000
Eastern Washington University	\$220,000
Western Washington University	\$366,000

Sec. 607, Section 609, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE ((COUNCIL FOR POSTSECONDARY EDUCATION)) HIGHER EDUCATION COORDINATING BOARD

	FY 1986	FY 1987
General Fund Appropriation—State	\$ (17,966,000)	\$ (17,967,000)
	17,166,000	18,917,000
General Fund Appropriation—Federal	1,817,000	1,817,000
State Educational Grant Appropriation	20,000	20,000
Total Appropriation	\$ (39,607,000)	
	39,757,000	

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

(1) No later than June 30, 1986, the ((council's)) board's first priority shall be to provide financial assistance to the core of students with extremely high unmet need. The ((council)) board shall adopt a definition for this group of students and provide financial aid for all such students at a standard to be established by the ((council)) board. To the greatest extent possible, the ((council)) board shall emphasize work study and other self-help programs in its financial assistance programs.

(2) The ((council)) board shall take all necessary management precautions to ensure that financial aid awards to individuals and institutions do not exceed the amounts provided in subsection (1) of this section. Any over-commitment of funds shall be paid directly from the funds provided for the coordination and policy analysis program until those funds are exhausted.

NEW SECTION, Sec. 608. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

General Fund Appropriation	\$ 1,729,000
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The appropriation in this section is subject to the following conditions and limitations:

(1) \$1,629,000 of the appropriation shall be expended solely to satisfy judgments and claims incurred from the deferral of faculty salary increases during the 1981-83 fiscal biennium. The appropriation shall be spent for all salary and interest costs incurred in fiscal year 1983. Additional costs related to the salary deferral but incurred after fiscal year 1983 shall be borne by the districts incurring such costs. Acceptance of the proceeds of this appropriation shall result in complete discharge of all claims of any nature whatsoever of all plaintiffs regarding the 1981-83 salary deferral.

(2) \$100,000 of this appropriation is provided solely to implement a pilot program for volunteer literacy tutorial coordination. The pilot program shall be jointly coordinated by the superintendent of public instruction and the state board for community college education with special emphasis on raising the potential of adult illiterates for permanent employment.

By January 1988, the superintendent of public instruction and the state board of community college education shall provide the appropriate legislative standing committees with a report on the educational history of students in adult literacy programs and in other publicly funded programs designed to provide adults with basic educational skills; the highest grade level

attained by students; the states where the students attended school; and the amount of time the students spent in Washington schools.

NEW SECTION. Sec. 609. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

The senate committee on education, the house of representatives committee on higher education, and the committees on ways and means of the senate and house of representatives shall conduct a study of higher education faculty salaries and shall make recommendations to the legislature by December 1, 1986.

PART VII
SPECIAL APPROPRIATIONS

Sec. 701. Section 701, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE GOVERNOR—EMERGENCY FUND

General Fund Appropriation—State \$ 1,700,000

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

(1) The appropriation is for the governor's emergency fund to be allocated for the carrying out of the critically necessary work of any agency.

(2) \$100,000 of this appropriation may be spent for law enforcement and social service problems arising from Expo '86.

Sec. 702. Section 702, chapter 6, Laws of 1985 ex. sess. as amended by section 1, chapter 1, Laws of 1986 (uncodified) is amended to read as follows:

FOR THE GOVERNOR—COMPARABLE WORTH IMPLEMENTATION AND LAWSUIT

General Fund Appropriation \$ 26,790,000

Special Fund Salary Increase

Revolving Fund Appropriation \$ 19,120,000

Total Appropriation \$ 45,910,000

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

(1) \$644,500 of the general fund appropriation and \$326,250 of the special fund salary increase revolving fund appropriation are provided solely for a salary increase for those job classifications tied to salary survey benchmarks falling 8 ranges or more below the January 1, 1985, actual average comparable worth line as calculated under the formula of $\$983.72 + (\$3.28 \times \text{points})$ and rounded to the nearest Step G or equivalent step for shortened ranges. However, a job classification shall receive an increase only if its salary range as of January 1, 1985, is also 8 or more ranges less than the salary range of that classification as calculated under the aforementioned formula using the evaluation points of that classification as adopted by the respective personnel board. This adjustment shall take place July 1, 1985, and shall equal \$75 a year for all affected classes and employees and shall terminate on March 30, 1986.

(2) \$350,000 of the general fund—state appropriation shall be used solely by the office of the governor to hire an independent consultant with expertise in developing and evaluating public employee job classification systems and implementing comparable worth. The consultant shall:

(a) Review the Willis methodology;

(b) Update job class specifications for all job classes with incumbents that have not been reviewed for the past five years;

(c) Develop a new benchmark and indexing structure which reflects the evaluated worth of the job classes; and

(d) Evaluate the job class specifications for the implementation of comparable worth.

(3) The department of personnel and the higher education personnel board shall provide any assistance needed by the consultant to perform the activities in subsection (2) of this section. Both the state personnel board and higher education personnel board must submit joint reports to the legislature on the progress to date in implementing the consultant's recommendations no later than January 1, 1986, and July 1, 1986. On January 1, 1987, both boards shall submit a final report to the legislature.

(4) \$150,000 of the general fund—state appropriation and \$100,000 of the special fund salary increase revolving fund appropriation shall be used solely for the office of the governor to allocate to agencies that provide technical assistance to the consultant hired under subsection (2) of this section.

(5) \$25,545,500 of the general fund appropriation and ~~\$(18,793,750)~~ 18,693,750 of the special fund salary increase revolving fund appropriation, along with all moneys currently included in agencies' budgets for payment of the \$100 per year comparable worth salary increase pursuant to chapter 76, Laws of 1983 1st ex. sess., are provided for the settlement of all claims of all plaintiffs and class members of American Federation of State, County, and Municipal Employees, et al. v. State of Washington, et al., Cause Nos. C82-4657, 84-3569, and 84-3590 and the implementation of comparable worth pursuant to RCW 28B.16.116 and RCW 41.06.155. The settlement shall result in complete discharge of all claims of any nature whatsoever of all plaintiffs and class members. It is the intent of the legislature that salary adjustments for affected class members not exceed the adjustment calculated using the average actual comparable worth salary line as applied to the Willis evaluation points of the affected job classification and

adopted by the state personnel board and the higher education personnel board: PROVIDED, That on or before the dates on which comparable worth increases become effective, the higher education personnel board shall review the salaries of all job classifications receiving comparable worth increases which are also receiving special pay to determine whether the requirements of WAC 251-09-090 continue to be met and shall make any reductions in special pay necessary to adjust for the increases in base pay resulting from comparable worth adjustments. The governor as the chief executive officer of the state, with the assistance of the attorney general, is authorized to seek a proposed settlement. However, any such settlement is tentative and subject to legislative ratification. \$100,000 of the general fund appropriation is provided solely for the office of the governor to retain any special consultants or negotiators to work with the attorney general in seeking a settlement of American Federation of State, County, and Municipal Employees, et al. v. State of Washington, et al., within the terms of the appropriation as set out in this subsection. If a tentative settlement is reached within the terms of the appropriation within this subsection, the governor and the attorney general shall jointly present a report on the tentative settlement to the legislature no later than January 1, 1986, for ratification. No funds shall be released before April 1, 1986, or until such time as stipulated final judgment is entered under the terms of the tentative settlement ratified by the legislature, whichever is later. The appropriation provided for settlement in this subsection shall lapse if no proposal is brought before the legislature before January 1, 1986, if the tentative settlement brought before the legislature is not ratified by the legislature during the 1986 legislative session, or if stipulated final judgment is not entered before June 30, 1986.

(6) The department of personnel and the higher education personnel board shall provide monthly reports to the legislative evaluation and accountability program committee regarding the steps each has taken, or proposes to take, to implement the settlement agreement referred to in subsection (5) of this section. The reports will include information on all disputes or potential disputes regarding implementation which have been brought to the attention of the two agencies.

The legislative evaluation and accountability program committee shall report to the legislature regarding the implementation steps taken by, and potential disputes facing, the department of personnel and the higher education personnel board. Such reports shall be provided as often as deemed necessary by the committee, but no later than June 1, 1986, December 1, 1986, and April 1, 1987.

(7) The department of personnel and the higher education personnel board shall report to the legislature by January 1, 1986, with a report identifying those job classifications not covered by the lawsuit that would be entitled to receive adjustments under the average actual comparable worth line. The report shall include recommendations regarding implementation of comparable worth adjustments for these affected job classes.

(8) To facilitate payment of salary increases from special funds, the state treasurer is directed to transfer sufficient income from each special fund to the special fund salary and insurance contribution increase revolving fund hereby created in accordance with schedules provided by the office of financial management.

NEW SECTION, Sec. 703. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE GOVERNOR—COMPENSATION INCREASES

The appropriations in this section, or so much thereof as may be necessary, shall be expended exclusively for the purposes designated in this section and are subject to the conditions and limitations specified in this section.

(1) There is appropriated for department of personnel classified and exempt employees and higher education personnel board classified employees a 2.5 percent or \$50 per month, whichever is greater, salary increase for all job classes effective September 1, 1986. This increase will be implemented in compliance and conformity with all requirements of the comparable worth agreement ratified by 1986 Senate Concurrent Resolution No. 126. Those job classifications which received the 1984 \$100 per year comparable worth salary increase but are not entitled to an adjustment pursuant to the comparable worth agreement shall continue to receive that salary increase, with the increase being credited against what is authorized in this subsection as a general salary increase effective September 1, 1986.

General Fund Appropriation—State	\$	15,952,000
General Fund Appropriation—Federal	\$	3,612,000
Special Fund Salary Increase Revolving Fund Appropriation	\$	7,855,000
Total Appropriation	\$	27,419,000

(2) There is appropriated for higher education graduate assistants a three percent salary increase effective September 1, 1986.

General Fund Appropriation—State	\$	397,000
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(3) There is appropriated for faculty and exempt employees of the four-year institutions of higher education a three percent salary increase effective September 1, 1986: PROVIDED, That no institution may grant from any fund source whatsoever any salary increases greater than that provided in this subsection.

General Fund Appropriation	\$	6,267,000
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Special Fund Salary Increase Revolving Fund Appropriation	\$	30,000
Total Appropriation	\$	6,297,000

(4) There is appropriated for all faculty and exempt employees of the state board for community colleges, a three percent salary increase effective September 1, 1986: PROVIDED, That no community college district may grant from any fund source whatsoever any salary increase greater than provided in this section, and that the salary increase authorized in this section shall be calculated using the fiscal year 1984-85 salary base.

General Fund Appropriation	\$	3,948,000
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(5) There is appropriated for commissioned officers of the Washington state patrol a five percent salary increase effective July 1, 1986.

General Fund Appropriation	\$	92,000
Motor Vehicle—State Patrol Highway Account Appropriation	\$	1,492,000
Total Appropriation	\$	1,584,000

Sec. 704. Section 706, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE DEPARTMENT OF RETIREMENT SYSTEMS—LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT CONTRIBUTIONS

	FY 1986	FY 1987
General Fund Appropriation	\$ 143,000,000	((143,000,000)) 133,895,059
General Fund—Revenue Accrual Account Appropriation		9,104,941
Total Appropriation	\$286,000,000	

The appropriations in this section are subject to the following conditions and limitations: The appropriations in this section shall be transferred on a quarterly basis.

(1) \$27,500,000 of the fiscal year 1986 appropriation and \$27,500,000 of the fiscal year 1987 appropriation are provided solely for payment for unfunded liability of the law enforcement officers' and fire fighters' retirement system.

(2) The fiscal year 1986 appropriation for unfunded liability shall be transferred to the department of retirement systems on a quarterly basis. The fiscal year 1987 appropriation for unfunded liability shall be transferred to the department of retirement systems on a quarterly basis.

NEW SECTION. Sec. 705. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR THE STATE TREASURER—TRANSFERS

General Fund Appropriation: For transfer to the Washington Distinguished Professorship Trust Fund pursuant to RCW 28B.10.860 through 28B.10.865	\$	750,000
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NEW SECTION. Sec. 706. A new section is added to chapter 6, Laws of 1985 ex. sess. to read as follows:

FOR SUNDRY CLAIMS

The following sums, or so much thereof as are necessary, are appropriated from the general fund, unless otherwise indicated, for the payment of court judgments and for relief of various individuals, firms, and corporations for sundry claims. These appropriations are to be disbursed on vouchers approved by the director of financial management, except as otherwise provided, as follows:

- | | | |
|---|----|-----------|
| (1) In settlement of all claims for expenses in State v. Johnson, Superior Court for Chelan County, Judgment No. 85-1-00020-1, pursuant to RCW 9.01.200, including interest | \$ | 17,345.16 |
| (2) In settlement of all claims for expenses in State v. Negrin, Superior Court for Island County, Judgment No. 85-1-000308, pursuant to RCW 9.01.200, including interest | \$ | 42,121.18 |
| (3) In settlement of all claims for expenses in State v. Dowd, Superior Court for Snohomish County, Judgment No. 84-1-00630-1, pursuant to RCW 9.01.200, including interest | \$ | 8,122.97 |
| (4) In settlement of all claims for expenses in State v. Ford, Superior Court for Snohomish County, Judgment No. 85-1-00105-7, pursuant to RCW 9.01.200, including interest | \$ | 6,508.84 |
| (5) In settlement of all claims for expenses in Seattle v. Semaan, Municipal Court of Seattle, Judgment No. 85-2180747, pursuant to RCW 9.01.200, including interest | \$ | 1,348.19 |
| (6) In settlement of all claims for expenses in Garden v. State, Superior Court for King County, Judgment No. 84-2-00837-7, pursuant to RCW 9.01.200, including interest | \$ | 8,090.33 |
| (7) In settlement of all claims for expenses in Seattle v. Myer, Municipal Court of Seattle, Judgment No. 85-1260767, pursuant to RCW 9.01.200, including interest | \$ | 1,455.68 |
| (8) In settlement of all claims for expenses in State v. Davis, Superior Court for Mason County, Judgment No. 4146444 and Judgment | | |

No. 85-1-90-1, both pursuant to RCW 9.01.200, including interest	\$	14,718.90
(9) In settlement of all claims for expenses in State v. Sloan, Superior Court for Chelan County, Judgment No. 85-1-00147-9, pursuant to RCW 9.01.200, including interest	\$	14,721.81
(10) In settlement of all claims for expenses in State v. Kinyon, Superior Court for Benton County, Judgment No. 85-1-00241-9, pursuant to RCW 9.01.200, including interest	\$	33,859.02
(11) In settlement of all claims for expenses in State v. Brosseau, Superior Court for Clark County, Order of Dismissal No. 84-1-00620-0, pursuant to RCW 9.01.200, including interest	\$	15,835.07
(12) To the department of social and health services, in settlement of all claims in Family Medical Building, Inc. v. State, Superior Court for Okanogan County, Stipulated Judgment No. 23937: PROVIDED, That \$104,000 of this appropriation shall be from federal funds	\$	260,000.00
(13) Compensation to the following for all pending claims of damage to crops by game: PROVIDED, That payment shall be made from the Game Fund:		
(a) Ted Richert	\$	346.42
(b) Keith Schober	\$	1,700.00

Sec. 707, Section 711, chapter 6, Laws of 1985 ex. sess. (uncodified) is amended to read as follows:

FOR THE STATE TREASURER—STATE REVENUES FOR DISTRIBUTION		
General Fund Appropriation for fire insurance premiums tax distribution	\$	((4,337,900)) 3,599,171
General Fund Appropriation for public utility district excise tax distribution	\$	((21,932,000)) 22,129,000
General Fund Appropriation for prosecuting attorneys' salaries	\$	1,708,071
General Fund Appropriation for motor vehicle excise tax distribution	\$	((43,415,000)) 45,955,000
General Fund Appropriation for local mass transit assistance	\$	((136,800,000)) 138,500,000
General Fund Appropriation for camper and travel trailer excise tax distribution	\$	((1,263,292)) 1,712,190
General Fund—(Harbor Improvement) Aquatic Lands Enhancement Account Appropriation for (harbor improvement) aquatic lands revenue distribution	\$	((22,073)) 56,100
Liquor Excise Tax Fund Appropriation for liquor excise tax distribution	\$	((18,778,000)) 17,881,633
Motor Vehicle Fund Appropriation for motor vehicle fuel tax (and overload penalties) distribution	\$	((269,336,034)) 257,401,676
Liquor Revolving Fund Appropriation for liquor profits distribution	\$	((44,000,000)) 41,000,000
General Fund—Timber Tax Distribution Account Appropriation for distribution to 'Timber' counties	\$	((37,760,000)) 36,890,000
General Fund—Municipal Sales and Use Tax Equalization Account Appropriation	\$	((23,378,000)) 24,745,000
General Fund—County Sales and Use Tax Equalization Account Appropriation	\$	((7,858,000)) 8,300,000
General Fund—Death Investigations Account Appropriation for distribution to counties for public funded autopsies	\$	((200,000)) 480,000
Total Appropriation	\$	((610,788,378)) 600,357,841

PART VIII
CAPITAL PROJECTS

NEW SECTION. Sec. 801. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

To conduct a feasibility study of an economic development project in the city of Tacoma.

	Reappropriation	Appropriation
GF, St Bldg Constr Acct		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		100,000

The appropriation in this section is subject to the following conditions and limitations: Before expending funds under this section, the department shall secure an option or agreement to purchase project property at a fixed price. This option may be secured directly by the state or by agreement with the city of Tacoma in the event that the city secures a direct option.

NEW SECTION, Sec. 802. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

Property acquisition option to be negotiated on behalf of the state for an extension of Ft. Steilacoom Community College.

	Reappropriation	Appropriation
GF, CEP & RI Acct		300,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		300,000

NEW SECTION, Sec. 803. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Provide parking and road improvements for public and constituent use at 16th Avenue and Cherry Street in Olympia to accommodate up to 375 vehicles, to be completed by January 1, 1987: PROVIDED, That the parking area authorized in this section will be used for displaced parking if a natural resources facility is constructed on the east capitol campus: PROVIDED FURTHER, That amounts not needed for the purposes of this section may be spent for purposes provided in section 804 of this 1986 act.

	Reappropriation	Appropriation
GF, Cap Bldg Constr Acct		400,000
GF, Cap Purch & Dev Acct		1,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		1,400,000

NEW SECTION, Sec. 804. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF TRANSPORTATION

Provide road and traffic control and operational improvements at I-5, Exit 105 and Jefferson/Cherry Streets, to be completed by January 1, 1987.

	Reappropriation	Appropriation
Motor Vehicle Fund		600,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		600,000

Sec. 805. Section 256, chapter 373, Laws of 1985 (uncodified) is amended to read as follows: FOR THE DEPARTMENT OF CORRECTIONS

State-wide code compliance: Transformers (PCB) (CR-86-1-012)

	Reappropriation	Appropriation
GF, St Fac Renew Acct		100,000
GF, CEP & RI Acct		100,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	((400,000))	500,000
	300,000	

NEW SECTION, Sec. 806. A new section is added to chapter 373, Laws of 1985 to read as follows:

DEPARTMENT OF CORRECTIONS

The department of corrections shall develop a six-year plan for its institutional industries programs. The six-year institutional industries plan shall be separate but compatible with the agency's six-year capital plan as submitted to the governor for inclusion in the governor's state facilities and capital plan. The institutional industry plan shall include but not be limited to the identification of proposed new programs or expansion/reduction of existing programs, the numbers of estimated jobs created or lost, cost estimates of new construction/renovation, and related equipment and related operating cost estimates. The six-year institutional industries plan shall be submitted to the office of financial management in conjunction with its annual capital budget request.

NEW SECTION. Sec. 807. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Construction of a movable tall ships tourist attraction in cooperation with the Grays Harbor tall ships restoration society. This appropriation is contingent on the issuance of general obligation bonds of \$500,000 by Grays Harbor county or any city or municipal entity within Grays Harbor county for the purpose of this tourist attraction.

		Reappropriation	Appropriation
General Fund			500,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
			500,000

NEW SECTION. Sec. 808. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF COMMUNITY DEVELOPMENT

Low-income refugee housing projects

		Reappropriation	Appropriation
General Fund			700,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
			700,000

The appropriation in this section is provided solely for matching funds to local governments, nonprofit agencies, or other municipal corporations, except housing authorities, for a housing project to be primarily occupied by low-income refugee families or individuals. The housing project may be located only in a county in which at least ten percent of refugees receiving income assistance from the department of social and health services reside. Local government matching funds for these moneys shall not include federal or other state housing funds or costs for administering funds provided under this section. Expenditure of these funds shall be limited to acquisition, new construction, renovation, or other development costs.

NEW SECTION. Sec. 809. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE STATE PARKS AND RECREATION COMMISSION

Nalley Valley Farm earnest money (Skokomish River Delta)

		Reappropriation	Appropriation
General Fund			50,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/87 and	Costs
	6/30/85	Thereafter	
			50,000

The appropriation in this section is subject to the following conditions and limitations: This appropriation shall only be expended when the department of community development evaluation of the site use is completed and recommends purchase. The earnest money shall be returned to the general fund if the property purchase is not contained in the 1987 capital budget.

NEW SECTION. Sec. 810. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF FISHERIES

Adult holding and spawning: Wishkah River

		Reappropriation	Appropriation
GF, Sal Enhmt Constr Acct			300,000
	Project	Estimated	Estimated
	Costs	Costs	Total
	Through	7/1/86 and	Costs

1/1/86

Thereafter

300,000

300,000

The appropriation in this section shall lapse if substantial progress has not been made in a timely manner as determined by the office of financial management.

NEW SECTION. Sec. 811. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GAME

Migratory Waterfowl Habitat Projects (CI-87-3-034)

	Reappropriation	Appropriation
State Game Fund		330,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		330,000

NEW SECTION. Sec. 812. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE DEPARTMENT OF GAME

Barnaby Slough steelhead rearing pond

	Reappropriation	Appropriation
General Fund		210,000
Game Fund—Federal		210,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		420,000

The appropriation in this section is subject to the following conditions and limitations: Expenditures of general fund moneys under this section shall not exceed expenditures of game fund—federal moneys under this section. If Initiative 90 is approved by the voters at the 1986 general election, the state treasurer shall transfer from the game fund to the general fund an amount equal to the total general fund expenditure under this section.

Sec. 813. Section 591, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE STATE CONVENTION AND TRADE CENTER

Washington State Convention and Trade Center (CI-83-R-001)

	Reappropriation	Appropriation
GF. Convention Center Acct	((85-418-000))	
	<u>85,874,334</u>	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
((10,832,000))		96,250,000
<u>10,375,666</u>		

Sec. 814. Section 312, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Design of the heavy equipment building: Grays Harbor (CI-86-3-L04)

	Reappropriation	Appropriation
GF. St H Ed Constr Acct		60,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
	((755,000))	755,000
	<u>695,000</u>	

NEW SECTION. Sec. 815. A new section is added to chapter 373, Laws of 1985 to read as follows:

FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

Lower Columbia roof repairs

	Reappropriation	Appropriation
GF. St H Ed Constr Acct	9,150	
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
1,237,650		1,246,800

Sec. 816. Section 374, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

FOR THE UNIVERSITY OF WASHINGTON

((Fisheries renovation)) To provide for occupancy code requirement repairs to the existing Fisheries Building, and to design and construct an addition to the Marine Institute Building or a stand-alone facility (CR-86-1-014)

	Reappropriation	Appropriation
GF, St H Ed Constr Acct		6,000,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		6,000,000

Sec. 817. Section 201, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:
 FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES
 Referendum 37 projects (CI-79-3-R01)

Approve, construct, renovate, and equip facilities for the care, training, and rehabilitation of persons with physical or mental handicaps, involving ~~((eleven)) four projects~~ ~~((of which two are reductions in scope from prior legislative approval))~~. Moneys allocated to a project under this section shall revert for reallocation if the final application for the project has not been submitted by December 31, ~~((1985)) 1986~~, and approved by March 31, ~~((1986)) 1987~~.

	Reappropriation	Appropriation
GF, Hndcp Fac Constr Acct	4,242,000	<u>115,126</u>
GF, LIRA, DSHS Fac		90,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
((20,758,000))		25,090,000
<u>20,642,000</u>		

NEW SECTION. Sec. 818. A new section is added to chapter 373, Laws of 1985 (uncodified) to read as follows:

FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

Construct administrative and support space for the close-to-home living unit for mentally ill children, Pearl Street facility, Referendum 29 projects (CR-86-1-R03)

	Reappropriation	Appropriation
GF, LIRA, DSHS Fac		78,000
Project	Estimated	Estimated
Costs	Costs	Total
Through	7/1/87 and	Costs
6/30/85	Thereafter	
		78,000

Sec. 819. Section 716, chapter 373, Laws of 1985 (uncodified) is amended to read as follows:

(1) A maximum of ~~\$((21,800,000)) 148,400,000~~ of the appropriations and reappropriations provided in sections 301 through 309 of this act may be disbursed during the 1985-87 biennium.

(2) Reappropriations in sections 301 through 305 of this act are reauthorizations of appropriations from section 887, chapter 57, Laws of 1983 1st ex. sess. Proceeds of the sale of bonds authorized by chapter 266, Laws of 1984 may be used for the support of these projects.

PART IX
 MISCELLANEOUS

Sec. 901. Section 4, chapter 39, Laws of 1970 ex. sess. as last amended by section 24, chapter 57, Laws of 1985 and RCW 41.05.040 are each amended to read as follows:

There is hereby created a fund within the state treasury, designated as the 'state employees insurance fund', to be used by the trustee as a revolving fund for the deposit of contributions, dividends and refunds, and for payment of premiums for employee insurance benefit contracts entered into in accordance with instructions of the board and payments authorized by RCW 41.05.030(2). Moneys from the state employees insurance fund shall be disbursed by the state treasurer by warrants on vouchers duly authorized by the trustee. However, before June 30, 1987, the treasurer shall not disburse moneys from the fund when the disbursement would result in a fund balance of less than \$11,597,000. Notwithstanding RCW 43.84.090, all earnings of investments of balances in the state employees insurance fund shall be credited to this fund.

Sec. 902. Section 12, chapter 167, Laws of 1975 1st ex. sess. as amended by section 28, chapter 57, Laws of 1985 and by section 507, chapter 405, Laws of 1985 and RCW 43.19.610 are each reenacted and amended to read as follows:

There is hereby established in the state treasury an account to be known as the motor transport account into which shall be paid all moneys, funds, proceeds, and receipts as provided in RCW 43.19.615 and as may otherwise be provided by law. Disbursements therefrom shall be made in accordance with the provisions of RCW 43.19.560 through 43.19.630, 43.41.130 and 43.41.140 as authorized by the director or his duly authorized representative and as may

be provided by law. All earnings of investments of balances in the motor transport account shall be credited to the general fund.

The ~~((office of financial management may direct the))~~ state treasurer ~~((to))~~ shall transfer to the general fund ~~((an amount not to exceed \$1,500,000))~~ two million dollars from the motor transport account ~~((for the 1983-85 fiscal biennium))~~ on or before June 30, 1987.

NEW SECTION. Sec. 903. The state treasurer shall transfer to the general fund \$1,500,000 from the public facilities construction loan and grant revolving account on or before June 30, 1987.

NEW SECTION. Sec. 904. Section 3, chapter 50, Laws of 1984 (uncodified) is repealed.

NEW SECTION. Sec. 905. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 906. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "fiscal matters," strike the remainder of the title and insert "amending RCW 41.05.040; amending section 110, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 121, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 123, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 127, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 129, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 134, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 130, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 143, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 201, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 203, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 205, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 206, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 207, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 208, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 211, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 213, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 214, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 215, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 217, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 221, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 222, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 223, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 224, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 226, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 228, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 301, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 303, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 310, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 312, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 314, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 315, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 401, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 402, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 10, chapter 460, Laws of 1985 ex. sess. (uncodified); amending section 501, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 503, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 504, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 506, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 509, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 514, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 516, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 603, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 604, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 605, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 607, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 608, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 609, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 701, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 702, chapter 6, Laws of 1985 ex. sess. as amended by section 1, chapter 1, Laws of 1986 (uncodified); amending section 706, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 711, chapter 6, Laws of 1985 ex. sess. (uncodified); amending section 201, chapter 373, Laws of 1985 (uncodified); amending section 256, chapter 373, Laws of 1985 (uncodified); amending section 312, chapter 373, Laws of 1985 (uncodified); amending section 591, chapter 373, Laws of 1985 (uncodified); amending section 374, chapter 373, Laws of 1985 (uncodified); amending section 716, chapter 373, Laws of 1985 (uncodified); reenacting and amending RCW 43.19.610; adding new sections to chapter 373, Laws of 1985; adding new sections to chapter 6, Laws of 1985 ex. sess.; creating new sections; repealing section 3, chapter 50, Laws of 1984 (uncodified); making appropriations; and declaring an emergency."

Signed by Senators McDermott, Gaspard; Representatives Grimm, Braddock.

MOTION

Mr. Grimm moved that the House adopt the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4762.

POINT OF ORDER

Mr. B. Williams: "Mr. Speaker, I wish to raise a point of order regarding new section 904 on scope and object."

SPEAKER'S RULING

The Speaker: "Representative Williams, the Speaker has examined the title of the bill, which is 'An Act Relating to state fiscal matters....' The Speaker has also examined Joint Rule 8, Free Conference requests. 'In case of failure for the conferees to agree on matters directly at issue between the two houses, the committee may' in addition consider new proposed items within the scope and object of the title of the bill in conference for the purpose of requesting the powers of free conference. A report requesting the powers of free conference shall be made in the same manner as other reports of conference committees and shall set forth the proposed report of free conference committee, including all amendments to the bill or resolution to be agreed upon by the free conference committee. The proposed report may be in the form of a new bill or resolution and such report must have the signatures of a majority of the members of the committee appointed from each house.' Representative Williams, after examining both the Free Conference Report as well as the specific section you have referred to, the Speaker believes that it is within the scope and object of the bill."

POINT OF PARLIAMENTARY INQUIRY

Mr. B. Williams: "Since this bill before us is uncodified, what happens at the end of the biennium to the section of law that it is amending?"

The Speaker: "Representative Williams, without the direction from the legislature, the Code Reviser has the authority to determine for the Session Laws what is codified and what is not."

Mr. B. Williams spoke against the motion.

The motion was carried.

FINAL PASSAGE OF SENATE BILL AS AMENDED
BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill NO. 4762 as amended by Free Conference Committee.

Mr. B. Williams spoke against passage of the bill, and Mr. Grimm spoke in favor of it.

POINT OF INQUIRY

Mr. Grimm yielded to question by Mr. Day.

Mr. Day: "Representative Grimm, the biennial operating budget prohibits the State Employees' Insurance Board from increasing benefit levels beyond the level that existed on July 1, 1985. Would SEIB compliance with SSB 4531 and ESSB 4762 be viewed as an expansion of benefits beyond the July 1, 1986 level?"

Mr. Grimm: "No."

POINT OF INQUIRY

Mr. Grimm yielded to question by Ms. Rayburn.

Ms. Rayburn: "Representative Grimm, is it your understanding that the biennial budget for Washington State University included sufficient funds to continue the Yakima Nursing Center through both the years of the 1985-87 biennium?"

Mr. Grimm: "We appropriated over \$250 million to Washington State University for the biennium starting July 1, 1985. While we did not specifically in the budget earmark funds for the Yakima Nursing Center, it was and is my understanding and intention that WSU received sufficient funding to continue operation of the Yakima Nursing Center throughout the current biennium. This contention and understanding on my part is supported by debate which occurred on the budget in the Senate at the time the biennial budget was adopted in June of last year."

POINT OF INQUIRY

Mr. Grimm yielded to question by Mr. Tilly.

Mr. Tilly: "Representative Grimm, on that last question from the Representative from the 16th District regarding the medical program at Yakima Valley College, would that be part of our budget notes, that that funding would be continued through Washington State University?"

Mr. Grimm: "It is my understanding that it would be and it would also be a part of the Journal, which is, in fact, of overriding significance as far as expression of legislative intent."

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4762 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 55; nays, 43.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lundquist, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 55.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Cole, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Mary, Miller, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 43.

Engrossed Substitute Senate Bill No. 4762 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 7:30 p.m.

EVENING SESSION

The Speaker (Mr. O'Brien presiding) called the House to order at 7:30 p.m.

MESSAGES FROM THE SENATE

April 10, 1986

Mr. Speaker:

The President has signed:

SECOND SUBSTITUTE HOUSE BILL NO.	136,
SUBSTITUTE HOUSE BILL NO.	205,
HOUSE BILL NO.	244,
SUBSTITUTE HOUSE BILL NO.	355,
HOUSE BILL NO.	507,
SUBSTITUTE HOUSE BILL NO.	594,
SUBSTITUTE HOUSE BILL NO.	614,
SUBSTITUTE HOUSE BILL NO.	1177,
SUBSTITUTE HOUSE BILL NO.	1270,
SUBSTITUTE HOUSE BILL NO.	1333,
SUBSTITUTE HOUSE BILL NO.	1349,
SUBSTITUTE HOUSE BILL NO.	1355,
SUBSTITUTE HOUSE BILL NO.	1356,
SUBSTITUTE HOUSE BILL NO.	1363,
SUBSTITUTE HOUSE BILL NO.	1382,
SUBSTITUTE HOUSE BILL NO.	1388,
HOUSE BILL NO.	1393,
SUBSTITUTE HOUSE BILL NO.	1400,
SUBSTITUTE HOUSE BILL NO.	1433,
HOUSE BILL NO.	1486,

SUBSTITUTE HOUSE BILL NO. 1495,
 SUBSTITUTE HOUSE BILL NO. 1545,
 SUBSTITUTE HOUSE BILL NO. 1624,
 HOUSE BILL NO. 1652,
 HOUSE BILL NO. 1725,
 SUBSTITUTE HOUSE BILL NO. 1726,
 SUBSTITUTE HOUSE BILL NO. 1762,
 HOUSE BILL NO. 1763,
 SUBSTITUTE HOUSE BILL NO. 1838,
 SUBSTITUTE HOUSE BILL NO. 1869,
 HOUSE BILL NO. 1899,
 HOUSE BILL NO. 1954,
 HOUSE BILL NO. 1962,
 SUBSTITUTE HOUSE BILL NO. 1967,
 SECOND SUBSTITUTE SENATE BILL NO. 3574,
 SUBSTITUTE SENATE BILL NO. 3948,
 SUBSTITUTE SENATE BILL NO. 4497,
 SUBSTITUTE SENATE BILL NO. 4503,
 SUBSTITUTE SENATE BILL NO. 4536,
 SENATE BILL NO. 4537,
 SUBSTITUTE SENATE BILL NO. 4547,
 SUBSTITUTE SENATE BILL NO. 4572,
 SENATE BILL NO. 4620,
 SENATE BILL NO. 4675,
 SENATE BILL NO. 4681,
 SENATE BILL NO. 4693,
 SENATE BILL NO. 4712,
 SUBSTITUTE SENATE BILL NO. 4722,
 SUBSTITUTE SENATE BILL NO. 4724,
 SENATE BILL NO. 4749,
 SUBSTITUTE SENATE BILL NO. 4766,
 SUBSTITUTE SENATE BILL NO. 4769,
 SUBSTITUTE SENATE BILL NO. 4783,
 SUBSTITUTE SENATE BILL NO. 4790,
 SUBSTITUTE SENATE BILL NO. 4815,
 SUBSTITUTE SENATE BILL NO. 4888,
 SENATE BILL NO. 4891,
 SUBSTITUTE SENATE BILL NO. 4897,
 SUBSTITUTE SENATE BILL NO. 4898,
 SUBSTITUTE SENATE BILL NO. 5044.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, and the President has appointed the following members as conferees: Senators Warnke, Vognild, McDonald.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1399, and the President has appointed the following members as conferees: Senators Talmadge, Halsan, Newhouse.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598, and the President has appointed the following members as conferees: Senators Halsan, Talmadge, Johnson.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE HOUSE BILL NO. 1709, and the President has appointed the following members as conferees: Senators Thompson, Vognild, Benitz.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 4938, and the President has appointed the following members as conferees: Senators Thompson, DeJarnatt, Zimmerman, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate refuses to recede from its amendments to HOUSE BILL NO. 1851, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators McDermott, Goltz, Barr, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Braddock, the House granted the request of the Senate for a conference on House Bill No. 1851.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Grimm, Bristow and L. Smith as conferees on House Bill No. 1851.

March 10, 1986

Mr. Speaker:

The Senate has refused to recede from its amendments to HOUSE BILL NO. 1472, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Hansen, Bailey, Bauer, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Vekich, the House granted the request of the Senate for a conference on House Bill No. 1472.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Kremen, Madsen and Nealey as conferees on House Bill No. 1472.

March 10, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments to SUBSTITUTE SENATE BILL NO. 4814, and asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. J. King, the House insisted on its position on Substitute Senate Bill No. 4814, and asked the Senate for a conference thereon.

APPOINTMENT OF CONFEREES

The Speaker (Mr. O'Brien presiding) appointed Representatives Locke, Hargrove and West as conferees on Substitute Senate Bill No. 4814.

The Speaker resumed the Chair.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SECOND SUBSTITUTE SENATE BILL NO. 3574,
 SUBSTITUTE SENATE BILL NO. 3948,
 SUBSTITUTE SENATE BILL NO. 4497,
 SUBSTITUTE SENATE BILL NO. 4503,
 SUBSTITUTE SENATE BILL NO. 4536,
 SENATE BILL NO. 4537,
 SUBSTITUTE SENATE BILL NO. 4547,
 SUBSTITUTE SENATE BILL NO. 4572,
 SENATE BILL NO. 4620,
 SENATE BILL NO. 4675,
 SENATE BILL NO. 4681,
 SENATE BILL NO. 4693,
 SENATE BILL NO. 4712,
 SUBSTITUTE SENATE BILL NO. 4722,
 SUBSTITUTE SENATE BILL NO. 4724,
 SENATE BILL NO. 4749,
 SUBSTITUTE SENATE BILL NO. 4766,
 SUBSTITUTE SENATE BILL NO. 4769,
 SUBSTITUTE SENATE BILL NO. 4783,
 SUBSTITUTE SENATE BILL NO. 4790,
 SUBSTITUTE SENATE BILL NO. 4815,
 SUBSTITUTE SENATE BILL NO. 4888,
 SENATE BILL NO. 4891,
 SUBSTITUTE SENATE BILL NO. 4897,
 SUBSTITUTE SENATE BILL NO. 4898,
 SUBSTITUTE SENATE BILL NO. 5044.

March 10, 1986

Mr. Speaker:

The Senate refuses to recede from its amendments to HOUSE BILL NO. 1337, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Warnke, Halsan, Lee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Fisher, the House granted the request of the Senate for a conference on House Bill No. 1337.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Fisher, McMullen and Schoon as conferees on House Bill No. 1337.

The Speaker called on Representative Madsen to preside.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-157, by Representatives O'Brien, S. Wilson, J. King, Barrett, Hine, Ballard, Addison, Allen, Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Jacobsen, P. King, R. King, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, D. Nelson, G. Nelson, Niemi, Nutley, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, B. Williams, J. Williams, K. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, Washington State's Speaker of the House, Representative Wayne Ehlers, will be leaving the House of Representatives and will be sorely missed by his colleagues; and

WHEREAS, Speaker Ehlers was born in Bellingham, Washington on November 25, 1938 receiving his Bachelor of Arts and Bachelor of Science degrees at Western Washington University and his Masters degree at the University of Denver; and

WHEREAS, Speaker Ehlers has served as a public school teacher for over twenty-five years in the Franklin Pierce School District and part time at Pacific Lutheran University, and presently serves as field representative to the Public School Employees; and

WHEREAS, His civic activities include community services too numerous to enumerate; and

WHEREAS, His political career spans more than a decade of public service, being first elected to the House of Representatives in 1973 at the age of thirty three, serving on the Education, State Government and Ways and Means Committees and continuing to serve on these committees even after his appointment as Chair of the State Government Committee in 1976, continuing in that position until he was elected House Democratic Leader in 1980; and

WHEREAS, In 1983 he was elected Speaker of the House by his peers and became Chair of the House Rules Committee and has continued to serve in that capacity until the present time; and

WHEREAS, Speaker Ehlers' numerous honors and awards include 1977 VFW Legislator of the Year, TIME Pierce County Newsmaker of Tomorrow, and the 1978 Seattle Post-Intelligencer's Poll "Best Committee Chair in the House";

NOW, THEREFORE, BE IT RESOLVED, By the members of the House of Representatives, that we honor Speaker Ehlers for his many years of public service, commend him for his continued efforts on behalf of the Legislature and the people of the State of Washington, acknowledge our loss at his upcoming departure, and express our best wishes for his future endeavors and those of his family; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Speaker Ehlers.

Mr. O'Brien moved adoption of the resolution.

On motion of Mr. Vander Stoep, the following remarks were ordered inserted in the Journal:

Mr. O'Brien: "We're losing a very valuable member of the House of Representatives. During his period as Speaker of the House, he has been a dedicated and able leader. He benefits tremendously by the powers of his own convictions and hard work. He also has a very fine memory. He remembers historical events and also important issues and he can cite them. When Wayne leaves here I'm sure he is going to remember us always in his memories. As a matter of fact, we're going to remember him too and I think, to a degree maybe, we should put our gavel up there in some kind of an iron case in the archives of the State of Washington, dedicated to Wayne Ehlers, because he has been a gentleman and a scholar, someone who demands decorum. I think it has been well for us that we've had someone of that nature to keep us in line from time to time. In these hallowed chambers of ours I know all of us remember what has happened in the past and, in the future the memory of being here always remains with those who participate. There's something about serving in the Legislature that is rather unique. It's different from any other realm of life. Tonight, for instance, they had an Old Timers' Meeting in Olympia at the Olympic Hotel, and many members of past renown were there talking about things of interest that occurred while they were members of the Legislature. So it's something we are always going to remember -- Speaker Ehlers as being a person who showed great capabilities and responsibilities in his term as Speaker of the House here, and I know that I speak for all of you that we wish him well in his future endeavors and the memory of us serving with him will remain always in his memories."

Mr. S. Wilson: "I was elected to this august body in 1972, the same year that Wayne was elected. We have served together here for nearly fourteen years. Unfortunately, I don't think that at any time in that period we ever served on the

same committee, so we haven't had that kind of an experience at any rate; however, when he was elected Speaker by the body four years ago, I frankly thought: 'Well, it may be a good choice.' But I think, like any one of us, we grow into the job; we learn the job. Some learn it extremely well and Wayne has learned extremely well. I think he has been a very able Speaker. I was asked by one of the news people the other day what I thought of the job he did, and of course, they always expect a quip of some sort out of me, just some sort of snotty remark--but, I really can't find any because I'm afraid of his next ruling. In truth, I appreciate the kind of work he has done, particularly during the last two years. I hesitate to say he's been fair, but I think he has tried. We will remember him. You look at the pictures of Speakers on the wall in the Speaker's office there; most of them have been two years there. It's a wearing job; it's a hard job, but what I've observed of it, I don't think it's a job in which you get many thanks. It's tough, and for an individual to serve two full terms in that job is, I think, rather remarkable; and he's to be commended greatly for the kind of work he has done. There isn't a great deal more I could say; Representative O'Brien said it far better. We will remember the years that Wayne has served here--in the majority and briefly in the minority--too bad you won't be back to experience that again; however, we will remember you, and hope that Speakers in the future will profit by the example you have set. He has been truly cognizant of the institution, great regard for it, and that is one of the most important aspects of the work you do here. We have to have regard for our government and how it is conducted and conduct it properly. Wayne, I thank you for the job you have done."

Mr. J. King: "I'm not Monty Hall from 'Let's Make a Deal,' but one of the nice things you get to do as floor leader is say some nice things about some people you care a whole lot about. I had a chance during a break today, and it's a nice day outside, to take a nice long walk with Wayne. It was pleasant weather and we had a chance to visit, and I think part of the character of Wayne came through on that walk when I asked him what he liked the best about that job--is it those tough rulings up there and the ability to wield the gavel? Or is it the tense situations when you have to ease through a tight spot? Characteristically, he said, 'No, I liked chairing a committee a lot -- back when I used to be able to get something done.' I think that he liked to chair that committee says a lot about the man, the status of running that gavel up there that has motivated him and inspired trust from all of us. All of us have come to appreciate his incredible institutional memory. I particularly enjoy it when he is able, without going back through the records, to cite the rulings of Speaker Polk to use those to rule on difficult situations. One of the things that Democrats aren't supposed to be able to do very well, all of us know that we can't manage very well, that it's just not part of our nature, that on the other side of the aisle are the people who can manage. We just went through a cutoff this time, the first time in maybe ten years according to Representative Nelson that we've been able to have a lunch break before we ended the cutoff day with a nice relaxed, well-managed phase. All of this was due to Wayne's ability to set tight deadlines and urge us along and hurry us along and stick to those cutoffs. A job which I think really explains the respect that all of us have for Wayne. Wayne, more than anybody else, illustrates that it's not just character that is more than anything else to be looked for in a leader, personal philosophy, the ability that when Wayne speaks -- people who have worked with us say -- that word is his bond, that is what is going to happen to the best of his ability to make it happen. It's that trust that Wayne has inspired that has brought him to be so fair and straight when he wields that gavel up there."

Mr. Barrett: "I don't want to enshrine that gavel; we already enshrined a \$400 piece of glass off that podium. That, I think, is monument enough and I think that sine die night, what it really showed was the exuberance of the Speaker, not only his bad aim, but it shows one of the only two disabilities that I've ever found that he has--he has a terrible aim and he's hard of hearing. We sometimes--and he's a young man--and we've stood right down there and couldn't get his attention. I've enjoyed my relationship with Wayne. I think it's been one of the delights of this position that I hold as a selection of my colleagues. I've been able to work closely with him and you know in my position, I'm not supposed to agree with the Speaker

at all times. I'm never supposed to agree with the majority, but I'm not supposed to agree with the Speaker at all times because we are here to do our own battle and try to get our own input into the system. Parliamentary rules are made for the minority. The majority has the votes; they don't need anything else. They have the gavel; they have the votes. The minority has the parliamentary system, and if I can say, and I want to second what Representative Wilson said: In all of my dealings with the Speaker, I have found that, above all, he is a very fair person. His rulings have been impartial; they have been professional; they have been exact and I thank him for that."

Ms. Unsoeld: "I wanted to draw your attention to something as simple as the calendar of the day. When the Speaker first came here to Olympia to serve in the Legislature, there wasn't calendar to rely on. Of course, we skip around on it a bit, but there is a calendar with a list of the bill numbers, a description, so that everyone has the opportunity to know what the business of this body is. I think that part of what Wayne has brought to this body in his leadership is that movement toward process and fairness and open government, and I want to thank you, Wayne."

Mr. Jacobsen: "Mr. Speaker, I've been collecting parliamentary laws in this body and making some observations, and one of those that Speaker Ehlers gave me for my first term was, I observed one day that I had forty votes on a bill, and he said you can get forty votes on anything in this place, but you play hell getting the last ten. I found that to be very true. Also, the other Ehlers' law is, you know how far you can go when you have gone too far. Then we caucus and caucus and caucus and eventually we come out, and it's gone too far. The last thing I will say about Wayne is: Looking at Wayne, I really appreciate that line from the country-western song, 'How Can I Miss You If You Don't Go Away?' I think I'm really going to miss you."

Mr. Tilly: "It has been my privilege, along with three others who have served with Wayne -- we're part of the Class of '72; our ranks are sort of getting thin -- but as I'm looking back here tonight, I'm sure that I see another one or two future Speakers of the House. There is hope -- if you stay here long enough, gain experience, gain knowledge of the system. When we first came here we were certainly starry-eyed freshmen. I'd say, for my part, that I'm still learning. You always learn and I guess that's the exciting part about being here. On a recent occasion I was at a dinner with another former Speaker, and they were asking me about what is the difference now and between 1973, and I say that the difference is the quality of the people serving here. After each election the quality of the legislature improves. I certainly have felt that way and this is my fourteenth year here. For those of us who are going to be leaving this time, I guess that tells you something about what is going to happen in the future. It's going to get better folks. Congratulations, Wayne."

Mr. Barnes: "When I first came down to the Legislature, I was appointed in the middle of a term, or shortly after the beginning of a term, and I came down here for the first time in a special session, and my first day and first committee meeting I was kind of lost, as you might imagine--so for guidance and advice I turned to the grizzled veteran sitting next to me and, this was Wayne, and of course, I took every word of advice that he gave me, and he instructed me on how to get along and so forth. I drank it all in, and you know, I didn't know until just a few minutes ago, when a gentleman from the 10th District was speaking, that Wayne had only been here about seven months before I had."

Ms. K. Wilson: "A little north of here, in Snohomish County, in a little tiny town of Lake Stevens, there is a faculty on a high school that has been, over the law few years, very proud to know that Wayne Ehlers, a former faculty member, was down here in Olympia earning a reputation for open democratic government and fair-minded leadership. They will be very sorry to know that Wayne is leaving. I might add that they hope to have another colleague down here in Olympia to carry on the tradition for open government and fair-minded leadership."

Ms. Winsley: "On behalf of the Pierce County delegation, I would like to give Wayne a big thank you. When I first came to Olympia, I first served in the Legislature in 1974, I guess the year following--the one thing that I will always think of Wayne as having the most political smarts of anyone I've ever known. I like to get into a conversation with him because he can remember any district, whether it's the 20th District or the 17th District or the 28th District, he has a vision of that district and he can just tell you every aspect of a district. He knows the state from one end to the other; what makes up the various economic situations of the state, which in essence, falls into different political realities. I think that Pierce County is very proud to have had him as our Speaker for the last four years. We're proud of the work and the time and the effort that he has put into that position. We hope that, in the future, Pierce County is well represented. I think someone has some big shoes to fill next session. Maybe Pierce County is going to lose a little bit of its power base, but I hope not. Congratulations Wayne for a job well done."

Mr. Dellwo: "When I first came from Spokane, I came with the understanding that eastern Washington was oftentimes ignored, making up only twenty-five percent of the body, sometimes we felt that we were cheated when we only received twenty-five percent of the bills and the money that went with them, but I found, very much to my delight, that with our Speaker--who has been Speaker from the time I've been here--Spokane and eastern Washington have not been ignored. We were not given gifts, although some thought that, but we were given the opportunity to obtain what was for eastern Washington State, and I want to thank you, Mr. Speaker."

Mr. Sayan: "I, perhaps, have a unique experience in relation to the Speaker. I preceded him in Olympia by a number of years and when he showed up among the number of new kids on the block in the Legislature, we found that, by gosh, we had a friend and I, as an agency director, found that agency directors didn't have a whole lot of friends in the Legislature, but he was one. We soon learned this young fellow was a hard working fellow; you could tell he was hardworking, his shirttail was always out--most folks, however didn't have it out in the front also--he would always stop and talk to you and unlike many of his colleagues, I regret to say, at the time (we are now different from that group) but unlike his many colleagues of that day, he never gave the impression that my problem was unimportant because I was running an agency and it was important to me. The attributes that he shared then are the attributes that I've experienced in the Legislature, and that is why I was proud to cast my ballot for him as Speaker of the House."

Mr. Braddock: "It's difficult to get up and talk about Speaker Ehlers without getting melancholy and I didn't intend to speak, but then I thought of all the hours I've had to listen to him. I think much has been said about Wayne and the reason we appreciate Wayne and one of the things, of course, is his institutional memory. He shares that with Speaker O'Brien, a great institutional memory, and it's something we all need and we all appreciate. Beyond that, Wayne, I think, epitomizes the best in politics. So much today politics has a bad name, but I think Wayne is a politician and he's proud of it and he will tell you that he's a politician. He does political things and he does them well, and he does them without weakening his integrity at all and without weakening the integrity of this body. He is an excellent politician and he's proud of it. I think that is something we all need and we all should appreciate and share in this democracy--we have to have politicians and people who are proud to be politicians and can be political with great integrity. Also, Wayne is a big 'D' Democrat; he's always a big 'D' Democrat and I hope he stays a big 'D' Democrat, but I think we can all appreciate serving here, and he's also a small 'd' democrat and that's very important and I think we should all appreciate and all learn that from Wayne--it's not enough just to be a Democrat or Republican, it's important to be a small 'd' democrat and be democratic in the way we act around here."

Ms. Rayburn: "I would just like to say a few things that are kind of personal to me that I think many of you would share. It seems to me, as a freshman, that Wayne always had the time to listen and he was always there when we, as freshmen, were needing help and advice and believe you me, freshmen need a lot of

that; and we need a lot of advice, we need a lot of help in getting along in this process. None of our problems were ever so small and insignificant that he was not willing to sit down. Another thing that I really enjoyed and liked and admired about him, he always had that open-door policy. The door was never shut to you, and so I would just like to say thank you so much, Wayne, for all of that, from we freshmen."

Mr. Prince: "Wayne, I've enjoyed so very much the friendship that we've developed over the last six years. I think that's the real test of this body. I think it's very fitting for us to say thanks and, as a friend, I've enjoyed seeing Wayne develop and grow in stature as a Speaker. It has been real rewarding to see that growth and to see the contribution that he has made to this body, and in the vernacular of agriculture and the farm backing that I come from, the greatest honor that I can bestow upon upon you, is to say, 'The welcome mat is out.' I hope you come to visit; we'd like very much to break bread with you."

The Speaker (Mr. Madsen presiding): "This Speaker does have a few comments. I've known Wayne--well I knew him before he was elected back in '71-72, most of the time the campaign boxes full of stuff have ended up in my garage and Wayne would get mad when the envelopes would stick together after two years in my garage. I know I can't say good-bye to him because most likely I still have a table or a chair in my garage; I don't know. I do want to say one thing, and I will say it honestly, thank you to a very good friend. Thank you very much."

House Resolution No. 86-157 was adopted.

The Speaker (Mr. Madsen presiding) appointed Representatives Hine and Ballard to escort Speaker Ehlers to the rostrum.

Representative Ballard presented the resolution to Speaker Ehlers.

Mr. Ballard: "Wayne, on behalf of the other members, I would like to present you with this resolution. I would also like to make just a brief comment. I talked to Wayne the other night when we had a pretty hairy issue here and I said to him: 'I really appreciate the consideration you gave us when you had the hammer.' It has been a real delight to watch you as a professional, and so on behalf of the other members, may I present you with this special memory."

Ms. Hine: "Mr. Speaker, on behalf of all the members of this Legislature, we would like to present you with this gift from us. I realize that this is your second term as Speaker and we honor you for that, and we also acknowledge the fact that you have decided to retire. Normally when someone retires, you give them a gold watch--well, we did that two years ago and you didn't take the hint. This time we are giving you some place settings for your sterling silver in recognition of the respect that we hold for you. You have, indeed, created a high level for all of us to achieve. Your respect for the institution has been absolutely superb and those of us who are here, who will follow in your footsteps, will really take that as an example. We also will take some of the humor involved because you have been able, while doing it straightforward, sometimes you've been able to get your will through kind of circuitous routes and none of us will ever, whether we are on the right side or the wrong side, forget that cackle that occurred when you accomplished what you wanted to, whether straightforward or not. We truly do acknowledge that you have been fair; that your respect for the institution has been first and foremost, no matter how you felt on the issues. With that in mind, on behalf of all the members of the Legislature, Representative Ballard and I, on behalf of our caucuses, do present you with this gift."

Speaker Ehlers: "Thank you very much. I'd like to take, under Point of Personal Privilege, just a couple of minutes. This is a big surprise to me. I wasn't really expecting this tonight. Many years ago--it seems many galaxies from here--I used to sit back there where I sat tonight and those of you who have sat on either side know the advantages of sitting back there, and I had forgotten. I had forgotten how cool it is; it's close to the water fountain; it's close to escape--particularly when you are on this side and you are of the male gender because the men's restroom is over there--you have all kinds of advantages that this position up here doesn't have. I want to say that there have been a lot of nice things said tonight

about me -- and I appreciate those -- and about the institution. On the bottom line, I don't think the general public fully appreciates the fine work that members on both sides of the aisle do in this body. We represent our constituencies, but we are State Representatives. We are not from Pierce County; we are not from eastern Washington; we are from the State of Washington. I appreciate the cooperation by members on both sides of the aisle and particularly the staff--I sometimes don't say thanks--and particularly my personal staff to which I don't say thank you often enough. I have to my right, my wife Patricia, my older son Jeff and his friend, who have come down tonight. I expected Patricia, because I thought she was going to be here for other reasons, and my older son Jeffrey, I did not expect. I want to say in conclusion, after saying about the institution and the importance of this institution, a little bit about politics. As Representative Braddock and others have said, I am, first of all, a politician. As Robert F. Kennedy said, that is an honorable profession. I have been proud to be a politician and I hope you have been too. Thank you."

The Speaker called on Mr. O'Brien to preside.

MOTION

On motion of Mr. J. King, the House adjourned until 9:00 a.m., Tuesday, March 11, 1986.

DENNIS L. HECK, Chief Clerk

WAYNE EHLERS, Speaker

FIFTY-EIGHTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Tuesday, March 11, 1986

The House was called to order at 9:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Brekke, Dobbs, Padden, Todd and Van Luven. Representative Van Luven was excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Elva Gonzalez and Mark Miller. Prayer was offered by Sister Georgette Bayless, Director of Chaplains, St. Peter Hospital in Olympia.

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

MESSAGE FROM THE GOVERNOR

March 10, 1986

To the Honorable,
The House of Representatives
State of Washington
Ladies and Gentlemen:

I have the honor to advise you that on March 10, 1986, Governor Gardner approved the following House bills, entitled:

SUBSTITUTE HOUSE BILL NO. 37: Relating to used oil recycling;

SUBSTITUTE HOUSE BILL NO. 1335: Relating to personal services contracts;

HOUSE BILL NO. 1442: Relating to oil and gas leases on state lands;

SUBSTITUTE HOUSE BILL NO. 1451: Relating to investment securities;

SUBSTITUTE HOUSE BILL NO. 1480: Relating to the collection of sales tax on sales made through vending machines;

HOUSE BILL NO. 1371: Relating to student transportation.

Sincerely,
Terry Sebring, Legal Counsel

MESSAGES FROM THE SENATE

March 10, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 573,

SUBSTITUTE HOUSE BILL NO. 1182,

HOUSE BILL NO. 1339,

HOUSE BILL NO. 1463,

SUBSTITUTE HOUSE BILL NO. 1479,

SUBSTITUTE HOUSE BILL NO. 1687,

SUBSTITUTE HOUSE BILL NO. 1950,

SUBSTITUTE HOUSE BILL NO. 1986,

SUBSTITUTE HOUSE BILL NO. 2014,

SUBSTITUTE HOUSE BILL NO. 2083,

HOUSE JOINT RESOLUTION NO. 55,

HOUSE CONCURRENT RESOLUTION NO. 19,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate has receded from its amendments to ENGROSSED HOUSE BILL NO. 134 and has passed the bill without the Senate amendments and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED HOUSE BILL NO. 1134, and the President has appointed the following conferees: Senators Wojahn, Johnson, Kreidler.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate refuses to recede from its amendments to HOUSE BILL NO. 1633, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators McDermott, Halsan, Lee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on HOUSE BILL NO. 1825, and the President has appointed the following conferees: Senators McDermott, Warnke, Cantu.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate has receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1827 and has passed the bill without the Senate amendments, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SUBSTITUTE SENATE BILL NO. 4630, and passed the bill as amended by the House.

Bill Gleason, Assistant Secretary.

March 10, 1986

Mr. Speaker:

Senator Zimmerman was appointed to replace Senator McDonald on the Conference Committee for ENGROSSED SENATE BILL NO. 4725.

Bill Gleason, Assistant Secretary.

March 10, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4762, and passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 4905, and the President has appointed the following conferees: Senators Peterson, Granlund, Patterson, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4905, adopting the supplemental transportation budget, have had the same under consideration, and we recommend that the House Transportation Committee striking amendment be adopted except for section 16, and except for "35.21.850 and" on page 14, line 24 of the title amendment.

Signed by Senators Peterson, Granlund, Patterson; Representatives Walk, Schmidt, Sutherland.

MOTION

On motion of Mr. Walk, the House adopted the report of the Conference Committee on Substitute Senate Bill No. 4905.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 4905 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4905 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 84; nays, 9; absent, 4; excused, 1.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Thomas, Unsoeld, Valle, van Dyke, Vekich, Walk, Walker, Wang, West, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Ballard, King R, Nelson D, Nelson G, Silver, Sommers, Tilly, Vander Stoep, Williams B - 9.

Absent: Representatives Brekke, Dobbs, Padden, Todd - 4.

Excused: Representative Van Luven - 1.

Substitute Senate Bill No. 4905 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Brekke, Dobbs, Padden and Todd appeared at the bar of the House.

The Speaker declared the House to be at ease until 2:00 p.m.

AFTERNOON SESSION

The House was called to order at 2:00 p.m. by the Speaker.

Representatives Ballard, Miller, Schoon, Tilly, Walker and Winsley were excused.

Representative Van Luven appeared at the bar of the House.

MESSAGES FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate receded from its amendment to HOUSE BILL NO. 1386, and passed the bill without the Senate amendment, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

March 11, 1986

Mr. Speaker:

The Senate receded from its amendments to ENGROSSED SUBSTITUTE HOUSE BILL NO. 1804, and passed the bill without the Senate amendments, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

March 11, 1986

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 2080, and passed the bill without the Senate amendments, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

March 11, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE BILL NO. 4705, and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 11, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 4630,
SUBSTITUTE SENATE BILL NO. 4762.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 4630,
SUBSTITUTE SENATE BILL NO. 4762.

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on SENATE BILL NO. 3397, and the President has appointed the following conferees: Senators Owen, Peterson, Johnson, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 3397, revising provisions relating to reimbursements for illegally killed wildlife, have had the same under consideration, and we recommend that the House amendments to page 1, line 7; page 1, line 19; page 1, line 22 and page 2, line 16 be adopted, and the amendment to page 2, line 9 not be adopted, and we request the powers of Free Conference in order to further amend the bill.

Signed by Senators Owen, Johnson, Peterson; Representatives Lundquist, McMullen, Sutherland.

MOTION

On motion of Mr. McMullen, the House adopted the report of the Conference Committee on Senate Bill No. 3397, and the committee was granted powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred REENGROSSED SUBSTITUTE SENATE BILL NO. 3498, regulating recreational water contact facilities, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, Williams, Cantu; Representatives Brække, Day, Lewis.

MOTION

On motion of Ms. Brække, the House adopted the report of the Conference Committee on Reengrossed Substitute Senate Bill No. 3498, and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 4486, and the President has appointed the following members as conferees: Senators Thompson, Garrett, Zimmerman, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4486, authorizing county legislative authorities to designate certain violations as civil, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Thompson, Garrett, Zimmerman; Representatives Haugen, Nutley, Brough.

MOTION

On motion of Ms. Haugen, the House adopted the report of the Conference Committee on Substitute Senate Bill No. 4486, and the committee was granted powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4531, modifying provisions relating to mental health insurance coverage, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Moore, Granlund; Representatives Lux, Niemi, Barrett.

MOTION

On motion of Mr. Lux, the House adopted the report of the Conference Committee on Substitute Senate Bill No. 4531, and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 4741, and the President has appointed the following members as conferees: Senators Owen, Halsan, Metcalf, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4741, relating to commercial fishing licenses, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Owen, Metcalf, Halsan; Representatives Basich, Haugen, Thomas.

MOTION

On motion of Ms. Haugen, the House adopted the report of the Conference Committee on Substitute Senate Bill No. 4741, and the committee was granted powers of Free Conference.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 4463, encouraging the promotion of Washington products, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, Vognild, Bailey; Representatives McMullen, Kremen, Lundquist.

MOTION

Mr. McMullen moved that the report of the Conference Committee on Engrossed Senate Bill No. 4463 be adopted and the committee be granted the powers of Free Conference.

POINT OF ORDER

Mr. Braddock: "Mr. Speaker, I request a ruling on scope and object of the amendments to this bill."

SPEAKER'S RULING

The Speaker: "In regard to your point of order on Engrossed Senate Bill 4463, under Rule 8 of our Joint Rules, a Free Conference Report may include new proposed items within the scope and object of the title in conference. The Speaker has examined Engrossed Senate Bill 4463 and the report of the Free Conference Committee. The bill is entitled 'An Act Relating to the promotion of Washington products....' The report of the Free Conference Committee adds several new items, including the authorization for an additional lottery game dedicated to the benefit of urban parks, a change in the definition of urban parks for the purposes of park acquisition and development by the Interagency Commission for Outdoor Recreation, establishment of an employee's cooperative corporation act in chapter 23 RCW, a program in the Department of Community Development to assist employee-owned businesses and a B&O tax and sales tax exemption for plantation Christmas trees. The Speaker finds that these new items proposed by the Free Conference Committee do not fall within the title of the act relating to promotion of Washington products. Your point is well taken, the motion to adopt the Conference Report is not in order."

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4872, revising school governance, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Gaspard, Bauer; Representatives Ebersole, Peery

MOTION

Mr. Ebersole moved that the report of the Conference Committee on Engrossed Substitute Senate Bill No. 4872 be adopted and the committee be granted the powers of Free Conference.

Representatives Taylor and Padden spoke against the motion.

A division was called.

ROLL CALL

The Clerk called the roll on the motion to adopt the Conference Committee report on Engrossed Substitute Senate Bill No 4872 and grant the committee powers of Free Conference, and the motion was carried by the following vote: Yeas, 49; nays, 43; excused, 6.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 49.

Voting nay: Representatives Addison, Allen, Barnes, Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Silver, Smith C, Smith L, Smitherman, Taylor, Thomas, van Dyke, Van Luven, Vander Stoep, West, Williams B, Williams J, Wilson S, Zellinsky - 43.

Excused: Representatives Ballard, Miller, Schoon, Tilly, Walker, Winsley - 6.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 4738, revising provisions relating to juvenile offenders, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Talmadge, Rinehart; Representatives K. Wilson, Armstrong, G. Nelson.

MOTION

On motion of Mr. Armstrong, the House adopted the report of the Conference Committee on Engrossed Senate Bill No. 4738, and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 4990, and the President has appointed the following members as conferees: Senators Goltz, Kreidler, Bluechel, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4990, regulating river running, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Goltz, Kreidler; Representatives Rust, Unsoeld, Brough.

MOTION

On motion of Ms. Unsoeld, the House adopted the report of the Conference Committee on Substitute Senate Bill No. 4990, and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SENATE BILL NO. 4725, and the President has appointed the following members as conferees: Senators Warnke, Moore, McDonald, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 4725, revising provisions of the accountancy act, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, Moore, Zimmerman; Representatives Belcher, O'Brien.

MOTION

On motion of Ms. Belcher, the House adopted the report of the Conference Committee on Engrossed Substitute Senate Bill No. 4725, and the committee was granted powers of Free Conference.

MOTION

On motion of Mr. McMullen, the House asked the Senate for a further conference on ENGROSSED SENATE BILL NO. 4463.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives McMullen, Day and Lundquist as conferees on Engrossed Senate Bill No. 4463.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4938, relating to state boards and commissions, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Thompson, DeJarnatt; Representatives Belcher, Peery.

MOTION

On motion of Ms. Belcher, the House adopted the report of the Conference Committee on Engrossed Substitute Senate Bill No. 4938, and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, providing collective bargaining for institutions of higher education, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, Vognil; Representatives R. King, Wang.

MOTION

Mr. Wang moved that the report of the Conference Committee on Engrossed Substitute House Bill No. 32 be adopted and the committee be granted the powers of Free Conference.

Mr. Vander Stoep spoke against the motion.

A division was called.

ROLL CALL

The Clerk called the roll on the motion to adopt the report of the Conference Committee on Engrossed Substitute House Bill No. 32 and grant the committee powers of Free Conference, and the motion was carried by the following vote: Yeas, 53; nays, 39; excused, 6.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Brooks, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hine, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, and Mr. Speaker - 53.

Voting nay: Representatives Addison, Barnes, Barrett, Betzoff, Bond, Bristow, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Haugen, Holland, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Silver, Smith C, Smith L, Sommers, Taylor, Thomas, van Dyke, Van Luven, Vander Stoep, West, Williams B, Williams J, Wilson S, Zellinsky - 39.

Excused: Representatives Ballard, Miller, Schoon, Tilly, Walker, Winsley - 6.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 5005, and the President has appointed the following conferees: Senators Moore, Granlund, Deccio, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 5005, providing consumer buyer protection in credit service transactions, have had the same under consideration, and we recommend that the House committee amendment be adopted without the following language:

On page 10, after line 14 of the amendment strike everything through "Act." on line 24

On page 10, beginning on line 29 of the amendment, strike the amendment to the title,

and the bill be passed as recommended by the Conference Committee.

Signed by Senators Deccio, Granlund, Moore; Representatives West, Crane, Lux.

MOTION

On motion of Mr. Lux, the House adopted the report of the Conference Committee on Senate Bill No. 5005.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Senate Bill No. 5005 as recommended by Conference Committee.

Representatives Lux and West spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 5005 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zelinsky, and Mr. Speaker - 92.

Excused: Representatives Ballard, Miller, Schoon, Tilly, Walker, Winsley - 6.

Senate Bill No. 5005 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1399, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1399, revising sentencing of adult felons, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Talmadge, Halsan, Newhouse; Representatives Armstrong, Locke, Padden.

MOTION

Mr. Armstrong moved that the House adopt the report of the Conference Committee on Substitute House Bill No. 1399 and grant the committee powers of Free Conference.

POINT OF ORDER

Mr. McMullen: "Mr. Speaker, I would ask for a ruling on the scope and object of the conference committee report."

The Speaker informed the House he would take the committee report under advisement for a later ruling.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447, modifying accounting and reporting requirements for public works contracts, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Saling, McManus, Goltz; Representatives Haugen, Brough.

MOTION

Ms. Haugen moved that the House adopt the report of the Conference Committee on Engrossed Substitute House Bill No. 1447 and grant the committee powers of Free Conference.

Representatives D. Nelson and Rust spoke against the motion, and Representatives Barrett, Haugen, Isaacson and Brough spoke in favor of it.

The motion was carried.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 1472, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1472, promoting the marketing of agricultural products, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Hansen, Bailey; Representatives Kremen, Madsen, Nealey.

MOTION

Mr. Kremen moved that the House adopt the report of the Conference Committee on House Bill No. 1472 and grant the committee powers of Free Conference.

POINT OF ORDER

Ms. Sommers: "Mr. Speaker, I would like a ruling on the scope and object of this amendment."

The Speaker informed the House he would take the Conference Committee report under advisement for a later ruling.

POINT OF PARLIAMENTARY INQUIRY

Mr. Prince: "I'm a little confused. Are we getting opinions on the Free Conference report before the Free Conference is granted?"

The Speaker: "We're just as confused as you are, Representative Prince, and that's why we're taking some of these under advisement, to try and sort through what the Senate has done. That's one of our problems."

POINT OF PARLIAMENTARY INQUIRY

Mr. Barrett: "Mr. Speaker, from your statement just now, are you implying that this is the only time in this process, at the time of granting Free Conference, when we could properly raise the question of scope and object?"

SPEAKER'S RULING

The Speaker: "Representative Barrett, a lot of what we are doing here in some of our rulings within the last week or so, is plowing new ground and we want to make sure that when we are making these rulings--and sometimes we are taking them under advisement because of information coming from the Senate and other times we are getting into new ground. The Speaker would rule that when one is raising scope and object, it could be done on two occasions: When there is a motion to grant the powers of Free Conference, but not during debate once debate has commenced; and at the time that the motion to adopt the report of the Free Conference. The logic behind that is that members would have an opportunity in the twenty-four hours, unless the rules were suspended, to look at that issue and research it. So, Representative Barrett, that would be my ruling."

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 1614, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1614, delaying certain new prerequisites for the issuance of vehicle licenses, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Peterson, Vognild, Patterson; Representatives Walk, Fisher, Van Luven.

MOTION

On motion of Mr. Walk, the House adopted the report of the Conference Committee on Engrossed House Bill No. 1614, and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 1631, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1631, modifying provisions relating to nursing home cost reimbursement, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators McDermott, Fleming, Deccio; Representatives Grimm, Sommers, Tilly.

MOTION

On motion of Mr. Braddock, the House adopted the report of the Conference Committee on House Bill No. 1631, and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1709, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1709, consolidating agencies into the department of community development, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Thompson, Vognild, Benitz; Representatives Peery, Belcher, Hankins.

MOTION

On motion of Ms. Belcher, the House adopted the report of the Conference Committee on Substitute House Bill No. 1709, and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1829, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1829, requiring a study of categorical educational services, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Gaspard, Kiskaddon, Bauer; Representatives Valle, Ebersole.

MOTION

On motion of Mr. Ebersole, the House adopted the report of the Conference Committee on Substitute House Bill No. 1829, and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 1633, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1633, providing for the taxation of timber harvested by public entities, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators McDermott, Halsan, Lee; Representatives Grimm, Appelwick.

MOTION

On motion of Mr. Grimm, the House adopted the report of the Conference Committee on House Bill No. 1633, and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, encouraging employers to hire recipients of unemployment insurance benefits and public assistance, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Bottiger, Warnke, Hayner; Representatives McMullen, Schoon.

MOTION

Mr. McMullen moved that the House adopt the report of the Conference Committee on Engrossed Substitute House Bill No. 1754 and grant the committee powers of Free Conference.

POINT OF ORDER

Ms. Cole: "I request a ruling on scope and object."

SPEAKER'S RULING

The Speaker: "Representative Cole, under Rule 8 of our Joint Rules, a Free Conference may include new proposed items within the scope and object of the title of the bill in conference. The Speaker has examined Engrossed Substitute House Bill 1754 and the report of the Free Conference Committee. ESHB 1754 is entitled, 'An Act Relating to economic development....' The new items proposed in the report of the Free Conference Committee deal with the tax deferral programs in chapters 82.60 and 82.61 RCW and with the new program of tax deferrals in distressed areas for employers who increase employment by fifteen percent or more. The Speaker finds that these provisions relate to the subject of economic development and are therefore within the scope and object of the bill. Your point is not well taken."

POINT OF ORDER

Ms. Cole: "Mr. Speaker, I would like you to rule on the negative fiscal impact."

SPEAKER'S RULING

The Speaker: "Representative Cole, you are speaking to Rule 25D(6). The question raised was of a negative fiscal impact. The rule reads, 'All bills having a direct negative revenue impact...' (we're not talking about a fiscal impact) '...or a direct appropriation of fifty thousand dollars or more shall be referred to the ways and means committee or transportation committee as appropriate before their final passage.' Are you asking for a revenue impact? That's a different question."

Ms. Cole: "Yes."

The Speaker: "The Speaker, on at least two different occasions this session has ruled that issue is not appropriate at this time; it is only appropriate before final passage. We are not on final passage as yet. Your point is not well taken."

The motion to grant the committee powers of Free Conference was carried.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 1851, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1851, modifying the taxation of ingredients, components and chemicals used in processing, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators McDermott, Goltz, Barr; Representatives Bristow, Grimm, L. Smith.

MOTION

On motion of Mr. Braddock, the House adopted the report of the Conference Committee on House Bill No. 1851, and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 9, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870, requiring charter and tour operators to maintain an escrow account, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Moore, Pullen; Representatives McMullen, Rayburn, Schmidt.

MOTION

On motion of Mr. McMullen, the House adopted the report of the Conference Committee on Engrossed Substitute House Bill No. 1870, and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on ENGROSSED SUBSTITUTE SENATE BILL NO. 4128, and the President has appointed the following members as conferees: Senators Granlund, Kreidler, Deccio, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4128, revising the authority of the corrections standards board, have had the same under consideration, and we recommend that the House amendment not be adopted.

Signed by Senators Kreidler, Granlund, Deccio; Representatives Brekke, Tanner, Lewis.

MOTION

Ms. Brekke moved that the House adopt the report of the Conference Committee on Engrossed Substitute Senate Bill No. 4128.

Mr. Lewis spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 4128 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4128 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Ballard, Miller, Schoon, Tilly, Walker, Winsley - 6.

Engrossed Substitute Senate Bill No. 4128 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-161, by Representatives Ehlers, S. Wilson, J. King, Barrett, Hine, Ballard, Addison, Allen, Appelwick, Armstrong, Barnes, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Jacobsen, P. King, R. King, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, D. Nelson, G. Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, B. Williams, J. Williams, K. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, The College Legislative Intern Program was initiated in the State of Washington during the 1960s by Senator R. Ted Bottiger with students from two colleges and has expanded to include fifty-five students from twelve state and private schools; and

WHEREAS, The Senior Intern Program was begun in 1982 by Representative Pat Fiske with a representative from each of the thirteen area agencies for the aged and has continued each succeeding year with each agency represented; and

WHEREAS, Participants have provided a wide and varied range of necessary support services to their assigned legislators including communications with constituents, bill writing and tracking, surveys, record keeping, committee and session meetings, service on advisory committees, word processing, development of visual aids, research and report writing and issuance of a periodic newsletter sent to constituents; and

WHEREAS, In addition to experience gained by participation in the legislative process, a series of seminars, originated by former Coordinator Barbara Howard and extended by present Coordinators Jeanne Smith and Naomi Duke, relating to governmental processes and services give interns a comprehensive view of Washington State government; and

WHEREAS, One of the primary goals of intern participants is to become more fully informed citizens - and the program has proven to fulfill this purpose; and

WHEREAS, Legislators benefit from the support and assistance provided by intern participants and interns benefit from the knowledge of legislators and they have the opportunity to become contributors to the process;

NOW, THEREFORE, BE IT RESOLVED, That the members of the House of Representatives recognize the value of the program and contributions of the interns toward assisting us in serving our purpose; and

BE IT FURTHER RESOLVED, That we fully support continuance of the program and the funding allocated for the program; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to all members of the 1986 Intern Program in honor and recognition of their accomplishments; and

BE IT FURTHER RESOLVED, That copies of this Resolution also be transmitted by the Chief Clerk of the House of Representatives to Senator R. Ted Bottiger, former Representative Pat Fiske, former Coordinator Barbara Howard, and present Coordinators Jeanne Smith and Naomi Duke in honor and recognition of their contributions toward the birth and growth of the Legislative Intern Program.

Mr. Barrett moved adoption of the resolution. Representatives Barrett, J. King, Addison and Vekich spoke in favor of the resolution, and it was adopted.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 9, 1986

Mr. Speaker:

We of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1587, providing for expanded international trade, have had the same under consideration, and we recommend that the Senate amendments be adopted to page 2, lines 3, 5 and 32; page 4, lines 9 and 33; and page 9, line 11, and the bill be amended further as follows and the bill as amended do pass:

On page 2, line 14 after "than a" insert "county-wide"

Signed by Senators Warnke, Goltz, Sellar; Representatives McMullen, Kremen.

MOTION

On motion of Mr. McMullen, the House adopted the report of the Free Conference Committee on Engrossed Substitute House Bill No. 1587.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1587 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1587 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 62; nays, 30; excused, 6.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Bristol, Brooks, Brough, Cole, Crane, Day, Dellwo, Dobbs, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Long, Lundquist, Lux, Madsen, McMullen, Nelson G, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smith L, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, van Dyke, Vander Stoep, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 62.

Voting nay: Representatives Addison, Barnes, Barrett, Betzoff, Bond, Brekke, Chandler, Doty, Fuhrman, Hankins, Hastings, Isaacson, Lewis, May, Nealey, Nelson D, Padden, Patrick, Prince, Sanders, Schmidt, Silver, Smith C, Taylor, Thomas, Van Luven, West, Williams B, Williams J, Wilson S - 30.

Excused: Representatives Ballard, Miller, Schoon, Tilly, Walker, Winsley - 6.

Engrossed Substitute House Bill No. 1587 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on HOUSE BILL NO. 1708, and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 9, 1986

Mr. Speaker:

We of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1708, modifying liquor control board membership terms, have had the same under consideration, and we recommend that the Senate Commerce & Labor Committee amendments not be adopted to page 1, lines 14 and 19, and the bill be amended as follows and that the bill as amended do pass:

On page 1, line 14 after "qualified," strike everything down to and including "aforesaid" on line 19 and insert "After the effective date of this 1986 act, the term that began on January 15, 1985 will end on January 15, 1989, the term beginning on January 15, 1988 will end on January 15, 1993, and the term beginning on January 15, 1991 will end on January 15, 1997. Thereafter,

upon the expiration of the term of any ~~((of the three members of the board appointed as aforesaid))~~ member appointed after the effective date of this 1986 act.

Signed by Senators Warnke, Moore, Metcalf; Representatives Belcher, Walk, Fuhrman.

MOTION

On motion of Ms. Belcher, the House adopted the report of the Free Conference Committee on House Bill No. 1708.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of House Bill No. 1708 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1708 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 84; nays, 8; excused, 6.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 84.

Voting nay: Representatives Betrozoff, Chandler, Fuhrman, Lundquist, Padden, Patrick, Prince, Smith C - 8.

Excused: Representatives Ballard, Miller, Schoon, Tilly, Walker, Winsley - 6.

House Bill No. 1708 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate receded from its amendment on page 3, line 33 to HOUSE BILL NO. 1505 and passed the bill with the remaining Senate amendments, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

FINAL PASSAGE OF HOUSE BILL WITHOUT CERTAIN SENATE AMENDMENT

The Speaker stated the question before the House to be the final passage of House Bill No. 1505 without the Senate amendment to page 3, line 33.

Representatives Smitherman, Madsen and Brekke spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1505 without the Senate amendment to page 3, line 33, and the bill passed the House with the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Ballard, Miller, Schoon, Tilly, Walker, Winsley - 6.

House Bill No. 1505 without certain Senate amendment, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 1972.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REENGROSSED SUBSTITUTE SENATE BILL NO. 4541:

The House resumed consideration of the bill. (For previous action, see Journal, 57th Day, March 10, 1986.)

The Speaker stated the question before the House to be the motion by Representative West that the House recede from its position and pass the bill without the House amendments.

With the consent of the House, Mr. West withdrew the motion.

MOTION

On motion of Mr. Lux, the House receded from its amendments to Reengrossed Substitute Senate Bill No. 4541.

FINAL PASSAGE OF SENATE BILL WITHOUT HOUSE AMENDMENTS

The Speaker stated the question before the House to be the final passage of Reengrossed Substitute Senate Bill No. 4541 without the House amendments.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute Senate Bill No. 4541 without the House amendments, and the bill passed the House by the following vote: Yeas, 92; excused, 6.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 92.

Excused: Representatives Ballard, Miller, Schoon, Tilly, Walker, Winsley - 6.

Reengrossed Substitute Senate Bill No. 4541 without the House amendments, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representative Allen was excused.

HOUSE BILL NO. 1472:

The House resumed consideration of the bill. The Speaker stated the question before the House to be the point of order raised by Representative Sommers on the scope and object of the Free Conference Committee proposed amendments.

SPEAKER'S RULING

The Speaker: "Representative Sommers, as to your point of order on House Bill 1472, which is 'An Act Relating to agricultural marketing....' The Speaker has examined the bill and has examined the Free Conference report. In the Free Conference report there are several additions to the bill. One is that irrigation district associations may change their names, and so forth. The Speaker finds that to be within the scope and object. The Speaker also notes that under section 5 there is a portion dealing with seeding and Christmas tree plantations, exempting them from

certain taxation statutes. Section 9 is exempting the conditioning of seed for use in planting in the definition of manufacturing for B&O taxation. The Speaker finds that in sections 5, 8 and 9, specifically, that those portions of the Free Conference Committee report are outside the scope and object of an act relating to agricultural marketing. Your point is well taken."

MOTION

On motion of Mr. Madsen, the House asked the Senate for a further conference on House Bill No. 1472.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives Kremen, Madsen and Nealey as conferees on House Bill No. 1472.

SENATE AMENDMENTS TO HOUSE BILL

March 10, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 378 with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. A new section is added to chapter 43.88 RCW to read as follows:

The omnibus biennial operating appropriations act shall include an appropriation for the full amount that will be paid out during the biennium under any postretirement cost-of-living adjustment adopted after the effective date of this act.

Sec. 2. Section 2, chapter 96, Laws of 1979 ex. sess. and RCW 41.32.485 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, ~~((1979))~~ 1986, as a cost-of-living adjustment, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than ~~((ten))~~ thirteen dollars per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ~~((ten))~~ thirteen dollars. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) Notwithstanding any provision of law to the contrary, effective July 1, 1979, the retirement allowance of each beneficiary who either is receiving benefits pursuant to RCW 41.32.520 or 41.32.550 as of December 31, 1978, or commenced receiving a monthly retirement allowance under this chapter as of a date no later than July 1, 1974, shall be permanently increased by a post-retirement adjustment. This adjustment shall be in lieu of any adjustments provided under RCW 41.32.499(6) as of July 1, 1979, or July 1, 1980, for the affected beneficiaries. Such adjustment shall be calculated as follows:

(a) Retirement allowances to which this subsection and subsection (1) of this section are both applicable shall be determined by first applying subsection (1) and then applying this subsection. The department shall determine the total years of creditable service and the total dollar benefit base accrued as of December 31, 1978, except that this determination shall take into account only those beneficiaries to whom this subsection applies;

(b) The department shall multiply the total benefits determined in (a) of this subsection by six percent and divide the dollar value thus determined by the total service determined in (a) of this subsection. The resultant figure shall then be a post-retirement increase factor which shall be applied as specified in (c) of this subsection;

(c) Each beneficiary to whom this subsection applies shall receive an increase which is the product of the factor determined in (b) of this subsection multiplied by the years of creditable service.

(3) The provisions of subsections (1) and (2) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.32.540 or 41.32.760 through 41.32.825.

Sec. 3. Section 1, chapter 96, Laws of 1979 ex. sess. and RCW 41.40.198 are each amended to read as follows:

(1) Notwithstanding any provision of law to the contrary, effective July 1, ~~((1979))~~ 1986, as a cost-of-living adjustment, no beneficiary receiving a retirement allowance pursuant to this chapter shall receive, as the pension portion of that retirement allowance, less than ~~((ten))~~ thirteen dollars per month for each year of service creditable to the person whose service is the basis of the pension. Portions of a year shall be treated as fractions of a year and the decimal equivalent shall be multiplied by ~~((ten))~~ thirteen dollars. Where the pension payable was adjusted at the time benefit payments to the beneficiary commenced, the minimum pension provided in this section shall be adjusted in a manner consistent with that adjustment.

(2) The provisions of subsection (1) of this section shall not be applicable to those receiving benefits pursuant to RCW 41.40.220(1), 41.44.170(5), or 41.40.610 through 41.40.740. For persons who served as elected officials and whose accumulated employee contributions and credited interest was less than seven hundred fifty dollars at the time of retirement, the minimum benefit under subsection (1) of this section shall be ten dollars per month for each year of creditable service.

NEW SECTION. Sec. 4. There is appropriated five million three hundred thousand dollars, or so much thereof as may be necessary, from the general fund for the purposes of paying the cost-of-living adjustments provided in sections 2 and 3 of this 1986 act. Of this amount, two million dollars shall be deposited in the teachers' retirement fund and three million three hundred thousand dollars shall be deposited in the public employees' retirement fund.

NEW SECTION. Sec. 5. This act shall take effect on July 1, 1986."

In line 1 of the title, after "adjustments;" strike the remainder of the title and insert "amending RCW 41.32.485 and 41.40.198; adding a new section to chapter 43.88 RCW; making an appropriation; and providing an effective date." and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Sommers, the House concurred in the Senate amendments to Substitute House Bill No. 378.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 378 as amended by the Senate.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 378 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 91; excused, 7.

Voting yea: Representatives Addison, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 91.

Excused: Representatives Allen, Ballard, Miller, Schoon, Tilly, Waiker, Winsley - 7.

Substitute House Bill No. 378 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENT TO HOUSE BILL

March 10, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 495 with the following amendment:

Strike everything after the enacting clause and insert the following:

*NEW SECTION. Sec. 1. Sections 1 through 6 of this act may be known and cited as the Colville Indian reservation criminal jurisdiction retrocession act.

NEW SECTION. Sec. 2. It is the intent of the legislature to authorize a procedure for the retrocession, to the Colville Confederated Tribes of Washington and the United States, of criminal jurisdiction over Indians for acts occurring on tribal lands or allotted lands within the Colville Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States.

Sections 1 through 6 of this act in no way expand the Colville tribe's criminal or civil jurisdiction, if any, over non-Indians or fee title property. Sections 1 through 6 of this act shall have no effect whatsoever on water rights, hunting and fishing rights, the established pattern of civil jurisdiction existing on the lands of the Colville Indian reservation, the established pattern of regulatory jurisdiction existing on the lands of the Colville Indian reservation, taxation, or any other matter not specifically included within the terms of sections 1 through 6 of this act.

NEW SECTION. Sec. 3. Unless the context clearly requires otherwise, the following definitions apply throughout sections 1 through 6 of this act:

(1) 'Colville reservation,' or 'Colville Indian reservation,' means all tribal lands or allotted lands lying within the Colville Indian reservation and held in trust by the United States or subject to a restriction against alienation imposed by the United States, but does not include those lands which lie north of the present reservation which were included in original reservation boundaries created in 1872 and which are referred to as the 'diminished reservation.'

(2) 'Indian tribe,' 'tribe,' or 'Colville tribes' means the confederated tribes of the Colville reservation.

(3) 'Tribal court' means the trial and appellate courts of the Colville tribes.

NEW SECTION. Sec. 4. Whenever the governor receives from the confederated tribes of the Colville reservation a resolution expressing their desire for the retrocession by the state of all or any measure of the criminal jurisdiction acquired by the state pursuant to section 5, chapter 36, Laws of 1963 over lands of the Colville Indian reservation, the governor may, within ninety days, issue a proclamation retroceding to the United States the criminal jurisdiction previously acquired by the state over such reservation. However, the state of Washington shall retain jurisdiction as provided in RCW 37.12.010. The proclamation of retrocession shall not become effective until it is accepted by an officer of the United States government in accordance with 25 U.S.C. Sec. 1323 (82 Stat. 78, 79) and in accordance with procedures established by the United States for acceptance of such retrocession of jurisdiction. The Colville tribes shall not exercise criminal or civil jurisdiction over non-Indians.

NEW SECTION. Sec. 5. The confederated tribes of the Colville reservation may express their desire under section 4 of this act only by a resolution approved by a majority vote of the enrolled adult members of the tribes voting at the next general tribal election.

NEW SECTION. Sec. 6. An action or proceeding which has been filed with any court or agency of the state or local government preceding the effective date of retrocession of jurisdiction under sections 1 through 6 of this act shall not abate by reason of the retrocession or determination of jurisdiction.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act are each added to chapter 37.12 RCW.

NEW SECTION. Sec. 8. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House concurred in the Senate amendment to Engrossed Substitute House Bill No. 495.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 495 as amended by the Senate.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 495 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; nays, 6; excused, 7.

Voting yea: Representatives Addison, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, Van Luven, Vanjer Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Betrozoff, Bond, Dobbs, Haugen, Lundquist, van Dyke - 6.

Excused: Representatives Allen, Ballard, Miller, Schoon, Tilly, Walker, Winsley - 7.

Engrossed Substitute House Bill No. 495 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Allen, Ballard, Schoon, Tilly and Walker appeared at the bar of the House.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate refuses to recede from its amendment to SUBSTITUTE HOUSE BILL NO. 160 on page 1, line 20, and insists on its position and once again asks the House to concur in the Senate amendment, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Ebersole, the House concurred in the Senate amendment to page 1, line 20 of Substitute House Bill No. 160.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 160 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 160 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 85; nays, 11; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Brough, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Ballard, Barnes, Bond, Chandler, Dobbs, Isaacson, Lundquist, Padden, Sanders, Smith C, van Dyke - 11.

Excused: Representatives Miller, Winsley - 2.

Substitute House Bill No. 160 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 803, and once again asks the House to concur in the Senate amendment, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House insisted on its position on Substitute House Bill No. 803, and again asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has receded from its amendments to SUBSTITUTE HOUSE BILL NO. 131, and passed the bill without the Senate amendments, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate refuses to recede from its amendment to HOUSE BILL NO. 1462, and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Moore, Bender, Deccio, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Lux moved that the House do concur in the Senate amendment to House Bill No. 1462.

Mr. West spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of House Bill No. 1462 as amended by the Senate.

Mr. Lux spoke in favor of passage of the bill and Mr. Barnes spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1462 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 95; nays, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representative Barnes - 1.

Excused: Representatives Miller, Winsley - 2.

House Bill No. 1462 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 4, 1986

Mr. Speaker:

The Senate has passed ENGROSSED HOUSE BILL NO. 1630 with the following amendments:

On page 1, line 12, strike "psychological"

On page 1, line 13, strike "community"

On page 3, line 16, strike subsection "(h)" and reletter sections accordingly.

On page 10, after line 9, insert the following:

NEW SECTION, Sec. 13. Section 5 of this act, which amends RCW 48.44.145, shall not take effect if RCW 48.44.145 is amended by ESB 3636 prior to July 1, 1986."

On page 10, after line 9, insert the following:

NEW SECTION, Sec. 13. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 3 of the title, after "48.44.010:" strike "and"

On page 1, line 4 of the title, after "48.44 RCW" insert "; and declaring an emergency" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Lux, the House concurred in the Senate amendments to Engrossed House Bill No. 1630.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1630 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1630 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haslings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Miller, Winsley - 2.

Engrossed House Bill No. 1630 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE AMENDMENTS TO HOUSE BILL

March 6, 1986

Mr. Speaker:

The Senate has passed SUBSTITUTE HOUSE BILL NO. 1765 with the following amendments:

On page 6, after line 27, insert:

"Sec. 2, Section 74.09.010, chapter 26, Laws of 1959 as last amended by section 18, chapter 6, Laws of 1981 1st ex. sess. and RCW 74.09.010 are each amended to read as follows:

As used in this chapter:

- (1) 'Department' means the department of social and health services.
- (2) 'Secretary' means the secretary of social and health services.
- (3) 'Internal management' means the administration of medical assistance, medical care services, and the limited casualty program.
- (4) 'Medical assistance' means the federal aid medical care program provided to categorically needy persons as defined under Title XIX of the federal social security act.
- (5) 'Medical care services' means the limited scope of care financed by state funds and provided to general assistance recipients and the ineligible spouses of beneficiaries of supplemental security income who meet the incapacitation criteria as provided in RCW 74.04.005(6)(a)(iii)(B).
- (6) 'Limited casualty program' means the medical care program provided to medically needy persons as defined under Title XIX of the federal social security act, and to medically indigent persons who are without income or resources sufficient to secure necessary medical services.

(7) 'Nursing home' means nursing home as defined in RCW 18.51.010.

Sec. 3, Section 19, chapter 6, Laws of 1981 1st ex. sess. as last amended by section 1, chapter 5, Laws of 1985 and RCW 74.09.035 are each amended to read as follows:

(1) To the extent of available funds, medical care services may be provided to recipients of general assistance and the ineligible spouses of beneficiaries of supplemental security income who meet the incapacitation criteria as provided in RCW 74.04.005(6)(a)(iii)(B) in accordance with medical eligibility requirements established by the department.

(2) Determination of the amount, scope, and duration of medical care services shall be limited to coverage as defined by the department, except that adult dental, and routine foot care shall not be included unless there is a specific appropriation for these services.

(3) The department shall establish standards of assistance and resource and income exemptions, which may include deductibles and co-insurance provisions. In addition, the department may include a prohibition against the voluntary assignment of property or cash for the purpose of qualifying for assistance.

(4) Residents of skilled nursing homes, intermediate care facilities, and intermediate care facilities for the mentally retarded who are eligible for medical care services shall be provided medical services to the same extent as provided to those persons eligible under the medical assistance program.

(5) Payments made by the department under this program shall be the limit of expenditures for medical care services solely from state funds.

(6) Eligibility for medical care services shall commence with the date of certification for general assistance."

Renumber the remaining section consecutively.

On page 1, line 3 of the title, after "74.04.005" insert ", 74.09.010, and 74.09.035" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Braddock, the House refused to concur in the Senate amendments to Substitute House Bill No. 1765 and asked the Senate to recede therefrom.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 4814, and the President has appointed the following members as conferees: Senators Talmadge, Gaspard, Bailey, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4814, relating to child abuse prevention, have had the same under consideration, and we recommend that the House Ways & Means Committee amendment as amended and adopted on March 7, 1986, be adopted, and that the bill as amended do pass.

Signed by Senators Talmadge, Gaspard, Bailey; Representatives Hargrove, Locke, West.

MOTION

On motion of Mr. Hargrove, the House adopted the report of the Conference Committee on Substitute Senate Bill No. 4814.

FINAL PASSAGE OF SENATE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 4814 as recommended by Conference Committee.

Representatives West, Locke and Hargrove spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4814 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Baillard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smilherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Miller, Winsley - 2.

Substitute Senate Bill No. 4814 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4917, modifying provisions of Title 30 RCW, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Moore, Bender; Representatives Zellinsky, Nutley, West.

MOTION

On motion of Mr. Zellinsky, the House adopted the report of the Conference Committee on Engrossed Substitute Senate Bill No. 4917, and the committee was granted powers of Free Conference.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 4590,
 SUBSTITUTE SENATE BILL NO. 4674,
 SENATE BILL NO. 4906,
 SENATE BILL NO. 4927,
 SUBSTITUTE SENATE BILL NO. 4949,
 SENATE BILL NO. 4968,
 SENATE BILL NO. 4982,
 SUBSTITUTE SENATE BILL NO. 5026,
 SENATE BILL NO. 5033,
 SENATE JOINT RESOLUTION NO. 136,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4741, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4741, relating to commercial fishing licenses, have had the same under consideration, and we recommend that the bill be amended as follows and the amended bill do pass:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 75.30 RCW to read as follows:

The director of the department of fisheries shall waive the landing and other permit requirements under RCW 75.30.120 if such requirements were not fulfilled by the license holder due to procedures initiated by a foreign government.

This section shall expire on December 31, 1986.

NEW SECTION, Sec. 2. A new section is added to chapter 75.30 RCW to read as follows:

Any commercial salmon fishing license issued under RCW 75.28.110 or salmon delivery permit issued under RCW 75.28.113 shall revert to the department when any government confiscates and sells the vessel to which the license or permit was issued. Upon application of the person named on the license or permit and the approval of the director, the department shall transfer the license or permit to the original owner. Application for transfer of the license or permit must be made within the calendar year in which the vessel was licensed.

NEW SECTION, Sec. 3. A new section is added to chapter 75.30 RCW to read as follows:

The legislature finds that maintaining a commercial whiting fishery in Puget Sound affects the public welfare. Excessive fishing for Puget Sound whiting, especially at the time of spawning, severely affects the abundance of whiting. The legislature further finds that as a result of

increases in the number of vessels fishing for whiting, the amount of gear used in fishing, and the limited whiting resource, it is proper and necessary to limit the number of vessels and amount of gear used in taking whiting in Puget Sound.

NEW SECTION. Sec. 4. A new section is added to chapter 75.30 RCW to read as follows:

Commercial Puget Sound whiting license endorsements issued under section 6 of this act shall be valid for the owner and the vessel for which the endorsement was issued. The endorsement may be transferred through gift, devise, bequest or descent to members of the immediate family which shall be limited to spouse, children or stepchildren. Only a natural person may possess an endorsement. The owner of the endorsement must be present on any vessel taking whiting under terms of the endorsement. In no instance may temporary permits be issued.

The director may adopt rules necessary to implement sections 3 through 6 of this act.

NEW SECTION. Sec. 5. A new section is added to chapter 75.30 RCW to read as follows:

To obtain a Puget Sound commercial whiting endorsement, the owner of the vessel must have delivered at least fifty thousand pounds of whiting during the period from January 1, 1981, through February 22, 1985 as verified by fish delivery tickets and must have possessed, on January 1, 1986, all equipment necessary to fish for whiting.

NEW SECTION. Sec. 6. A new section is added to chapter 75.30 RCW to read as follows:

In addition to any other license, a Puget Sound commercial whiting endorsement is required to take whiting in the waters of marine fish-shell fish management and catch reporting areas 24B, Port Susan; 24C, Saratoga Passage; 26A, Possession Sound; or any other area designated by the department. An annual endorsement fee is two hundred dollars for residents and four hundred dollars for nonresidents. The license shall be affixed to the licensed vessel.

Sec. 7. Section 5, chapter 106, Laws of 1977 ex. sess. as amended by section 138, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.30.050 are each amended to read as follows:

(1) The director shall appoint three-member advisory review boards to hear cases as provided in RCW 75.30.060. Members shall be from:

(a) The salmon charter boat fishing industry in cases involving salmon charter boat licenses or angler permits;

(b) The commercial salmon fishing industry in cases involving commercial salmon licenses;

(c) The commercial crab fishing industry in cases involving Puget Sound crab license endorsements; ~~((and))~~

(d) The commercial herring fishery in cases involving herring validations; and

(e) The commercial Puget Sound whiting fishery in cases involving Puget Sound whiting license endorsements.

(2) Members shall serve at the discretion of the director and shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060.

Sec. 8. Section 3, chapter 171, Laws of 1957 as last amended by section 103, chapter 46, Laws of 1983 1st ex. sess. and RCW 75.28.014 are each amended to read as follows:

(1) The department may establish by rule license application deadlines for types of gear and licensing districts. An applicant for a commercial salmon fishing license shall submit a license application in accordance with this subsection.

(a) If an application is postmarked or personally delivered to the department in Olympia by ~~((April 15th of the license year))~~ the application deadline, it shall be accompanied by the prescribed license fee.

(b) If an application is postmarked or personally delivered to the department in Olympia after ~~((April 15th of the license year))~~ the application deadline, it shall be accompanied by the prescribed license fee and a late application fee of two hundred dollars.

(2) Columbia River smelt license applications accompanied by the license fee shall be made in person or postmarked by January 10 of the license year."

On page 1, line 1 of the title, after "licenses;" strike the remainder of the title and insert "amending RCW 75.30.050 and 75.28.014; and adding new sections to chapter 75.30 RCW."

Signed by Senators Owen, Metcalf, Halsan; Representatives Basich, Haugen, Thomas.

MOTION

On motion of Ms. Haugen, the House adopted the report of the Free Conference Committee on Substitute Senate Bill No. 4741.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 4741 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4741 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 90; nays, 6; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Deliwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams J, Wilson K, Wilson S, Wineberry, Zöllinsky, and Mr. Speaker - 90.

Voting nay: Representatives Isaacson, Long, Nelson G, Sanders, Tilly, Williams B - 6.

Excused: Representatives Miller, Winsley - 2.

Substitute Senate Bill No. 4741 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE SENATE BILL NO. 4590,
 SUBSTITUTE SENATE BILL NO. 4674,
 SENATE BILL NO. 4906,
 SENATE BILL NO. 4927,
 SUBSTITUTE SENATE BILL NO. 4949,
 SENATE BILL NO. 4968,
 SENATE BILL NO. 4982,
 SUBSTITUTE SENATE BILL NO. 5026,
 SENATE BILL NO. 5033,
 SENATE JOINT RESOLUTION NO. 136.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4872 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4872, revising school governance, have had the same under consideration, and we recommend that the bill be amended as follows and the amended bill do pass:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 28A.04.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 179, Laws of 1980 and RCW 28A.04.010 are each amended to read as follows:

The state board of education shall be ~~((comprised))~~ composed of ~~((two))~~ one member~~((s))~~ from each congressional district of the state, ~~((not including any congressional district at large, elected by the members of the boards of directors of school districts thereof, as hereinafter in this chapter provided, and))~~ three members at large, one nonvoting member ~~((elected at large, as hereinafter in this chapter provided, by the members of the boards of directors of))~~ to represent all private schools in the state meeting the requirements of RCW 28A.02.201, as now or hereafter amended, and the superintendent of public instruction as provided for under RCW 28A.03.030(6). The members shall be appointed by the governor upon consultation with the superintendent of public instruction and with the advice and consent of the senate of the state of Washington.

Sec. 2. Section 28A.04.030, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 7, Laws of 1982 1st ex. sess. and RCW 28A.04.030 are each amended to read as follows:

(1) The terms of the initial appointed members shall be as follows: Four members of the state board of education shall be appointed for terms of three years commencing with the second Monday in January of 1987, four members shall be appointed for terms of four years commencing with the second Monday in January of 1988, and four members shall be appointed for terms of five years commencing with the second Monday in January of 1989. Thereafter, all members shall serve for terms of six years.

(2) The terms of the members of the state board of education as of the effective date of this 1986 act shall expire as soon as their successors are appointed by the governor and pursuant to the provisions of this subsection as follows:

(a) The terms of the members from the third and sixth congressional districts, one member at large, and the term of the member representing all private schools in the state meeting the requirements of RCW 28A.02.201 shall end on the second Monday in January of 1990;

(b) The terms of the members from the first, fourth, and seventh congressional districts and one member at large shall end on the second Monday in January of 1992; and

(c) The terms of the members from the second, fifth, and eighth congressional districts and one member at large shall end on the second Monday in January of 1994.

(3) Whenever any new and additional congressional district is created, ((except a congressional district at large, the superintendent of public instruction shall call an election in such district at the time of making the call provided for in RCW 28A.04.020. Such election shall be conducted as other elections provided for in this chapter. At the first such election two members of the state board of education shall be elected, one for a term of three years and one for a term of six years. At the expiration of the term of each, a member shall be elected for a term of six years)) the governor shall appoint an individual to represent the district on the state board of education.

((2)) (4) The terms of office of members of the state board of education who are ((elected)) appointed from the various congressional districts shall not be affected by the creation of either new or new and additional districts. In such an event, each board member may continue to serve in office for the balance of the term for which he or she was ((elected or)) appointed: PROVIDED, That the board member continues to reside within the boundaries of the congressional district as they existed at the time of his or her ((election or)) appointment. Vacancies which occur in a board member position during the balance of any such term shall be filled pursuant to RCW 28A.04.080, as now or hereafter amended, by a successor who resides within the boundaries of the congressional district from which the member whose office was vacated was ((elected)) appointed as they existed at the time of his or her ((election. At the election)) appointment. Immediately preceding the expiration of the term of office of each board member provided for in this subsection following the creation of either new or new and additional congressional districts, and thereafter, a successor shall be ((elected)) appointed from the congressional district which corresponds in number with the congressional district from which the incumbent was appointed ((or elected)).

Sec. 3. Section 28A.04.040, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 7, Laws of 1982 1st ex. sess. and RCW 28A.04.040 are each amended to read as follows:

(1) ((Candidates for membership on the state board of education shall file declarations of candidacy with the superintendent of public instruction on forms prepared by the superintendent. Declarations of candidacy may be filed by person or by mail not earlier than the first day of September, or later than the sixteenth day of September. The superintendent of public instruction may not accept any declaration of candidacy that is not on file in his office or is not postmarked before the seventeenth day of September, or if not postmarked or the postmark is not legible, if received by mail after the twenty-first day of September.)) No person employed in any school, college, university, or other educational institution or any educational service district superintendent's office or in the office of superintendent of public instruction or any officer or employee of any education association or organization that represents school employees, or any school directors shall be eligible for membership on the state board of education and each member ((elected who is not representative of the private schools in this state and thus not running at large)) appointed must be a resident of the congressional district from which he or she was ((elected)) appointed, except the person appointed to represent private schools meeting the requirements of RCW 28A.02.201. No member of a board of directors of a local school district or private school shall continue to serve in that capacity after having been ((elected)) appointed to the state board.

(2) The prohibitions against membership upon the board of directors of a school district or school and against employment, as well as the residence requirement, established by this section, are conditions to the eligibility of state board members to serve as such which apply throughout the terms for which they have been ((elected or)) appointed. Any state board member who hereafter fails to meet one or more of the conditions to eligibility shall be deemed to have immediately forfeited his or her membership upon the board for the balance of his or her term: PROVIDED, That such a forfeiture of office shall not affect the validity of board actions taken prior to the date of notification to the board during an open public meeting of the violation.

Sec. 4. Section 28A.04.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.070 are each amended to read as follows:

The term of office of each member of the state board of education shall begin on the second Monday in January next following the ~~((election))~~ time at which he or she was ~~((elected))~~ appointed, and he or she shall hold office for the term for which he or she was ~~((elected))~~ appointed and until his or her successor is ~~((elected and qualified))~~ appointed. Except as otherwise provided in RCW 28A.04.030, each member of the state board of education shall be ~~((elected))~~ appointed for a term of six years.

Sec. 5. Section 28A.04.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.04.080 are each amended to read as follows:

Whenever there shall be a vacancy upon the state board of education, from any cause whatever, it shall be the duty of the ~~((remaining members of the board))~~ governor to fill such vacancy by appointment, and the person so appointed shall continue in office ~~((until his successor has been specially elected, as hereinafter in this section provided, and has qualified. Whenever a vacancy occurs, the superintendent of public instruction shall call, in the month of August next following the date of the occurrence of such vacancy, a special election to be held in the same manner as other elections provided for in this chapter, at which election a successor shall be elected to hold office for the unexpired term of the member whose office was vacated))~~ for the duration of the term of the position vacated at which time he or she is reappointed or a successor is appointed.

Sec. 6. Section 28A.04.090, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 160, Laws of 1982 and RCW 28A.04.090 are each amended to read as follows:

(1) The state board of education shall ~~((annually))~~ elect annually a ~~((president and))~~ vice president. The superintendent of public instruction shall be an ex officio member and the ~~((chief executive officer))~~ president of the board. As such ex officio member the superintendent shall have the right to vote only when there is a question before the board upon which no majority opinion has been reached among the board members present ~~((and voting thereon and the superintendent's vote is essential for action thereon)).~~ The superintendent, as ~~((chief executive officer))~~ president of the board, shall furnish all necessary record books ~~((and)),~~ forms, and support staff for its use, and shall represent the board in directing the work of school inspection.

(2) All members appointed to the state board of education to represent the congressional districts of the state and the members at large shall have full voting privileges on all matters that come before the board.

Sec. 7. Section 28A.04.100, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 160, Laws of 1982 and RCW 28A.04.100 are each amended to read as follows:

The state board of education ~~((shall appoint))~~ may employ some person to be ~~((ex-officio secretary))~~ executive director of said board ~~((who shall not be entitled to a vote in its proceedings)).~~ The ~~((secretary))~~ executive director shall keep a correct record of board proceedings, which shall be kept in the office of the superintendent of public instruction. He or she shall also, upon request, furnish to interested school officials a copy of such proceedings. The board may employ such clerical staff as it may determine to be necessary.

Sec. 8. Section 28A.04.120, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 40, Laws of 1984 and RCW 28A.04.120 are each amended to read as follows:

In addition to any other powers and duties as provided by law, the state board of education shall:

(1) Approve the program of courses leading to teacher, school administrator, and school specialized personnel certification offered by all institutions of higher education within the state which may be accredited and whose graduates may become entitled to receive such certification.

(2) Investigate the character of the work required to be performed as a condition of entrance to and graduation from any institution of higher education in this state relative to such certification as provided for in subsection (1) above, and prepare a list of accredited institutions of higher education of this and other states whose graduates may be awarded such certificates.

(3) Supervise the issuance of such certificates as provided for in subsection (1) above and specify the types and kinds of certificates necessary for the several departments of the common schools by rule or regulation in accordance with RCW 28A.70.005.

(4) Accredite, subject to such accreditation standards and procedures as may be established by the state board of education, all schools that apply for accreditation, and approve, subject to the provisions of RCW 28A.02.201, private schools carrying out a program for any or all of the grades one through twelve: PROVIDED, That no public or private schools shall be placed upon the list of accredited schools so long as secret societies are knowingly allowed to exist among its students by school officials: PROVIDED FURTHER, That the state board may elect to require all or certain classifications of the public schools to conduct and participate in such pre-accreditation examination and evaluation processes as may now or hereafter be established by the board.

(5) Make rules and regulations governing the establishment in any existing nonhigh school district of any secondary program or any new grades in grades nine through twelve. Before

any such program or any new grades are established the district must obtain prior approval of the state board.

(6) Prepare such outline of study for the common schools as the board shall deem necessary, and prescribe such rules for the general government of the common schools, as shall seek to secure regularity of attendance, prevent truancy, secure efficiency, and promote the true interest of the common schools.

(7) ~~(Prepare with the assistance of the superintendent of public instruction a uniform series of questions, with the proper answers thereto for use in the correcting thereof, to be used in the examination of persons, as this code may direct, and prescribe rules and regulations for conducting any such examinations.)~~ Prepare a report to be submitted biennially to the legislature which will specify (a) current short-term, midrange, and long-term goals and objectives of the state school system; (b) current plans and processes instituted to achieve the goals and objectives; (c) current progress being made to achieve the goals and objectives; and (d) recommendations for legislation necessary to achieve the goals and objectives.

(8) Continuously reevaluate courses and adopt and enforce regulations within the common schools so as to meet the educational needs of students and articulate with the institutions of higher education and unify the work of the public school system.

(9) Carry out board powers and duties relating to the organization and reorganization of school districts under chapter 28A.57 RCW.

(10) By rule or regulation promulgated upon the advice of the state fire marshal, provide for instruction of pupils in the public and private schools carrying out a K through 12 program, or any part thereof, so that in case of sudden emergency they shall be able to leave their particular school building in the shortest possible time or take such other steps as the particular emergency demands, and without confusion or panic; such rules and regulations shall be published and distributed to certificated personnel throughout the state whose duties shall include a familiarization therewith as well as the means of implementation thereof at their particular school.

(11) Hear and decide appeals as otherwise provided by law.

NEW SECTION. Sec. 9. A new section is added to chapter 28A.24 RCW to read as follows:

In addition to other powers and duties, the superintendent of public instruction shall adopt rules and regulations governing the training and qualifications of school bus drivers. Such rules and regulations shall be designed to ensure that persons will not be employed to operate school buses unless they possess such physical health and driving skills as are necessary to operate school buses safely: PROVIDED, That such rules and regulations shall ensure that school bus drivers are provided a due process hearing before any certification required by such rules and regulations is cancelled: PROVIDED FURTHER, That such rules and regulations shall not conflict with the authority of the department of licensing to license school bus drivers in accordance with RCW 46.20.440 through 46.20.470.

NEW SECTION. Sec. 10. The following acts or parts of acts are each repealed:

(1) Section 28A.04.020, chapter 223, Laws of 1969 ex. sess., section 1, chapter 38, Laws of 1981 and RCW 28A.04.020;

(2) Section 28A.04.050, chapter 223, Laws of 1969 ex. sess., section 2, chapter 38, Laws of 1981 and RCW 28A.04.050;

(3) Section 28A.04.060, chapter 223, Laws of 1969 ex. sess., section 25, chapter 283, Laws of 1969 ex. sess., section 2, chapter 19, Laws of 1975, section 5, chapter 179, Laws of 1980, section 3, chapter 38, Laws of 1981 and RCW 28A.04.060;

(4) Section 1, chapter 19, Laws of 1975, section 6, chapter 179, Laws of 1980 and RCW 28A.04.065; and

(5) Section 4, chapter 153, Laws of 1969 ex. sess., section 89, chapter 158, Laws of 1979, section 1, chapter 200, Laws of 1981 and RCW 28A.04.131.

NEW SECTION. Sec. 11. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

Signed by Senators Gaspard, Bauer; Representatives Ebersole, Peery.

MOTION

On motion of Mr. Ebersole, the House adopted the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4872.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 4872 as amended by Free Conference Committee.

Mr. Ebersole spoke in favor of passage of the bill, and Representatives Taylor, G. Nelson, Padden and Vander Stoep spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4872 as amended by the Free Conference Committee, and the bill passed the House by the following vote: Yeas, 50; nays, 46; excused, 2.

Voting yea: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hine, Jacobsen, King J, King P, King R, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 50.

Voting nay: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betrozoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Kremen, Lewis, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S - 46.

Excused: Representatives Miller, Winsley - 2.

Engrossed Substitute Senate Bill No. 4872 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on REENGROSSED SUBSTITUTE SENATE BILL NO. 3498 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred REENGROSSED SUBSTITUTE SENATE BILL NO. 3498, regulating recreational water contact facilities, have had the same under consideration, and we recommend that the House Social & Health Services Committee amendment be adopted with the following changes:

On page 2 of the amendment, line 2 after "patrons" strike the remainder of the paragraph through "section"

On page 2, beginning on line 24 strike all of subsection (7)

On page 8, beginning on line 8 strike all of section 14 and insert the following:

"NEW SECTION, Sec. 14. A recreational water contact facility shall not be operated within the state unless the owner or operator has purchased insurance in an amount not less than one hundred thousand dollars against liability for bodily injury to or death of one or more persons in any one accident arising out of the use of the recreational water contact facility.

(2) The board may require a recreational water contact facility to purchase insurance in addition to the amount required in subsection (1) of this section."

Signed by Senators Warnke, Williams, Cantu; Representatives Brekke, Day, Lewis.

MOTION

On motion of Mr. Day, the House adopted the report of the Free Conference Committee on Reengrossed Substitute Senate Bill No. 3498.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE

The Speaker stated the question before the House to be the final passage of Reengrossed Substitute Senate Bill No. 3498 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Reengrossed Substitute Senate Bill No. 3498 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 71; nays, 25; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Rayburn, Rust, Sayan, Schmidt, Scott, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 71.

Voting nay: Representatives Betzoff, Bond, Brough, Chandler, Dobbs, Fuhrman, Hastings, Haugen, Isaacson, Leonard, Lundquist, Nealey, Patrick, Prince, Sanders, Schoon, Silver, Smith C, Smith L, Thomas, Van Loven, Vander Stoep, West, Williams B, Williams J - 25.

Excused: Representatives Miller, Winsley - 2.

Reengrossed Substitute Senate Bill No. 3498 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4486 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4486, authorizing county legislative authorities to designate certain violations as civil, have had the same under consideration, and we recommend that the bill be amended as follows and the amended bill do pass:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 36.01.010, chapter 4, Laws of 1963 and RCW 36.01.010 are each amended to read as follows:

The several counties in this state shall have capacity as bodies corporate, to sue and be sued in the manner prescribed by law; to purchase and hold lands (~~within their own limits~~); to make such contracts, and to purchase and hold such personal property, as may be necessary to their corporate or administrative powers, and to do all other necessary acts in relation to all the property of the county.

Sec. 2. Section 36.32.120, chapter 4, Laws of 1963 as last amended by section 1, chapter 91, Laws of 1985 and RCW 36.32.120 are each amended to read as follows:

The legislative authorities of the several counties shall:

(1) Provide for the erection and repairing of court houses, jails, and other necessary public buildings for the use of the county;

(2) Lay out, discontinue, or alter county roads and highways within their respective counties, and do all other necessary acts relating thereto according to law, except within cities and towns which have jurisdiction over the roads within their limits;

(3) License and fix the rates of ferrriage; grant grocery and other licenses authorized by law to be by them granted at fees set by the legislative authorities which shall not exceed the costs of administration and operation of such licensed activities;

(4) Fix the amount of county taxes to be assessed according to the provisions of law, and cause the same to be collected as prescribed by law: PROVIDED, That the legislative authority of a county may permit all moneys, assessments, and taxes belonging to or collected for the use of any county, including any amounts representing estimates for future assessments and taxes, to be deposited by any taxpayer prior to the due date thereof with the treasurer or other legal depository for the benefit of the funds to which they belong to be credited against any future tax or assessment that may be levied or become due from the taxpayer: PROVIDED FURTHER, That the taxpayer, with the concurrence of the county legislative authority, may designate the particular fund against which such prepayment of future tax or assessment shall be credited;

(5) Allow all accounts legally chargeable against the county not otherwise provided for, and audit the accounts of all officers having the care, management, collection, or disbursement of any money belonging to the county or appropriated to its benefit;

(6) Have the care of the county property and the management of the county funds and business and in the name of the county prosecute and defend all actions for and against the county, and such other powers as are or may be conferred by law;

(7) Make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law, and within the unincorporated area of the county may adopt by reference Washington state statutes and recognized codes and/or compilations printed in book form relating to the construction of buildings, the installation of plumbing, the installation of electric wiring, health, or other subjects, and may adopt such codes and/or compilations or portions thereof, together with amendments thereto, or additions thereto; PROVIDED, That except for Washington state statutes, there shall be filed in the county auditor's office one copy of such codes and compilations ten days prior to their adoption by reference, and additional copies may also be filed in library or city offices within the county as deemed necessary by the county legislative authority; PROVIDED FURTHER, That no such regulation, code, compilation, and/or statute shall be effective unless before its adoption, a public hearing has been held thereon by the county legislative authority of which at least ten days' notice has been given. Any violation of such regulations, ordinances, codes, compilations, and/or statutes or resolutions shall constitute a misdemeanor or a civil violation subject to a monetary penalty; PROVIDED FURTHER, That violation of a regulation, ordinance, code, compilation, and/or statute relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of a regulation, ordinance, code, compilation, and/or statute equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor. The notice must set out a copy of the proposed regulations; or if a code is adopted by reference the notice shall set forth the full official title and a statement describing the general purpose of such code. The notice shall also include the day, hour, and place of hearing and must be given by publication in the newspaper in which legal notices of the county are printed:

(8) Have power to compound and release in whole or in part any debt due to the county when in their opinion the interest of their county will not be prejudiced thereby, except in cases where they or any of them are personally interested;

(9) Have power to administer oaths or affirmations necessary in the discharge of their duties and commit for contempt any witness refusing to testify before them with the same power as justices of the peace.

Sec. 3. Section 35.22.280, chapter 7, Laws of 1965 as last amended by section 802, chapter 258, Laws of 1984 and RCW 35.22.280 are each amended to read as follows:

Any city of the first class shall have power:

(1) To provide for general and special elections, for questions to be voted upon, and for the election of officers;

(2) To provide for levying and collecting taxes on real and personal property for its corporate uses and purposes, and to provide for the payment of the debts and expenses of the corporation;

(3) To control the finances and property of the corporation, and to acquire, by purchase or otherwise, such lands and other property as may be necessary for any part of the corporate uses provided for by its charter, and to dispose of any such property as the interests of the corporation may, from time to time, require;

(4) To borrow money for corporate purposes on the credit of the corporation, and to issue negotiable bonds therefor, on such conditions and in such manner as shall be prescribed in its charter; but no city shall, in any manner or for any purpose, become indebted to an amount in the aggregate to exceed the limitation of indebtedness prescribed by chapter 39.36 RCW as now or hereafter amended;

(5) To issue bonds in place of or to supply means to meet maturing bonds or other indebtedness, or for the consolidation or funding of the same;

(6) To purchase or appropriate private property within or without its corporate limits, for its corporate uses, upon making just compensation to the owners thereof, and to institute and maintain such proceedings as may be authorized by the general laws of the state for the appropriation of private property for public use;

(7) To lay out, establish, open, alter, widen, extend, grade, pave, plank, establish grades, or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks, and other public grounds, and to regulate and control the use thereof, and to vacate the same, and to authorize or prohibit the use of electricity at, in, or upon any of said streets, or for other purposes, and to prescribe the terms and conditions upon which the same may be so used, and to regulate the use thereof;

(8) To change the grade of any street, highway, or alley within its corporate limits, and to provide for the payment of damages to any abutting owner or owners who shall have built or made other improvements upon such street, highway, or alley at any point opposite to the point where such change shall be made with reference to the grade of such street, highway, or alley as the same existed prior to such change;

(9) To authorize or prohibit the locating and constructing of any railroad or street railroad in any street, alley, or public place in such city, and to prescribe the terms and conditions upon which any such railroad or street railroad shall be located or constructed; to provide for the alteration, change of grade, or removal thereof; to regulate the moving and operation of railroad and street railroad trains, cars, and locomotives within the corporate limits of said city;

and to provide by ordinance for the protection of all persons and property against injury in the use of such railroads or street railroads:

(10) To provide for making local improvements, and to levy and collect special assessments on property benefited thereby, and for paying for the same or any portion thereof;

(11) To acquire, by purchase or otherwise, lands for public parks within or without the limits of such city, and to improve the same. When the language of any instrument by which any property is so acquired limits the use of said property to park purposes and contains a reservation of interest in favor of the grantor or any other person, and where it is found that the property so acquired is not needed for park purposes and that an exchange thereof for other property to be dedicated for park purposes is in the public interest, the city may, with the consent of the grantor or such other person, his heirs, successors, or assigns, exchange such property for other property to be dedicated for park purposes, and may make, execute, and deliver proper conveyances to effect the exchange. In any case where, owing to death or lapse of time, there is neither donor, heir, successor, or assignee to give consent, this consent may be executed by the city and filed for record with an affidavit setting forth all efforts made to locate people entitled to give such consent together with the facts which establish that no consent by such persons is attainable. Title to property so conveyed by the city shall vest in the grantee free and clear of any trust in favor of the public arising out of any prior dedication for park purposes, but the right of the public shall be transferred and preserved with like force and effect to the property received by the city in such exchange;

(12) To construct and keep in repair bridges, viaducts, and tunnels, and to regulate the use thereof;

(13) To determine what work shall be done or improvements made at the expense, in whole or in part, of the owners of the adjoining contiguous, or proximate property, or others specially benefited thereby; and to provide for the manner of making and collecting assessments therefor;

(14) To provide for erecting, purchasing, or otherwise acquiring waterworks, within or without the corporate limits of said city, to supply said city and its inhabitants with water, or authorize the construction of same by others when deemed for the best interests of such city and its inhabitants, and to regulate and control the use and price of the water so supplied;

(15) To provide for lighting the streets and all public places, and for furnishing the inhabitants thereof with gas or other lights, and to erect, or otherwise acquire, and to maintain the same, or to authorize the erection and maintenance of such works as may be necessary and convenient therefor, and to regulate and control the use thereof;

(16) To establish and regulate markets, and to provide for the weighing, measuring, and inspection of all articles of food and drink offered for sale thereat, or at any other place within its limits, by proper penalties, and to enforce the keeping of proper legal weights and measures by all vendors in such city, and to provide for the inspection thereof;

(17) To erect and establish hospitals and pesthouses, and to control and regulate the same;

(18) To provide for establishing and maintaining reform schools for juvenile offenders;

(19) To provide for the establishment and maintenance of public libraries, and to appropriate, annually, such percent of all moneys collected for fines, penalties, and licenses as shall be prescribed by its charter, for the support of a city library, which shall, under such regulations as shall be prescribed by ordinance, be open for use by the public;

(20) To regulate the burial of the dead, and to establish and regulate cemeteries within or without the corporate limits, and to acquire land therefor by purchase or otherwise; to cause cemeteries to be removed beyond the limits of the corporation, and to prohibit their establishment within two miles of the boundaries thereof;

(21) To direct the location and construction of all buildings in which any trade or occupation offensive to the senses or deleterious to public health or safety shall be carried on, and to regulate the management thereof; and to prohibit the erection or maintenance of such buildings or structures, or the carrying on of such trade or occupation within the limits of such corporation, or within the distance of two miles beyond the boundaries thereof;

(22) To provide for the prevention and extinguishment of fires and to regulate or prohibit the transportation, keeping, or storage of all combustible or explosive materials within its corporate limits, and to regulate and restrain the use of fireworks;

(23) To establish fire limits and to make all such regulations for the erection and maintenance of buildings or other structures within its corporate limits as the safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in safe condition;

(24) To regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained;

(25) To deepen, widen, dock, cover, wall, alter, or change the channels of waterways and courses, and to provide for the construction and maintenance of all such works as may be required for the accommodation of commerce, including canals, slips, public landing places, wharves, docks, and levees, and to control and regulate the use thereof;

(26) To control, regulate, or prohibit the anchorage, moorage, and landing of all watercraft and their cargoes within the jurisdiction of the corporation;

(27) To fix the rates of wharfage and dockage, and to provide for the collection thereof, and to provide for the imposition and collection of such harbor fees as may be consistent with the laws of the United States;

(28) To license, regulate, control, or restrain wharf boats, tugs, and other boats used about the harbor or within such jurisdiction;

(29) To require the owners of public halls or other buildings to provide suitable means of exit; to provide for the prevention and abatement of nuisances, for the cleaning and purification of watercourses and canals, for the drainage and filling up of ponds on private property within its limits, when the same shall be offensive to the senses or dangerous to health; to regulate and control, and to prevent and punish, the defilement or pollution of all streams running through or into its corporate limits, and for the distance of five miles beyond its corporate limits, and on any stream or lake from which the water supply of said city is taken, for a distance of five miles beyond its source of supply; to provide for the cleaning of areas, vaults, and other places within its corporate limits which may be so kept as to become offensive to the senses or dangerous to health, and to make all such quarantine or other regulations as may be necessary for the preservation of the public health, and to remove all persons afflicted with any infectious or contagious disease to some suitable place to be provided for that purpose;

(30) To declare what shall be a nuisance, and to abate the same, and to impose fines upon parties who may create, continue, or suffer nuisances to exist;

(31) To regulate the selling or giving away of intoxicating, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state: PROVIDED, That no license shall be granted to any person or persons who shall not first comply with the general laws of the state in force at the time the same is granted;

(32) To grant licenses for any lawful purpose, and to fix by ordinance the amount to be paid therefor, and to provide for revoking the same: PROVIDED, That no license shall be granted to continue for longer than one year from the date thereof;

(33) To regulate the carrying on within its corporate limits of all occupations which are of such a nature as to affect the public health or the good order of said city, or to disturb the public peace, and which are not prohibited by law, and to provide for the punishment of all persons violating such regulations, and of all persons who knowingly permit the same to be violated in any building or upon any premises owned or controlled by them;

(34) To restrain and provide for the punishment of vagrants, mendicants, prostitutes, and other disorderly persons;

(35) To provide for the punishment of all disorderly conduct, and of all practices dangerous to public health or safety, and to make all regulations necessary for the preservation of public morality, health, peace, and good order within its limits, and to provide for the arrest, trial, and punishment of all persons charged with violating any of the ordinances of said city. The punishment shall not exceed a fine of five thousand dollars or imprisonment in the city jail for one year, or both such fine and imprisonment. Such cities alternatively may provide that violations of ordinances constitute a civil violation subject to monetary penalties;

(36) To project or extend its streets over and across any tidelands within its corporate limits, and along or across the harbor areas of such city, in such manner as will best promote the interests of commerce;

(37) To provide in their respective charters for a method to propose and adopt amendments thereto.

Sec. 4. Section 35.23.440, chapter 7, Laws of 1965 as last amended by section 5, chapter 189, Laws of 1984 and by section 803, chapter 258, Laws of 1984 and RCW 35.23.440 are each reenacted and amended to read as follows:

The city council of each second class city shall have power and authority:

(1) Ordinances: To make and pass all ordinances, orders, and resolutions not repugnant to the Constitution of the United States or the state of Washington, or the provisions of this title, necessary for the municipal government and management of the affairs of the city, for the execution of the powers vested in said body corporate, and for the carrying into effect of the provisions of this title.

(2) License of shows: To fix and collect a license tax, for the purposes of revenue and regulation, on theatres, melodeons, balls, concerts, dances, theatrical, circus, or other performances, and all performances where an admission fee is charged, or which may be held in any house or place where wines or liquors are sold to the participators; also all shows, billiard tables, pool tables, bowling alleys, exhibitions, or amusements.

(3) Hotels, etc., licenses: To fix and collect a license tax for the purposes of revenue and regulation on and to regulate all taverns, hotels, restaurants, banks, brokers, manufactories, livery stables, express companies and persons engaged in transmitting letters or packages, railroad, stage, and steamboat companies or owners, whose principal place of business is in such city, or who have an agency therein.

(4) Peddlers', etc., licenses: To license, for the purposes of revenue and regulation, tax, prohibit, suppress, and regulate all raffles, hawkers, peddlers, pawnbrokers, refreshment or coffee stands, booths, or sheds; and to regulate as authorized by state law all tipping houses, dram shops, saloons, bars, and barrooms.

- (5) Dance houses: To prohibit or suppress, or to license and regulate all dance houses, fandango houses, or any exhibition or show of any animal or animals.
- (6) License vehicles: To license for the purposes of revenue and regulation, and to tax hackney coaches, cabs, omnibuses, drays, market wagons, and all other vehicles used for hire, and to regulate their stands, and to fix the rates to be charged for the transportation of persons, baggage, and property.
- (7) Hotel runners: To license or suppress runners for steamboats, taverns, or hotels.
- (8) License generally: To fix and collect a license tax for the purposes of revenue and regulation, upon all occupations and trades, and all and every kind of business authorized by law not heretofore specified: PROVIDED, That on any business, trade, or calling not provided by law to be licensed for state and county purposes, the amount of license shall be fixed at the discretion of the city council, as they may deem the interests and good order of the city may require.
- (9) Riots: To prevent and restrain any riot or riotous assemblages, disturbance of the peace, or disorderly conduct in any place, house, or street in the city.
- (10) Nuisances: To declare what shall be deemed nuisances; to prevent, remove, and abate nuisances at the expense of the parties creating, causing, or committing or maintaining the same, and to levy a special assessment on the land or premises whereon the nuisance is situated to defray the cost or to reimburse the city for the cost of abating the same.
- (11) Stock pound: To establish, maintain, and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed and collected of the owners of any animals impounded, and from no other source; to prevent and regulate the running at large of any and all domestic animals within the city limits or any parts thereof, and to regulate or prevent the keeping of such animals within any part of the city.
- (12) Control of certain trades: To control and regulate slaughterhouses, washhouses, laundries, tanneries, forges, and offensive trades, and to provide for their exclusion or removal from the city limits, or from any part thereof.
- (13) Street cleaning: To provide, by regulation, for the prevention and summary removal of all filth and garbage in streets, sloughs, alleys, back yards, or public grounds of such city, or elsewhere therein.
- (14) Gambling, etc.: To prohibit and suppress all gaming and all gambling or disorderly houses, and houses of ill fame, and all immoral and indecent amusements, exhibitions, and shows.
- (15) Markets: To establish and regulate markets and market places.
- (16) Speed of railroad cars: To fix and regulate the speed at which any railroad cars, streetcars, automobiles, or other vehicles may run within the city limits, or any portion thereof.
- (17) City commons: To provide for and regulate the commons of the city.
- (18) Fast driving: To regulate or prohibit fast driving or riding in any portion of the city.
- (19) Combustibles: To regulate or prohibit the loading or storage of gunpowder and combustible or explosive materials in the city, or transporting the same through its streets or over its waters.
- (20) Property: To have, purchase, hold, use, and enjoy property of every name or kind whatsoever, and to sell, lease, transfer, mortgage, convey, control, or improve the same; to build, erect, or construct houses, buildings, or structures of any kind needful for the use or purposes of such city.
- (21) Fire department: To establish, continue, regulate, and maintain a fire department for such city, to change or reorganize the same, and to disband any company or companies of the said department; also, to discontinue and disband said fire department, and to create, organize, establish, and maintain a paid fire department for such city.
- (22) Water supply: To adopt, enter into, and carry out means for securing a supply of water for the use of such city or its inhabitants, or for irrigation purposes therein.
- (23) Overflow of water: To prevent the overflow of the city or to secure its drainage, and to assess the cost thereof to the property benefited.
- (24) House numbers: To provide for the numbering of houses.
- (25) Health board: To establish a board of health; to prevent the introduction and spread of disease; to establish a city infirmary and to provide for the indigent sick; and to provide and enforce regulations for the protection of health, cleanliness, peace, and good order of the city; to establish and maintain hospitals within or without the city limits; to control and regulate interments and to prohibit them within the city limits.
- (26) Harbors and wharves: To build, alter, improve, keep in repair, and control the waterfront; to erect, regulate, and repair wharves, and to fix the rate of wharfage and transit of wharf, and levy dues upon vessels and commodities; and to provide for the regulation of berths, landing, stationing, and removing steamboats, sail vessels, rafts, barges, and all other watercraft; to fix the rate of speed at which steamboats and other steam watercraft may run along the waterfront of the city; to build bridges so as not to interfere with navigation; to provide for the removal of obstructions to the navigation of any channel or watercourses or channels.
- (27) License of steamers: To license steamers, boats, and vessels used in any watercourse in the city, and to fix and collect a license tax thereon.

- (28) Ferry licenses: To license ferries and toll bridges under the law regulating the granting of such license.
- (29) Penalty for violation of ordinances: To provide that violations of ordinances constitute a civil violation subject to monetary penalties or to determine and impose fines for forfeitures and penalties that shall be incurred for the breach or violation of any city ordinance, notwithstanding that the act constituting a violation of any such ordinance may also be punishable under the state laws, and also for a violation of the provisions of this chapter, when no penalty is affixed thereto or provided by law, and to appropriate all such fines, penalties, and forfeitures for the benefit of the city; but no penalty to be enforced shall exceed for any offense the amount of five thousand dollars or imprisonment for one year, or both; and every violation of any lawful order, regulation, or ordinance of the city council of such city is hereby declared a misdemeanor or public offense, and all prosecutions for the same may be in the name of the state of Washington; PROVIDED, That violation of an order, regulation, or ordinance relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction, except that violation of an order, regulation, or ordinance equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 remains a misdemeanor.
- (30) Police department: To create and establish a city police; to prescribe their duties and their compensation; and to provide for the regulation and government of the same.
- (31) Elections: To provide for conducting elections and establishing election precincts when necessary, to be as near as may be in conformity with the state law.
- (32) Examine official accounts: To examine, either in open session or by committee, the accounts or doings of all officers or other persons having the care, management, or disposition of moneys, property, or business of the city.
- (33) Contracts: To make all appropriations, contracts, or agreements for the use or benefit of the city and in the city's name.
- (34) Streets and sidewalks: To provide by ordinance for the opening, laying out, altering, extending, repairing, grading, paving, planking, graveling, macadamizing, or otherwise improving of public streets, avenues, and other public ways, or any portion of any thereof; and for the construction, regulation, and repair of sidewalks and other street improvements, all at the expense of the property to be benefited thereby, without any recourse, in any event, upon the city for any portion of the expense of such work, or any delinquency of the property holders or owners, and to provide for the forced sale thereof for such purposes; to establish a uniform grade for streets, avenues, sidewalks, and squares, and to enforce the observance thereof.
- (35) Waterways: To clear, cleanse, alter, straighten, widen, fill up, or close any waterway, drain, or sewer, or any watercourse in such city when not declared by law to be navigable, and to assess the expense thereof, in whole or in part, to the property specially benefited.
- (36) Sewerage: To adopt, provide for, establish, and maintain a general system of sewerage, draining, or both, and the regulation thereof; to provide funds by local assessments on the property benefited for the purpose aforesaid and to determine the manner, terms, and place of connection with main or central lines of pipes, sewers, or drains established, and compel compliance with and conformity to such general system of sewerage or drainage, or both, and the regulations of said council thereto relating, by the infliction of suitable penalties and forfeitures against persons and property, or either, for nonconformity to, or failure to comply with the provisions of such system and regulations or either.
- (37) Buildings and parks: To provide for all public buildings, public parks, or squares, necessary or proper for the use of the city.
- (38) Franchises: To permit the use of the streets for railroad or other public service purposes.
- (39) Payment of judgments: To order paid any final judgment against such city, but none of its lands or property of any kind or nature, taxes, revenue, franchise, or rights, or interest, shall be attached, levied upon, or sold in or under any process whatsoever.
- (40) Weighing of fuel: To regulate the sale of coal and wood in such city, and may appoint a measurer of wood and weigher of coal for the city, and define his duties, and may prescribe his term of office, and the fees he shall receive for his services: PROVIDED, That such fees shall in all cases be paid by the parties requiring such service.
- (41) Hospitals, etc.: To erect and establish hospitals and pesthouses and to control and regulate the same.
- (42) Waterworks: To provide for the erection, purchase, or otherwise acquiring of waterworks within or without the corporate limits of the city to supply such city and its inhabitants with water, and to regulate and control the use and price of the water so supplied.
- (43) City lights: To provide for lighting the streets and all public places of the city and for furnishing the inhabitants of the city with gas, electric, or other light, and for the ownership, purchase or acquisition, construction, or maintenance of such works as may be necessary or convenient therefor: PROVIDED, That no purchase of any such water plant or light plant shall be made without first submitting the question of such purchase to the electors of the city.
- (44) Parks: To acquire by purchase or otherwise land for public parks, within or without the limits of the city, and to improve the same.

(45) Bridges: To construct and keep in repair bridges, and to regulate the use thereof.

(46) Power of eminent domain: In the name of and for the use and benefit of the city, to exercise the right of eminent domain, and to condemn lands and property for the purposes of streets, alleys, parks, public grounds, waterworks, or for any other municipal purpose and to acquire by purchase or otherwise such lands and property as may be deemed necessary for any of the corporate uses provided for by this title, as the interests of the city may from time to time require.

(47) To provide for the assessment of taxes: To provide for the assessment, levying, and collecting of taxes on real and personal property for the corporate uses and purposes of the city and to provide for the payment of the debts and expenses of the corporation.

(48) Local improvements: To provide for making local improvements, and to levy and collect special assessments on the property benefited thereby and for paying the same or any portion thereof; to determine what work shall be done or improvements made, at the expense, in whole or in part, of the adjoining, contiguous, or proximate property, and to provide for the manner of making and collecting assessments therefor.

(49) Cemeteries: To regulate the burial of the dead and to establish and regulate cemeteries, within or without the corporate limits, and to acquire lands therefor by purchase or otherwise.

(50) Fire limits: To establish fire limits with proper regulations and to make all needful regulations for the erection and maintenance of buildings or other structures within the corporate limits as safety of persons or property may require, and to cause all such buildings and places as may from any cause be in a dangerous state to be put in a safe condition; to regulate the manner in which stone, brick, and other buildings, party walls, and partition fences shall be constructed and maintained.

(51) Safety and sanitary measures: To require the owners of public halls, theaters, hotels, and other buildings to provide suitable means of exit and proper fire escapes; to provide for the cleaning and purification of watercourses and canals and for the draining and filling up of ponds on private property within its limits when the same shall be offensive to the senses or dangerous to the health, and to charge the expense thereof to the property specially benefited, and to regulate and control and provide for the prevention and punishment of the defilement or pollution of all streams running in or through its corporate limits and a distance of five miles beyond its corporate limits, and of any stream or lake from which the water supply of the city is or may be taken and for a distance of five miles beyond its source of supply, and to make all quarantine and other regulations as may be necessary for the preservation of the public health and to remove all persons afflicted with any contagious disease to some suitable place to be provided for that purpose.

(52) To regulate liquor traffic: To regulate the selling or giving away of intoxicating, spirituous, malt, vinous, mixed, or fermented liquors as authorized by the general laws of the state.

(53) To establish streets on tidelands: To project or extend or establish streets over and across any tidelands within the limits of such city.

(54) To provide for the general welfare.

Sec. 5. Section 35.24.290, chapter 7, Laws of 1965 as last amended by section 804, chapter 258, Laws of 1984 and RCw 35.24.290 are each amended to read as follows:

The city council of each third class city shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state or of the United States;

(2) To prevent and regulate the running at large of any or all domestic animals within the city limits or any part thereof and to cause the impounding and sale of any such animals;

(3) To establish, build and repair bridges, to establish, lay out, alter, keep open, open, widen, vacate, improve and repair streets, sidewalks, alleys, squares and other public highways and places within the city, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish and reestablish the grades thereof; to grade, plank, pave, macadamize, gravel and curb the same, in whole or in part; to construct gutters, culverts, sidewalks and crosswalks therein or upon any part thereof; to cultivate and maintain parking strips therein, and generally to manage and control all such highways and places; to provide by local assessment for the leveling up and surfacing and oiling or otherwise treating for the laying of dust, all streets within the city limits;

(4) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets and alleys or within two hundred feet thereof along which sewers shall have been constructed to make proper connections therewith and to use the same for proper purposes, and in case the owners of the property on such streets and alleys or within two hundred feet thereof fail to make such connections within the time fixed by such council, it may cause such connections to be made and assess against the property served thereby the costs and expenses thereof;

(5) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(6) To impose and collect an annual license on every dog within the limits of the city, to prohibit dogs running at large and to provide for the killing of all dogs not duly licensed found at large;

(7) To license, for the purposes of regulation and revenue, all and every kind of business authorized by law, and transacted and carried on in such city, and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof, to fix the rate of license tax upon the same, and to provide for the collection of the same by suit or otherwise;

(8) To improve rivers and streams flowing through such city, or adjoining the same; to widen, straighten and deepen the channel thereof, and remove obstructions therefrom; to improve the water-front of the city, and to construct and maintain embankments and other works to protect such city from overflow; to prevent the filling of the water of any bay, except such filling over tide or shorelands as may be provided for by order of the city council; to purify and prevent the pollution of streams of water, lakes or other sources of supply, and for this purpose shall have jurisdiction over all streams, lakes or other sources of supply, both within and without the city limits. Such city shall have power to provide by ordinance and to enforce such punishment or penalty as the city council may deem proper for the offense of polluting or in any manner obstructing or interfering with the water supply of such city or source thereof;

(9) To erect and maintain buildings for municipal purposes;

(10) To permit, under such restrictions as it may deem proper, and to grant franchises for, the laying of railroad tracks, and the running of cars propelled by electric, steam or other power thereon, and the laying of gas and water pipes and steam mains and conduits for underground wires, and to permit the construction of tunnels or subways in the public streets, and to construct and maintain and to permit the construction and maintenance of telegraph, telephone and electric lines therein;

(11) In its discretion to divide the city by ordinance, into a convenient number of wards, not exceeding six, to fix the boundaries thereof, and to change the same from time to time: PROVIDED, That no change in the boundaries of any ward shall be made within sixty days next before the date of a general municipal election, nor within twenty months after the wards have been established or altered. Whenever such city is so divided into wards, the city council shall designate by ordinance the number of councilmen to be elected from each ward, apportioning the same in proportion to the population of the wards. Thereafter the councilmen so designated shall be elected by the qualified electors resident in such ward, or by general vote of the whole city as may be designated in such ordinance. When additional territory is added to the city it may by act of the council, be annexed to contiguous wards without affecting the right to redistrict at the expiration of twenty months after last previous division. The removal of a councilman from the ward for which he was elected shall create a vacancy in such office;

(12) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance to fix the penalty by fine or imprisonment, or both, but no such fine shall exceed five thousand dollars nor the term of such imprisonment exceed the term of one year; or to provide that violations of ordinances constitute a civil violation subject to monetary penalty;

(13) To establish fire limits, with proper regulations;

(14) To establish and maintain a free public library;

(15) To establish and regulate public markets and market places;

(16) To punish the keepers and inmates and lessors of houses of ill fame, gamblers and keepers of gambling tables, patrons thereof or those found loitering about such houses and places;

(17) To make all such ordinances, bylaws, rules, regulations and resolutions, not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the corporation and its trade, commerce and manufactures, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter, and to enact and enforce within the limits of such city all other local, police, sanitary and other regulations as do not conflict with general laws;

(18) To license steamers, boats and vessels used in any bay or other watercourse in the city and to fix and collect such license; to provide for the regulation of berths, landings, and stations, and for the removing of steamboats, sail boats, sail vessels, rafts, barges and other watercraft; to provide for the removal of obstructions to navigation and of structures dangerous to navigation or to other property, in or adjoining the waterfront, except in municipalities in counties in which there is a city of the first class.

Sec. 6. Section 35.27.370, chapter 7, Laws of 1965 as last amended by section 805, chapter 258, Laws of 1984 and RCW 35.27.370 are each amended to read as follows:

The council of said town shall have power:

(1) To pass ordinances not in conflict with the Constitution and laws of this state, or of the United States;

(2) To purchase, lease or receive such real estate and personal property as may be necessary or proper for municipal purposes, and to control, dispose of and convey the same for the benefit of the town; to acquire, own, and hold real estate for cemetery purposes either within or without the corporate limits, to sell and dispose of such real estate, to plat or replat such real estate into cemetery lots and to sell and dispose of any and all lots therein, and to operate, improve and maintain the same as a cemetery;

(3) To contract for supplying the town with water for municipal purposes, or to acquire, construct, repair and manage pumps, aqueducts, reservoirs, or other works necessary or proper for supplying water for use of such town or its inhabitants, or for irrigating purposes therein;

(4) To establish, build and repair bridges, to establish, lay out, alter, widen, extend, keep open, improve, and repair streets, sidewalks, alleys, squares and other public highways and places within the town, and to drain, sprinkle and light the same; to remove all obstructions therefrom; to establish the grades thereof; to grade, pave, plank, macadamize, gravel and curb the same, in whole or in part, and to construct gutters, culverts, sidewalks and crosswalks therein, or on any part thereof; to cause to be planted, set out and cultivated trees therein, and generally to manage and control all such highways and places;

(5) To establish, construct and maintain drains and sewers, and shall have power to compel all property owners on streets along which sewers are constructed to make proper connections therewith, and to use the same for proper purposes when such property is improved by the erection thereon of a building or buildings; and in case the owners of such improved property on such streets shall fail to make such connections within the time fixed by such council, they may cause such connections to be made, and to assess against the property in front of which such connections are made the costs and expenses thereof;

(6) To provide fire engines and all other necessary or proper apparatus for the prevention and extinguishment of fires;

(7) To impose and collect an annual license on every dog within the limits of the town, to prohibit dogs running at large, and to provide for the killing of all dogs found at large and not duly licensed;

(8) To levy and collect annually a property tax, for the payment of current expenses and for the payment of indebtedness (if any indebtedness exists) within the limits authorized by law;

(9) To license, for purposes of regulation and revenue, all and every kind of business, authorized by law and transacted and carried on in such town; and all shows, exhibitions and lawful games carried on therein and within one mile of the corporate limits thereof; to fix the rate of license tax upon the same, and to provide for the collection of the same, by suit or otherwise; to regulate, restrain, or prohibit the running at large of any and all domestic animals within the city limits, or any part or parts thereof, and to regulate the keeping of such animals within any part of the city; to establish, maintain and regulate a common pound for estrays, and to appoint a poundkeeper, who shall be paid out of the fines and fees imposed on, and collected from, the owners of any impounded stock;

(10) To improve the rivers and streams flowing through such town or adjoining the same; to widen, straighten and deepen the channels thereof, and to remove obstructions therefrom; to prevent the pollution of streams or water running through such town, and for this purpose shall have jurisdiction for two miles in either direction; to improve the waterfront of the town, and to construct and maintain embankments and other works to protect such town from overflow;

(11) To erect and maintain buildings for municipal purposes;

(12) To grant franchises or permits to use and occupy the surface, the overhead and the underground of streets, alleys and other public ways, under such terms and conditions as it shall deem fit, for any and all purposes, including but not being limited to the construction, maintenance and operation of railroads, street railways, transportation systems, water, gas and steam systems, telephone and telegraph systems, electric lines, signal systems, surface, aerial and underground tramways;

(13) To punish the keepers and inmates and lessors of houses of ill fame, and keepers and lessors of gambling houses and rooms and other places where gambling is carried on or permitted, gamblers and keepers of gambling tables;

(14) To impose fines, penalties and forfeitures for any and all violations of ordinances, and for any breach or violation of any ordinance, to fix the penalty by fine or imprisonment, or both; but no such fine shall exceed five thousand dollars, nor the term of imprisonment exceed one year; or to provide that violations of ordinances constitute a civil violation subject to a monetary penalty;

(15) To operate ambulance service which may serve the town and surrounding rural areas and, in the discretion of the council, to make a charge for such service;

(16) To make all such ordinances, bylaws, rules, regulations and resolutions not inconsistent with the Constitution and laws of the state of Washington, as may be deemed expedient to maintain the peace, good government and welfare of the town and its trade, commerce and manufacturers, and to do and perform any and all other acts and things necessary or proper to carry out the provisions of this chapter.

Sec. 7, Section 35A.11.020, chapter 119, Laws of 1967 ex. sess. as last amended by section 807, chapter 258, Laws of 1984 and RCW 35A.11.020 are each amended to read as follows:

The legislative body of each code city shall have power to organize and regulate its internal affairs within the provisions of this title and its charter, if any; and to define the functions, powers, and duties of its officers and employees; within the limitations imposed by vested rights, to fix the compensation and working conditions of such officers and employees and establish and maintain civil service, or merit systems, retirement and pension systems not in conflict with the provisions of this title or of existing charter provisions until changed by the people: PROVIDED, That nothing in this section or in this title shall permit any city, whether a code city or otherwise, to enact any provisions establishing or respecting a merit system or system of civil service for firemen and policemen which does not substantially accomplish the same purpose as provided by general law in chapter 41.08 RCW for firemen and chapter 41.12 RCW for policemen now or as hereafter amended, or enact any provision establishing or respecting a pension or retirement system for firemen or policemen which provides different pensions or retirement benefits than are provided by general law for such classes. Such body may adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city, and may impose penalties of fine not exceeding five thousand dollars or imprisonment for any term not exceeding one year, or both, for the violation of such ordinances, constituting a misdemeanor or gross misdemeanor as provided therein. Such a body alternatively may provide that violation of such ordinances constitutes a civil violation subject to monetary penalty. The legislative body of each code city shall have all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law. By way of illustration and not in limitation, such powers may be exercised in regard to the acquisition, sale, ownership, improvement, maintenance, protection, restoration, regulation, use, leasing, disposition, vacation, abandonment or beautification of public ways, real property of all kinds, waterways, structures, or any other improvement or use of real or personal property, in regard to all aspects of collective bargaining as provided for and subject to the provisions of chapter 41.56 RCW, as now or hereafter amended, and in the rendering of local social, cultural, recreational, educational, governmental, or corporate services, including operating and supplying of utilities and municipal services commonly or conveniently rendered by cities or towns. In addition and not in limitation, the legislative body of each code city shall have any authority ever given to any class of municipality or to all municipalities of this state before or after the enactment of this title, such authority to be exercised in the manner provided, if any, by the granting statute, when not in conflict with this title. Within constitutional limitations, legislative bodies of code cities shall have within their territorial limits all powers of taxation for local purposes except those which are expressly preempted by the state as provided in RCW 66.08.120, ((RCW)) 82.36.440, ((RCW)) 48.14.020, and ((RCW)) 48.14.080.

NEW SECTION. Sec. 8. A new section is added to chapter 85.38 RCW to read as follows:

(1) Territory that is contiguously located to a special district may be annexed by the special district as provided in this section under the petition and election, resolution and election, or direct petition method of annexation.

(2) An annexation under the election method may be initiated by the filing of a petition requesting the action that is signed by at least ten owners of property in the area proposed to be annexed or the adoption of a resolution requesting such action by the governing body of the special district. The petitions shall be filed with the governing body of the special district that is requested to annex the territory. An election to authorize an annexation initiated under the petition and election method may be held only if the governing body approves the annexation. An annexation under either election method shall be authorized if the voters of the area proposed to be annexed approve a ballot proposition favoring the annexation by a simple majority vote. The annexation shall be effective when results of an election so favoring the annexation are certified by the county auditor or auditors. The election, notice of the election, and eligibility to vote at the election shall be as provided for the creation of a special district.

(3) An annexation under the direct petition method of annexation may be accomplished if the owners of a majority of the acreage proposed to be annexed sign a petition requesting the annexation, and the governing body of the special district approves the annexation. The petition shall be filed with the governing body of the special district. The annexation shall be effective when the governing body approves the annexation.

(4) Whenever a special district annexes territory under this section, the exclusive method by which the special district measures and imposes special assessments upon real property within the entire enlarged area shall be as set forth in RCW 85.38.150 through 85.38.170.

NEW SECTION. Sec. 9. A new section is added to chapter 85.38 RCW to read as follows:

Two or more special districts that are contiguously located with each other, or which occupy all or part of the same territory, may consolidate as provided in this section. The consolidation shall result in the creation of a flood control district.

A consolidation may be initiated by: (1) The filing of a petition requesting the action that is signed by eligible voters of each special district who constitute at least ten percent of the eligible voters of the special district, or who own at least a majority of the acreage in the special

district; or (2) the adoption of a resolution requesting such action by the governing body of each special district. The petitions shall be filed with, and the resolutions shall be submitted to, the county legislative authority of the county within which all or the largest portion of the special districts is located. The auditor of the county, or auditors of the counties, within which these districts are located shall authenticate the signatures on the petitions and certify the results. An election to authorize the consolidation shall be held not more than one hundred eighty days after the date of the filing of the resolutions, or the determination that sufficient valid signatures are included on the petition from the voters of each of the special districts.

The consolidation shall be authorized if voters in each of the special districts approve a ballot proposition favoring the consolidation by a simple majority vote. Members of the governing body of the consolidated special district shall be selected as provided in RCW 85.38.070 for a newly created special district and the consolidation shall be effective when these initial members of the governing body are so appointed.

All moneys, rights, property, assets and liabilities of the consolidating special districts shall vest in and become the obligation of the new consolidated special district, except that any indebtedness of a consolidating special district shall remain an indebtedness of the original consolidating special district and lands within the original consolidating special district. The governing body of the new consolidated special district shall impose special assessments on lands in the original consolidating special district to redeem this indebtedness. However, the new consolidated special district may issue funding or refunding bonds or notes and fund or refund such indebtedness. The new consolidated special district may continue imposing special assessments pursuant to the various systems of assessment used by the original consolidating special districts, or may establish a new system or systems of assessment in all or part of the new consolidated special district to finance its operations.

NEW SECTION. Sec. 10. A new section is added to chapter 85.38 RCW to read as follows:

Any special district may have its operations suspended as provided in this section. The process of suspending a special district's operations may be initiated by: (1) The adoption of a resolution proposing such action by the governing body of the special district; (2) the filing of a petition proposing such action with the county legislative authority of the county in which all or the largest portion of the special district is located, which petition is signed by voters of the special district who own at least ten percent of the acreage in the special district or is signed by ten or more voters of the special district; or (3) the adoption of a resolution proposing such action by the county legislative authority of the county in which all or the largest portion of the special district is located.

A public hearing on the proposed action shall be held by the county legislative authority at which it shall inquire into whether such action is in the public interest. Notice of the public hearing shall be published in a newspaper of general circulation in the special district, posted in at least four locations in the special district to attract the attention of the public, and mailed to the members of the governing body of the special district, if there are any. After the public hearing, the county legislative authority may adopt a resolution suspending the operations of the special district if it finds such suspension to be in the public interest. When a special district is located in more than one county, the legislative authority of each of such counties must so act before the operations of the special district are suspended.

After holding a public hearing on the proposed reactivation of a special district that has had its operations suspended, the legislative authority or authorities of the county or counties in which the special district is located may reactivate the special district by adopting a resolution finding such action to be in the public interest. Notice of the public hearing shall be posted and published as provided for the public hearing on a proposed suspension of a special district's operations. The governing body of a reactivated special district shall be appointed as in a newly created special district.

No special district that owns drainage or flood control improvements may be dissolved unless the legislative authority of a county accepts responsibility for operation and maintenance of the improvements.

NEW SECTION. Sec. 11. A new section is added to chapter 85.05 RCW to read as follows:

Diking districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 12. A new section is added to chapter 85.06 RCW to read as follows:

Drainage districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 13. A new section is added to chapter 85.08 RCW to read as follows:

Diking or drainage improvement districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 14. A new section is added to chapter 85.24 RCW to read as follows:

Intercounty diking and drainage improvement districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW.

NEW SECTION. Sec. 15. A new section is added to chapter 85.36 RCW to read as follows:

Consolidated diking districts, drainage districts, diking improvement districts, and/or drainage improvement districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW.

NEW SECTION, Sec. 16. A new section is added to chapter 86.09 RCW to read as follows:

Flood control districts may annex territory, consolidate with other special districts, and have their operations suspended and be reactivated, in accordance with chapter 85.38 RCW.

Sec. 17. Section 1, chapter 87, Laws of 1941 as amended by section 10, chapter 30, Laws of 1979 ex. sess. and RCW 53.48.010 are each amended to read as follows:

The following words and terms shall, whenever used in this chapter, have the meaning set forth in this section:

(1) The term 'district' as used herein, shall include all municipal and quasi municipal corporations having a governing body, other than cities, towns, counties, and townships, such as port, school, water, fire protection, and all other districts of similar organization, but shall not include local improvement districts, diking, drainage and irrigation districts, special districts as defined in RCW 85.38.010, nor public utility districts.

(2) The words 'board of commissioners,' as used herein, shall mean the governing authority of any district as defined in subdivision (1) of this section.

NEW SECTION, Sec. 18. A new section is added to chapter 85.38 RCW to read as follows:

A special district may issue special assessment bonds or notes to finance costs related to providing, improving, expanding, or enlarging improvements and facilities if the county legislative authority within which all or the major part of the special district is located authorizes the issuance of such bonds or notes. The decision of a county legislative authority authorizing or failing to authorize a proposed issue of special assessment bonds or notes constitutes a discretionary function, and shall not give rise to a cause of action against the county, county legislative authority, or any member of the county legislative authority.

NEW SECTION, Sec. 19. A new section is added to chapter 85.38 RCW to read as follows:

(1) Special assessment bonds and notes issued by special districts shall be issued and sold in accordance with chapter 39.46 RCW, except as otherwise provided in this chapter. The maximum term of any special assessment bond issued by a special district shall be twenty years. The maximum term of any special assessment note issued by a special district shall be five years.

(2) The governing body of a special district issuing special assessment bonds or notes shall create a special fund or funds, or use an existing special fund or funds, from which, along with any special assessment bond guaranty fund the special district has created, the principal of and interest on the bonds or notes exclusively are payable.

(3) The governing body of a special district may provide such covenants as it may deem necessary to secure the payment of the principal of and interest on special assessment bonds or notes, and premiums on special assessment bonds or notes, if any. Such covenants may include, but are not limited to, depositing certain special assessments into a special fund or funds, and establishing, maintaining, and collecting special assessments which are to be placed into the special fund or funds. The special assessments covenanted to be placed into such a special fund or funds after the effective date of this act may include all or part of the new system of special assessments imposed for such purposes, pursuant to RCW 85.38.150 and 85.38.160. However, the special assessments covenanted to be placed into the special fund or funds from which the funding or refunding special assessment bonds or notes to be funded or refunded were payable.

(4) A special assessment bond or note issued by a special district shall not constitute an indebtedness of the state, either general or special, nor of the county, either general or special, within which all or any part of the special district is located. A special assessment bond or note shall not constitute a general indebtedness of the special district issuing the bond or note, but is a special obligation of the special district and the interest on and principal of the bond or note shall be payable only from special assessments covenanted to be placed into the special fund or funds, and any special assessment bond guaranty fund the special district has created.

The owner of a special assessment bond or note, or the owner of an interest coupon, shall not have any claim for the payment thereof against the special district arising from the special assessment bond or note, or interest coupon, except for payment from the special fund or funds, the special assessments covenanted to be placed into the special fund or funds, and any special assessment bond guaranty fund the special district has created. The owner of a special assessment bond or note, or the owner of an interest coupon, issued by a special district shall not have any claim against the state, or any county within which all or part of the special district is located, arising from the special assessment bond, note, or interest coupon. The special district issuing the special assessment bond or note shall not be liable to the owner of any special assessment bond or note, or owner of any interest coupon, for any loss occurring in the lawful operation of its special assessment bond guaranty fund.

The substance of the limitations included in this subsection shall be plainly printed, written, engraved, or reproduced on: (a) Each special assessment bond or note that is a physical

instrument; (b) the official notice of sale; and (c) each official statement associated with the bonds or notes.

NEW SECTION, Sec. 20. A new section is added to chapter 85.38 RCW to read as follows:

The governing body of a special district issuing special assessment bonds or notes may create and pay money into a special assessment bond guaranty fund to guaranty special assessment bonds and notes issued by the special district. A portion of the special assessments collected by a special district may be placed into its special assessment bond guaranty fund.

NEW SECTION, Sec. 21. A new section is added to chapter 85.38 RCW to read as follows:

A special district may issue funding or refunding special assessment bonds or notes to refund outstanding bonds or notes. Such funding or refunding bonds or notes shall be subject to the provisions of law governing other special assessment bonds or notes.

NEW SECTION, Sec. 22. A new section is added to chapter 85.38 RCW to read as follows:

Special assessment bonds or notes issued by a special district prior to July 1, 1986, shall continue to be retired and be subject to the laws under which they were issued.

NEW SECTION, Sec. 23. A new section is added to chapter 85.05 RCW to read as follows:

Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW.

NEW SECTION, Sec. 24. A new section is added to chapter 85.06 RCW to read as follows:

Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW.

NEW SECTION, Sec. 25. A new section is added to chapter 85.08 RCW to read as follows:

Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW.

NEW SECTION, Sec. 26. A new section is added to chapter 85.24 RCW to read as follows:

Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW.

NEW SECTION, Sec. 27. A new section is added to chapter 85.36 RCW to read as follows:

Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW.

NEW SECTION, Sec. 28. A new section is added to chapter 86.09 RCW to read as follows:

Special assessment bonds and notes shall be issued and sold in accordance with chapter 85.38 RCW.

Sec. 29. Section 36, chapter 117, Laws of 1895 and RCW 85.05.360 are each amended to read as follows:

All warrants issued under the provisions of this act shall be presented by the ~~((holders))~~ owners thereof to the county treasurer, who shall indorse thereon the day of presentation for payment, with the additional indorsement thereon, in case of nonpayment, that they are not paid for want of funds; and no warrant shall draw interest under the provisions of this act until it is so presented and indorsed by the county treasurer. And it shall be the duty of such treasurer, from time to time, when he has sufficient funds in his hands for that purpose, to advertise in the newspaper doing the county printing for the presentation to him for payment of as many of the outstanding warrants as he may be able to pay: PROVIDED, That thirty days after the first publication of said notice of the treasurer calling in any of said outstanding warrants, said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two weeks, consecutively, and said warrants shall be called in and paid in the order of their indorsement.

Sec. 30. Section 33, chapter 115, Laws of 1895 and RCW 85.06.330 are each amended to read as follows:

All warrants issued under the provisions of this chapter shall be presented by the ~~((holders))~~ owners thereof to the county treasurer, who shall indorse thereon the day of presentation for payment, with the additional indorsement thereon, in case of nonpayment, that they are not paid for want of funds; and no warrant shall draw interest under the provisions of this chapter until it is so presented and indorsed by the county treasurer. And it shall be the duty of such treasurer, from time to time, when he has sufficient funds in his hands for that purpose, to advertise in the newspaper doing the county printing for the presentation to him for payment of as many of the outstanding warrants as he may be able to pay: PROVIDED, That thirty days after the first publication of said notice of the treasurer calling in any of said outstanding warrants said warrants shall cease to bear interest, which shall be stated in the notice. Said notice shall be published two weeks consecutively, and said warrants shall be called in and paid in the order of their indorsement.

Sec. 31. Section 15, chapter 176, Laws of 1913 and RCW 85.08.210 are each amended to read as follows:

Upon ~~((the settlement of the claims for damages as provided in RCW 85.08.170, or upon))~~ the entry of judgment as provided in RCW 85.08.200, the county auditor shall, under the direction of the ~~((board of county commissioners))~~ county legislative authority, draw ~~((his))~~ a warrant upon the county treasurer for the payment of the amount of damages agreed to or the amount of the judgment, as the case may be, to be paid out of the current expense fund of the county.

Sec. 32. Section 23, chapter 176, Laws of 1913 as last amended by section 46, chapter 396, Laws of 1985 and RCW 85.08.320 are each amended to read as follows:

The compensation of the superintendent of construction, the board of appraisers hereinafter provided for, and any special engineer, attorney or agent employed by the district in connection with the improvement, the maximum wages to be paid, and the maximum price of materials to be used, shall be fixed by the district board of supervisors. ~~((The compensation for))~~ Members of the board of supervisors ((shall be fixed by the county legislative authority)) may receive compensation up to twenty-five dollars for attending each official meeting of the district and for each day or major part thereof for all necessary services actually performed in connection with their duties as supervisors. Each supervisor shall be entitled to reimbursement for reasonable expenses actually incurred in connection with business, including subsistence and lodging while away from the supervisor's place of residence and mileage for use of a privately owned vehicle in accordance with chapter 42.24 RCW. ~~((Each member of the county legislative authority, except in counties of the first class, shall receive pay at the rate of four dollars per day for the number of days he is engaged in the performance of any duty under this chapter, which sum shall be additional to his salary in case he receive an annual salary; and none of the statutory provisions limiting the number of days that a member of the county legislative authority shall draw pay for or limiting the number of sessions for attendance upon which he shall be entitled to mileage shall apply to any proceedings under this chapter. All officers and members of boards performing duties under this chapter shall receive in addition to their fees or salaries their actual necessary expenses incurred in the performance of their duties hereinafter.))~~ All costs of construction or maintenance done under the direction of the board of supervisors shall be paid upon vouchers or payrolls verified by two of the said supervisors. All costs of construction and all other expenses, fees and charges on account of such improvement shall be paid by warrants drawn by the county auditor upon the county treasurer upon the proper fund, and shall draw interest at a rate determined by the county legislative authority until paid or called by the county treasurer as warrants of the county are called.

~~((If at the hearing provided for in RCW 85.08.160 the county legislative authority shall determine that bonds shall be issued to pay the costs of the improvement or warrants sold to procure funds with which to pay such cost, as therein provided, temporary warrants may be issued for any part or all of such costs, expenses, fees, and charges, and shall be paid in cash upon the issuance and sale of such bonds, or shall be exchanged for an equal amount par value of such bonds. All such temporary warrants shall recite that they are temporary warrants and that they draw interest until called to be paid in cash or to be exchanged for bonds. All warrants issued under the provisions of this chapter and sold by the county legislative authority, or issued to any contractor and by him sold or hypothecated for a valuable consideration, shall be claims and liens against the fund against which they are drawn, prior and superior to any right, lien or claim of any surety upon any bond or bonds given to secure the performance of the contract or to secure the payment of persons who have performed work thereon, furnished materials therefor or provisions and supplies for the carrying on of the work.))~~

Sec. 33. Section 3, chapter 26, Laws of 1949 as amended by section 197, chapter 167, Laws of 1983 and RCW 85.16.030 are each amended to read as follows:

~~((+))~~ In maintaining a system of improvements of any such district the supervisors thereof may at any time, with the approval of the county legislative authority and upon determination by such county legislative authority that an emergency exists, make expenditures in excess of the last annual maintenance ~~((levy))~~ assessments theretofore made, which excess amount or amounts shall in such event be included in the maintenance ~~((levy))~~ assessments for the succeeding year except as otherwise herein provided.

~~((When, owing to floods, earthquakes, inadequate maintenance or any other cause, it shall be found by the county legislative authority, after consideration of the supervisors' recommendations, plans and specifications and schedules of estimated costs of maintenance work required, that necessary maintenance work will require extraordinary maintenance expenditures and the county legislative authority shall have authorized such extraordinary maintenance work to be done as herein provided, the county legislative authority may provide that the levy to meet such extraordinary expenditures shall be spread over a term of years and warrants or bonds issued to meet the same. Such terms shall not exceed five years if warrants are issued, and shall be either ten or fifteen years if bonds are issued, all as the county legislative authority shall determine. The form, tenor, and amount of such bonds and warrants, the number of installments in which the assessments shall be paid, and the time and method of payment of assessments shall be the same as provided in RCW 85.08.240, for the original construction cost of a system of improvements. PROVIDED HOWEVER, That said bonds and warrants may be in denominations of one thousand dollars. Such bonds and warrants may be in any form, including bearer bonds or bearer warrants, or registered bonds or registered warrants as provided in RCW 39.46.030, in case maintenance bonds or warrants to cover extraordinary maintenance expenditures are issued as herein provided, then a maintenance bond or warrant redemption fund for each separate issue of bonds or warrants shall be created into which all moneys derived from assessments levied to pay each issue shall be paid. Such redemption~~

fund shall be applied first to the payment of the interest due upon such bonds or warrants and second to the payment of the principal thereof. After payment in full of principal and interest of any such issue of bonds or warrants, any balance thereafter remaining in any such redemption fund shall be paid into the district's maintenance fund:

~~(2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter 39.46 RCW.)~~

Sec. 34. Section 13, chapter 26, Laws of 1949 as last amended by section 198, chapter 167, Laws of 1983 and RCW 85.16.180 are each amended to read as follows:

~~((H)) The county legislative authority shall thereupon enter an order authorizing the contemplated extraordinary maintenance work to be done and authorizing the issuance of temporary construction warrants to pay the cost of said work as it progresses, which warrants may bear interest at such rate or rates of interest as the county legislative authority shall determine. ((Bonds or) Warrants to pay the costs of such extraordinary maintenance may be issued and sold at one time or from time to time and in such series and amounts as may be found practicable and as determined by the board.~~

~~(((2) Notwithstanding subsection (1) of this section, such bonds and warrants may be issued and sold in accordance with chapter 39.46 RCW.))~~

Sec. 35. Section 6, chapter 131, Laws of 1917 and RCW 85.20.070 are each amended to read as follows:

~~Whenever in any district reorganized under the provisions of this chapter any bonds issued prior to such reorganization shall become payable and the ((board of county commissioners shall determine that it will be for the best interests of the owners of a majority of the acreage of lands included in such district to issue refunding bonds and to levy an assessment, payable in ten or fifteen years, instead of levying the annual assessments required by law to be levied to liquidate such outstanding bonds, they may levy such assessment and fix the time for the payment thereof at either ten or fifteen years, and fix the installments in which such assessment shall be paid as provided for the payment of assessments for the costs of construction under the provisions of chapter 176 of the Laws of 1913, and acts amendatory thereof, and they may issue refunding bonds of the district in the manner thereafter provided, to provide funds with which to pay such outstanding bonds then payable)) county legislative authority determines that it is in the interest of the property owners of the district to have refunding bonds issued, the county legislative authority may authorize the district to issue refunding bonds in accordance with chapter 85.38 RCW.~~

Sec. 36. Section 11, chapter 131, Laws of 1917 and RCW 85.20.120 are each amended to read as follows:

~~Upon the expiration of thirty days from the first publication of the notice given by the treasurer as provided herein, the ((board of county commissioners)) county legislative authority of the county in which all or the major part of the district is located may issue and sell refunding bonds of the district((- payable as determined by them in their resolution, in the manner provided for the issuance of bonds to pay the costs of construction in drainage improvement districts, and all the provisions of law governing the issuance, sale and payment of such bonds shall govern the issuance, sale and payment of the bonds herein provided for)) subject to chapter 85.38 RCW.~~

Sec. 37. Section 6, chapter 182, Laws of 1933 and RCW 85.22.060 are each amended to read as follows:

~~Whenever in any district reorganized under the provisions of this chapter any bonds issued prior to such reorganization shall become payable and the ((board of county commissioners shall determine that it will be for the best interests of the owners of a majority of the acreage of lands included in such district to issue refunding bonds and to levy an assessment, payable in ten or fifteen years, instead of levying the annual assessments required by law to be levied to liquidate such outstanding bonds, they may levy such assessment and fix the time for the payment thereof at either ten or fifteen years, and fix the installments in which such assessment shall be paid as provided for the payment of assessments for the costs of construction under the provisions of chapter 176 of the Laws of 1913, and acts amendatory thereof, and they may issue refunding bonds of the district in the manner thereafter provided, to provide funds with which to pay such outstanding bonds then payable)) county legislative authority determines that it is in the interest of the property owners of the district to have refunding bonds issued, the county legislative authority may authorize the district to issue refunding bonds in accordance with chapter 85.38 RCW.~~

Sec. 38. Section 17, chapter 225, Laws of 1909 as amended by section 199, chapter 167, Laws of 1983 and RCW 85.24.160 are each amended to read as follows:

The owner of any lot or parcel of land charged with any assessment, as hereinbefore provided, may redeem the same from all liability by paying the entire assessment charged against such lot or parcel of land, or part thereof, without interest, within thirty days after notice to him of such assessment, as herein provided((- or may redeem same any time after the bonds authorized in RCW 85.24.230 shall have been issued by paying the full amount of all the principal and interest to the end of the interest year then expiring or next to expire. The board shall pay the interest on the bonds authorized to be issued under this chapter out of the respective

local improvement funds, from which they are payable, and whenever there shall be sufficient money in any of such funds against which bonds have been issued under provisions of this chapter, over and above the amount necessary for the payment of interest on all unpaid bonds, and sufficient to pay the principal of one or more bonds, the board shall call in and pay such bond: PROVIDED, Said bonds shall be called in and paid in their numerical order: PROVIDED FURTHER, That such call shall be made by publication in one or more newspapers on the day following the delinquencies of the installment of the assessment, or as soon thereafter as practicable and shall state that bonds Nos. (giving serial number and numbers of the bonds called) will be paid on the day the interest payments on such bonds shall become due, and interest upon such bonds shall cease upon such date).

Sec. 39. Section 15, chapter 131, Laws of 1961 and RCW 85.32.140 are each amended to read as follows:

Any district choosing to operate under this chapter shall not use the processes provided for raising revenue under any other law: PROVIDED, That if for any reason it is deemed more just and advisable by the board, any such other method or process for raising revenue as provided by law may be used concurrently against properties solely within the territorial limits of the district for the sole purpose of extinguishing indebtedness incurred before the district adopts the procedure of this chapter, in which event no funds raised under this chapter shall be used to pay such prior indebtedness. However, when a drainage district issues special assessment bonds or notes after June 1, 1986, the process of raising revenue related to the bonds or notes shall be as specified in chapter 85.38 RCW.

Sec. 40. Section 53, chapter 72, Laws of 1937 and RCW 86.09.157 are each amended to read as follows:

Said flood control districts shall also have authority to issue and sell special assessment bonds or notes of the district (~~payable partially or exclusively from the income derived from said tolls above mentioned, as in this chapter provided~~) in accordance with chapter 85.38 RCW.

Sec. 41. Section 2, chapter 396, Laws of 1985 and RCW 85.38.010 are each amended to read as follows:

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

(1) 'Governing body' means the board of commissioners, board of supervisors, or board of directors of a special district.

(2) 'Owner of land' means the record owner of at least a majority ownership interest in a separate and legally created lot or parcel of land, as determined by the records of the county auditor, except that if the lot or parcel has been sold under a real estate contract, the vendee or grantee shall be deemed to be the owner of such land for purposes of authorizing voting rights. It is assumed, unless shown otherwise, that the name appearing as the owner of property on the property tax rolls is the current owner.

(3) 'Qualified voter of a special district' means a person who is either: (a) A natural person who is a voter under general state election laws, registered to vote in the state of Washington for a period of not less than sixty days before the election, and the owner of land located in the special district for a period of not less than sixty days before the election; ~~((or))~~ (b) a corporation or partnership that has owned land located in the special district for a period of not less than sixty days before the election; or (c) the state, its agencies or political subdivisions that own land in the special district or lands proposed to be annexed into the special district except that the state, its agencies and political subdivisions shall not be eligible to vote to elect a member of the governing board of a special district. If land is owned as community property, both spouses may vote if otherwise qualified. If other multiple undivided interests exist in a lot or parcel, and no person owns a majority undivided interest, the owners of undivided interests at least equal to a majority interest may designate in writing which owner is eligible to vote. A corporation ~~((or))~~, partnership or governmental entity shall designate a natural person to exercise its voting powers. Except as provided in RCW 85.05.015 and 86.09.377, no owner of land may cast more than one vote, or have more than one vote cast for it, in a special district election.

(4) 'Special district' means: (a) A diking district; (b) a drainage district; (c) a diking, drainage, and/or sewerage improvement district; (d) an intercounty diking and drainage district; (e) a consolidated diking district, drainage district, diking improvement district, and/or drainage improvement district; or (f) a flood control district.

(5) 'Special district general election' means the election of a special district regularly held on the second Tuesday of December in each odd-numbered year at which a member of the special district governing body is regularly elected.

Sec. 42. Section 8, chapter 396, Laws of 1985 and RCW 85.38.070 are each amended to read as follows:

(1) Except as provided in RCW 85.38.090, each special district shall be governed by a three-member governing ~~((board))~~ body. The term of office for each member of a special district governing body shall be six years and until his or her successor is elected and qualified. One member of the governing body shall be elected at the time of special district general

elections ind, each odd-numbered year for a term of six years beginning as provided in RCW 29.04.170 for assumption of office by elected officials of cities.

(2) The terms of office of members of the governing bodies of special districts, who are holding office on July 28, 1985, shall be altered to provide staggered six-year terms as provided in this subsection. The member who on July 28, 1985, has the longest term remaining shall have his or her term altered so that the position will be filled at the December, 1991, special district general election; the member with the second longest term remaining shall have his or her term altered so that the position will be filled at the December, 1989, special district general election; and the member with the third longest term of office shall have his or her term altered so that the position will be filled at the December, 1987, special district general election.

(3) The initial members of the governing body of a newly created special district shall be appointed by the legislative authority of the county within which the special district, or the largest portion of the special district, is located. These initial governing body members shall serve until their successors are elected and qualified at the next special district general election held at least ninety days after the special district is established. At that election the first elected members of the governing body shall be elected. No primary elections may be held. Any voter of a special district may become a candidate for such a position by filing written notice of this intention with the governing body of the special district at least thirty, but not more than sixty, days before a special district general election. The names of all candidates for such positions shall be listed alphabetically. At this first election, the candidate receiving the greatest number of votes shall have a six-year term, the candidate receiving the second greatest number of votes shall have a four-year term, and the candidate receiving the third greatest number of votes shall have a two-year term of office. The initially elected members of a governing body shall take office immediately when qualified as defined in RCW 29.01.135. Thereafter the candidate receiving the greatest number of votes shall be elected for a six-year term of office. Members of a governing body shall hold their office until their successors are elected and qualified, and assume office as provided in RCW 29.04.170.

(4) Whenever a vacancy occurs in the governing body of a special district, the legislative authority of the county within which the special district, or the largest portion of the special district, is located, shall appoint a district voter to serve the remaining term of office. A vacancy occurs upon the death, resignation, or incapacity of a governing body member or whenever the governing body member ceases being a qualified voter of the special district.

(5) An elected or appointed member of a special district governing body must be a qualified voter of the special district: PROVIDED, That the state, its agencies and political subdivisions, or their designees under RCW 85.38.010(3) shall not be eligible for election or appointment.

Sec. 43. Section 144, chapter 72, Laws of 1937 and RCW 86.09.430 are each amended to read as follows:

Said notice of hearing on said determination of assessment ratios shall state that the base assessment map designating the classes in which the lands in the district have been placed for assessment purposes on the ratios authorized by law, has been prepared by the board of appraisers and is on file at the office of the district board and may be inspected at any time during office hours; that a hearing on said map will be held before the (~~state supervisor of flood control~~) county legislative authority at the office of the district board on the day of at the hour of o'clock (naming the time), where any person may appear and present such objections, if any, he may have to said map, and shall be signed by the secretary of the district.

Sec. 44. Section 147, chapter 72, Laws of 1937 and RCW 86.09.439 are each amended to read as follows:

Upon the signing of said order by said (~~state supervisor~~) county legislative authority and the attachment of the same to said base assessment map, said base assessment map and all things set out on the face thereof shall be conclusive in all things upon all parties, unless appealed from to the superior court in the manner and within the time herein provided.

Sec. 45. Section 188, chapter 72, Laws of 1937 as amended by section 202, chapter 167, Laws of 1983 and RCW 86.09.562 are each amended to read as follows:

Said county treasurer shall pay out the moneys received or deposited with him or any portion thereof upon warrants issued by the county auditor of the same county of which the district treasurer is an officer against the proper funds of the district except the sums to be paid out of the (~~bond~~) special funds for interest and principal payments on bonds or notes.

NEW SECTION. Sec. 46. The following acts or parts of acts are each repealed:

(1) Section 29, chapter 117, Laws of 1895, section 1, chapter 87, Laws of 1921, section 177, chapter 167, Laws of 1983 and RCW 85.05.290;

(2) Section 30, chapter 117, Laws of 1895, section 43, chapter 232, Laws of 1969 ex. sess., section 87, chapter 56, Laws of 1970 ex. sess., section 178, chapter 167, Laws of 1983 and RCW 85.05.300;

(3) Section 31, chapter 117, Laws of 1895 and RCW 85.05.310;

(4) Section 32, chapter 117, Laws of 1895 and RCW 85.05.320;

- (5) Section 33, chapter 117, Laws of 1895 and RCW 85.05.330;
- (6) Section 34, chapter 117, Laws of 1895, section 179, chapter 167, Laws of 1983 and RCW 85.05.340;
- (7) Section 1, chapter 156, Laws of 1913, section 50, chapter 232, Laws of 1969 ex. sess., section 88, chapter 56, Laws of 1970 ex. sess., section 180, chapter 167, Laws of 1983 and RCW 85.05.480;
- (8) Section 1, chapter 69, Laws of 1925 ex. sess., section 181, chapter 167, Laws of 1983 and RCW 85.05.510;
- (9) Section 2, chapter 69, Laws of 1925 ex. sess., section 21, chapter 156, Laws of 1981, section 182, chapter 167, Laws of 1983 and RCW 85.05.520;
- (10) Section 3, chapter 69, Laws of 1925 ex. sess., section 183, chapter 167, Laws of 1983 and RCW 85.05.530;
- (11) Section 17, chapter 115, Laws of 1895 and RCW 85.06.170;
- (12) Section 26, chapter 115, Laws of 1895, section 184, chapter 167, Laws of 1983 and RCW 85.06.260;
- (13) Section 27, chapter 115, Laws of 1895, section 51, chapter 232, Laws of 1969 ex. sess., section 89, chapter 56, Laws of 1970 ex. sess., section 185, chapter 167, Laws of 1983 and RCW 85.06.270;
- (14) Section 28, chapter 115, Laws of 1895 and RCW 85.06.280;
- (15) Section 29, chapter 115, Laws of 1895 and RCW 85.06.290;
- (16) Section 30, chapter 115, Laws of 1895 and RCW 85.06.300;
- (17) Section 31, chapter 115, Laws of 1895, section 186, chapter 167, Laws of 1983 and RCW 85.06.310;
- (18) Section 1, part, chapter 174, Laws of 1927, section 52, chapter 232, Laws of 1969 ex. sess., section 90, chapter 56, Laws of 1970 ex. sess., section 187, chapter 167, Laws of 1983 and RCW 85.06.321;
- (19) Section 1, part, chapter 174, Laws of 1927 and RCW 85.06.322;
- (20) Section 1, part, chapter 174, Laws of 1927 and RCW 85.06.323;
- (21) Section 1, part, chapter 174, Laws of 1927, section 22, chapter 156, Laws of 1981 and RCW 85.06.324;
- (22) Section 1, part, chapter 174, Laws of 1927 and RCW 85.06.325;
- (23) Section 1, part, chapter 174, Laws of 1927 and RCW 85.06.326;
- (24) Section 1, part, chapter 174, Laws of 1927, section 188, chapter 167, Laws of 1983 and RCW 85.06.327;
- (25) Section 1, part, chapter 174, Laws of 1927 and RCW 85.06.328;
- (26) Section 1, part, chapter 174, Laws of 1927 and RCW 85.06.329;
- (27) Section 17, chapter 176, Laws of 1913, section 23, chapter 130, Laws of 1917, section 7, chapter 46, Laws of 1923, section 1, chapter 302, Laws of 1927, section 1, chapter 125, Laws of 1933, section 193, chapter 167, Laws of 1983 and RCW 85.08.240;
- (28) Section 18, chapter 176, Laws of 1913, section 24, chapter 130, Laws of 1917, section 194, chapter 167, Laws of 1983 and RCW 85.08.280;
- (29) Section 1, chapter 211, Laws of 1929, section 1, chapter 22, Laws of 1933, section 1, chapter 38, Laws of 1933 ex. sess., section 196, chapter 167, Laws of 1983 and RCW 85.09.010;
- (30) Section 2, chapter 211, Laws of 1929, section 2, chapter 22, Laws of 1933 and RCW 85.09.020;
- (31) Section 3, chapter 211, Laws of 1929 and RCW 85.09.030;
- (32) Section 4, chapter 211, Laws of 1929 and RCW 85.09.040;
- (33) Section 5, chapter 211, Laws of 1929, section 3, chapter 22, Laws of 1933 and RCW 85.09.050;
- (34) Section 6, chapter 211, Laws of 1929, section 4, chapter 22, Laws of 1933 and RCW 85.09.060;
- (35) Section 7, chapter 211, Laws of 1929, section 5, chapter 22, Laws of 1933 and RCW 85.09.070;
- (36) Section 8, chapter 211, Laws of 1929, section 6, chapter 22, Laws of 1933 and RCW 85.09.080;
- (37) Section 9, chapter 211, Laws of 1929, section 7, chapter 22, Laws of 1933 and RCW 85.09.090;
- (38) Section 8, chapter 22, Laws of 1933 and RCW 85.09.900;
- (39) Section 7, chapter 131, Laws of 1917 and RCW 85.20.080;
- (40) Section 8, chapter 131, Laws of 1917, section 78, chapter 469, Laws of 1985 and RCW 85.20.090;
- (41) Section 9, chapter 131, Laws of 1917 and RCW 85.20.100;
- (42) Section 10, chapter 131, Laws of 1917 and RCW 85.20.110;
- (43) Section 11, chapter 131, Laws of 1917 and RCW 85.20.120;
- (44) Section 12, chapter 131, Laws of 1917 and RCW 85.20.130;
- (45) Section 7, chapter 182, Laws of 1933, section 52, chapter 396, Laws of 1985 and RCW 85.22.070;

(46) Section 8, chapter 182, Laws of 1933, section 80, chapter 469, Laws of 1985 and RCW 85.22.080;

(47) Section 9, chapter 182, Laws of 1933 and RCW 85.22.090;

(48) Section 10, chapter 182, Laws of 1933 and RCW 85.22.100;

(49) Section 11, chapter 182, Laws of 1933 and RCW 85.22.110;

(50) Section 12, chapter 182, Laws of 1933 and RCW 85.22.120;

(51) Section 16, chapter 225, Laws of 1909, section 5, chapter 140, Laws of 1923, section 27, chapter 156, Laws of 1981, section 200, chapter 167, Laws of 1983 and RCW 85.24.230;

(52) Section 190, chapter 72, Laws of 1937, section 76, chapter 396, Laws of 1985 and RCW 86.09.568;

(53) Section 191, chapter 72, Laws of 1937, section 203, chapter 167, Laws of 1983 and RCW 86.09.571;

(54) Section 192, chapter 72, Laws of 1937 and RCW 86.09.574;

(55) Section 193, chapter 72, Laws of 1937, section 77, chapter 396, Laws of 1985 and RCW 86.09.577;

(56) Section 194, chapter 72, Laws of 1937, section 44, chapter 232, Laws of 1969 ex. sess., section 93, chapter 56, Laws of 1970 ex. sess., section 204, chapter 167, Laws of 1983 and RCW 86.09.580;

(57) Section 195, chapter 72, Laws of 1937, section 205, chapter 167, Laws of 1983 and RCW 86.09.583;

(58) Section 196, chapter 72, Laws of 1937, section 206, chapter 167, Laws of 1983 and RCW 86.09.586;

(59) Section 197, chapter 72, Laws of 1937 and RCW 86.09.589;

(60) Section 202, chapter 72, Laws of 1937, section 208, chapter 167, Laws of 1983, section 80, chapter 396, Laws of 1985 and RCW 86.09.604;

(61) Section 203, chapter 72, Laws of 1937, section 209, chapter 167, Laws of 1983, section 81, chapter 396, Laws of 1985 and RCW 86.09.607;

(62) Section 204, chapter 72, Laws of 1937, section 82, chapter 396, Laws of 1985 and RCW 86.09.610; and

(63) Section 205, chapter 72, Laws of 1937, section 210, chapter 167, Laws of 1983 and RCW 86.09.613.

NEW SECTION, Sec. 47. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 43, Laws of 1913, section 69, chapter 469, Laws of 1985 and RCW 85.05.560;

(2) Section 2, chapter 43, Laws of 1913 and RCW 85.05.570;

(3) Section 3, chapter 43, Laws of 1913, section 40, chapter 396, Laws of 1985 and RCW 85.05.580;

(4) Section 4, chapter 43, Laws of 1913 and RCW 85.05.590;

(5) Section 5, chapter 43, Laws of 1913 and RCW 85.05.600;

(6) Section 1, chapter 42, Laws of 1913 and RCW 85.06.510;

(7) Section 2, chapter 42, Laws of 1913 and RCW 85.06.520;

(8) Section 3, chapter 42, Laws of 1913 and RCW 85.06.530;

(9) Section 4, chapter 42, Laws of 1913 and RCW 85.06.540;

(10) Section 1, chapter 165, Laws of 1907, section 1, chapter 14, Laws of 1915, section 73, chapter 469, Laws of 1985 and RCW 85.07.020;

(11) Section 2, chapter 165, Laws of 1907 and RCW 85.07.030;

(12) Section 1, chapter 130, Laws of 1917, section 14, chapter 46, Laws of 1923 and RCW 85.08.580;

(13) Section 2, chapter 130, Laws of 1917 and RCW 85.08.590;

(14) Section 3, chapter 130, Laws of 1917, section 15, chapter 46, Laws of 1923 and RCW 85.08.600;

(15) Section 4, chapter 130, Laws of 1917, section 47, chapter 396, Laws of 1985 and RCW 85.08.610;

(16) Section 5, chapter 130, Laws of 1917 and RCW 85.08.620;

(17) Section 6, chapter 130, Laws of 1917 and RCW 85.08.625;

(18) Section 2, chapter 154, Laws of 1967, section 55, chapter 396, Laws of 1985 and RCW 85.36.010;

(19) Section 3, chapter 154, Laws of 1967 and RCW 85.36.020; and

(20) Section 4, chapter 154, Laws of 1967, section 128, chapter 195, Laws of 1973 1st ex. sess. and RCW 85.36.030.

Sec. 48. Section 35.44.090, chapter 7, Laws of 1965 as amended by section 30, chapter 469, Laws of 1985 and RCW 35.44.090 are each amended to read as follows:

At least fifteen days before the date fixed for hearing, notice thereof shall be mailed to the owner or reputed owner of the property whose name appears on the assessment roll, at the address shown on the tax rolls of the county treasurer for each item of property described on the list. In addition thereto the notice shall be published at least ((five times)) once a week for two consecutive weeks in the official newspaper of the city or town, the last publication to be at least fifteen days before the date fixed for hearing.

NEW SECTION, Sec. 49. A new section is added to chapter 52.12 RCW to read as follows:

Fire protection districts may cooperate and participate with counties, cities, or towns in providing hazardous materials response teams under the county, city, or town emergency management plan provided for in RCW 38.52.070. The participation and cooperation shall be pursuant to an agreement or contract entered into under chapter 39.34 RCW.

NEW SECTION, Sec. 50. A new section is added to chapter 85.38 RCW to read as follows:

Special districts shall have authority to enter into contracts for the construction of any improvement authorized by law, or for labor, materials, or equipment entering therein, without public bidding, with the written approval and consent of the governing body in instances of genuine emergency to be declared by the governing body or in any instance where the contract price does not exceed ten thousand dollars.

Any proposed improvement or part thereof, not exceeding five thousand dollars in cost, may be constructed by district employees: PROVIDED, That this shall not restrict a special district from using volunteer labor and equipment on improvements, and providing reimbursement for actual expenses.

NEW SECTION, Sec. 51. The following acts or parts of acts are each repealed:

(1) Section 62, chapter 72, Laws of 1937, section 10, chapter 104, Laws of 1982, section 56, chapter 396, Laws of 1985 and RCW 86.09.184; and

(2) Section 63, chapter 72, Laws of 1937, section 4, chapter 26, Laws of 1965, section 4, chapter 104, Laws of 1982, section 57, chapter 396, Laws of 1985 and RCW 86.09.187.

Sec. 52, Section 51, chapter 72, Laws of 1937 and RCW 86.09.151 are each amended to read as follows:

(1) Said flood control districts shall have full authority to carry out the objects of their creation and to that end are authorized to acquire, purchase, hold, lease, manage, improve, repair, occupy, and sell real and personal property or any interest therein, either inside or outside the boundaries of the district, to enter into and perform any and all necessary contracts, to appoint and employ the necessary officers, agents and employees, to sue and be sued, to exercise the right of eminent domain, to levy and enforce the collection of special assessments and in the manner herein provided against the lands within the district, for district revenues, and to do any and all lawful acts required and expedient to carry out the purpose of this chapter.

(2) In addition to the powers conferred in this chapter and those in chapter 85.38 RCW, flood control districts may engage in activities authorized under RCW 36.61.020 for lake management districts using procedures granted in this chapter and in chapter 85.38 RCW.

NEW SECTION, Sec. 53. A new section is added to chapter 90.03 RCW to read as follows:

The definitions set forth in this section apply to sections 54 and 55 of this act.

(1) 'State highway right of way' means the right of way for a state highway. The phrase includes the right of way of a state limited-access highway inside or outside a city or town but does not include city or town streets forming a part of the route of state highways that are not limited-access highways. The term does not include state property under the jurisdiction of the department of transportation that is outside the right of way lines of a state highway.

(2) 'Storm water control facility' means any facility, improvement, development, property, or interest therein, made, constructed, or acquired for the purpose of controlling, or protecting life or property from, any storm, waste, flood, or surplus waters.

(3) 'Rate' means the dollar amount charged per unit of surface area of a parcel of real property based upon factors established by the local government utility.

(4) 'Comparable real property' means real property equal to the state highway right of way or a section of state highway right of way in terms of the factors considered by the local government utility in establishing rates.

NEW SECTION, Sec. 54. A new section is added to chapter 90.03 RCW to read as follows:

The rate charged by a local government utility to the department of transportation with respect to state highway right of way or any section of state highway right of way for the construction, operation, and maintenance of storm water control facilities under chapters 35.67, 35.92, 36.89, 36.94, 56.08, and 86.15 RCW, shall be thirty percent of the rate for comparable real property, except as otherwise provided in this section. The rate charged to the department with respect to state highway right of way or any section of state highway right of way within a local government utility's jurisdiction shall not, however, exceed the rate charged for comparable city street or county road right of way within the same jurisdiction. The legislature finds that the aforesaid rates are presumptively fair and equitable because of the traditional and continuing expenditures of the department of transportation for the construction, operation, and maintenance of storm water control facilities designed to control surface water or storm water runoff from state highway rights of way. The utility imposing the charge and the department of transportation may, however, agree to either higher or lower rates with respect to the construction, operation, or maintenance of any specific storm water control facilities based upon the extent and adequacy of storm water control facilities constructed by the department and upon the actual benefits to state highway rights of way from the storm water control facilities constructed by the local government utility. If a different rate is agreed to, a report so stating shall be submitted to the legislative transportation committee. If the local government utility

and the department of transportation cannot agree upon the proper rate, and after a report has been submitted to the legislative transportation committee and after ninety days from submission of such report, either may commence an action in the superior court for the county in which the state highway right of way is located to establish the proper rate. The court in establishing the proper rate shall take into account the extent and adequacy of storm water control facilities constructed by the department and the actual benefits to the sections of state highway rights of way from storm water control facilities constructed, operated, and maintained by the local government utility. Control of surface water runoff and storm water runoff from state highway rights of way shall be deemed an actual benefit to the state highway rights of way. The rate for sections of state highway right of way as determined by the court shall be set forth in terms of the percentage of the rate for comparable real property, but shall in no event exceed the rate charged for comparable city street or county road right of way within the same jurisdiction.

Sec. 55. Section 1, chapter 315, Laws of 1983 and RCW 35.67.025 are each amended to read as follows:

Except as otherwise provided in section 54 of this 1986 act, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by cities and towns pursuant to RCW 35.67.020. In setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property.

Sec. 56. Section 2, chapter 315, Laws of 1983 and RCW 35.92.021 are each amended to read as follows:

Except as otherwise provided in section 54 of this 1986 act, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by cities and towns pursuant to RCW 35.92.020. In setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property.

Sec. 57. Section 3, chapter 315, Laws of 1983 and RCW 36.89.085 are each amended to read as follows:

Except as otherwise provided in section 54 of this 1986 act, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by counties pursuant to RCW 36.89.080. In setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property.

Sec. 58. Section 4, chapter 315, Laws of 1983 and RCW 36.94.145 are each amended to read as follows:

Except as otherwise provided in section 54 of this 1986 act, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by counties pursuant to RCW 36.94.140. In setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property.

Sec. 59. Section 5, chapter 315, Laws of 1983 and RCW 56.08.012 are each amended to read as follows:

Except as otherwise provided in section 54 of this 1986 act, any public entity and public property, including the state of Washington and state property, shall be subject to rates and charges for storm water control facilities to the same extent private persons and private property are subject to such rates and charges that are imposed by sewer districts pursuant to RCW 56.08.010 or 56.16.090. In setting these rates and charges, consideration may be made of inkind services, such as stream improvements or donation of property.

Sec. 60. Section 16, chapter 153, Laws of 1961 as last amended by section 19, chapter 315, Laws of 1983 and RCW 86.15.160 are each amended to read as follows:

For the purposes of this chapter the supervisors may authorize:

(1) An annual excess ad valorem tax levy within any zone or participating zones when authorized by the voters of the zone or participating zones under RCW 84.52.052 and 84.52.054;

(2) An assessment upon property, including state property, specially benefited by flood control improvements or storm water control improvements imposed under chapter 86.09 RCW;

(3) Within any zone or participating zones an annual ad valorem property tax levy of not to exceed fifty cents per thousand dollars of assessed value when the levy will not take dollar rates that other taxing districts may lawfully claim and that will not cause the combined levies to exceed the constitutional and/or statutory limitations, and the additional levy, or any portion thereof, may also be made when dollar rates of other taxing units is released therefor by agreement with the other taxing units from their authorized levies;

(4) A charge, under RCW 36.89.080, for the furnishing of service to those who are receiving or will receive benefits from storm water control facilities and who are contributing to an

increase in surface water runoff. Except as otherwise provided in section 54 of this 1986 act, any public entity and public property, including the state and state property, shall be liable for the charges to the same extent a private person and privately owned property is liable for the charges, and in setting these rates and charges, consideration may be made of in-kind services, such as stream improvements or donation of property;

(5) The creation of local improvement districts and utility local improvement districts, the issuance of improvement district bonds and warrants, and the imposition, collection, and enforcement of special assessments on all property, including any state-owned or other publicly-owned property, specially benefited from improvements in the same manner as provided for counties by chapter 36.94 RCW.

Sec. 61. Section 7, chapter 136, Laws of 1967 ex. sess. as amended by section 22, chapter 315, Laws of 1983 and RCW 86.15.176 are each amended to read as follows:

The supervisors may provide by resolution for revenues by fixing rates and charges for the furnishing of service to those served (~~(-including public entities;)~~) or receiving benefits from a flood control improvement (~~(-PROVIDED, That)~~) including public entities, except as otherwise provided in section 54 of this 1986 act. The service charge shall be uniform for the same class of benefits or service. In classifying services furnished or benefits received the board may in its discretion consider the character and use of land and its water runoff characteristics and any other matters that present a reasonable difference as a ground for distinction. Service charges shall be applicable to a zone or participating zones. The disposition of all revenue from service charges shall be in accordance with RCW 86.15.130.

Sec. 62. Section 8, chapter 315, Laws of 1983 and RCW 90.03.500 are each amended to read as follows:

The legislature finds that increasing the surface water or storm water accumulation on or flow over real property, beyond that which naturally occurs on the real property, may cause severe damage to the real property and limit the gainful use or enjoyment of the real property, resulting in a tort, nuisance, or taking. The damage can arise from activities increasing the point or nonpoint flow of surface water or storm water over the real property, or altering or interrupting the natural drainage from the real property. The legislature finds that it is in the public interest to permit the construction and operation of public improvements to lessen the damage. The legislature further finds that it is in the public interest to provide for the equitable imposition of special assessments, rates, and charges to fund such improvements. This shall include the imposition of special assessments, rates, and charges on real property to fund that reasonable portion of the public improvements that alleviate the damage arising from activities that are the proximate cause of the damage on other real property. Except as otherwise provided in section 54 of this 1986 act, these special assessments, rates, and charges may be imposed on any publicly-owned, including state-owned, real property that causes such damage.

Sec. 63. Section 9, chapter 315, Laws of 1983 and RCW 90.03.510 are each amended to read as follows:

Whenever a county, city, town, sewer district, or flood control zone district imposes rates or charges to fund storm water control facilities or improvements and the operation and maintenance of such facilities or improvements under RCW 35.67.020, 35.92.020, 36.89.080, 36.94.140, 56.08.010, or 56.16.090, it (~~(shall)~~) may provide a credit for the value of storm water control facilities or improvements that a person or entity has installed or located that mitigate or lessen the impact of storm water which otherwise would occur.

Sec. 64. Section 84.64.050, chapter 15, Laws of 1961 as last amended by section 2, chapter 179, Laws of 1984 and by section 19, chapter 220, Laws of 1984 and RCW 84.64.050 are each reenacted and amended to read as follows:

After the expiration of three years from the date of delinquency, when any property remains on the tax rolls for which no certificate of delinquency has been issued, the county treasurer shall proceed to issue certificates of delinquency on said property to the county for all years' taxes, interest, and costs: PROVIDED, That the county treasurer, with the consent of the county legislative authority, may elect to issue a certificate for fewer than all years' taxes, interest, and costs to a minimum of the taxes, interest, and costs for the earliest year.

The county treasurer may include in the certificate of delinquency any assessments which are due on the property and are the responsibility of the county treasurer to collect. For purposes of this chapter, 'taxes, interest, and costs' include any assessments which are so included by the county treasurer.

The change to a three-year grace period shall first be effective on May 1, 1983. Prior to that date, the county treasurer shall send a notice to all taxpayers with taxes delinquent for two years or more, notifying them of the change in the grace period. The treasurer shall file said certificates when completed with the clerk of the court, and the treasurer shall thereupon, with such legal assistance as the county legislative authority shall provide in counties having a population of thirty thousand or more, and with the assistance of the county prosecuting attorney in counties having a population of less than thirty thousand, proceed to foreclose in the name of the county, the tax liens embraced in such certificates, and the same proceedings shall be had as when held by an individual: PROVIDED, That notice and summons must be

served or notice given in a manner reasonably calculated to inform the owner or owners, and any person having a recorded interest in or lien of record upon the property, of the foreclosure action. Either (1) personal service upon the owner or owners and any person having a recorded interest in or lien of record upon the property, or (2) publication once in a newspaper of general circulation, which is circulated in the area of the property and mailing of notice by certified mail to the owner or owners and any person having a recorded interest in or lien of record upon the property, or, if a mailing address is unavailable, personal service upon the occupant of the property, if any, is sufficient. In addition to describing the property as the same is described on the tax rolls, the notice must include the local street address, if any. It shall be the duty of the county treasurer to mail a copy of the published summons, within fifteen days after the first publication thereof, to the treasurer of each city or town within which any property involved in a tax foreclosure is situated, but the treasurer's failure to do so shall not affect the jurisdiction of the court nor the priority of any tax sought to be foreclosed. Said certificates of delinquency issued to the county may be issued in one general certificate in book form including all property, and the proceedings to foreclose the liens against said property may be brought in one action and all persons interested in any of the property involved in said proceedings may be made codendants in said action, and if unknown may be therein named as unknown owners, and the publication of such notice shall be sufficient service thereof on all persons interested in the property described therein, except as provided above. The person or persons whose name or names appear on the treasurer's rolls as the owner or owners of said property shall be considered and treated as the owner or owners of said property for the purpose of this section, and if upon said treasurer's rolls it appears that the owner or owners of said property are unknown, then said property shall be proceeded against, as belonging to an unknown owner or owners, as the case may be, and all persons owning or claiming to own, or having or claiming to have an interest therein, are hereby required to take notice of said proceedings and of any and all steps thereunder: PROVIDED, That(~~at least thirty days~~) prior to the sale of the property, if such property is shown on the tax rolls under unknown owners or as having an assessed value of three thousand dollars or more, the treasurer shall order or conduct a title search of the property to be sold to determine the legal description of the property to be sold and the record title holder, and if the record title holder or holders differ from the person or persons whose name or names appear on the treasurer's rolls as the owner or owners, the record title holder or holders shall be considered and treated as the owner or owners of said property for the purpose of this section, and shall be entitled to the notice provided for in this section.

The county treasurer shall not issue certificates of delinquency upon property which is eligible for deferral of taxes under chapter 84.38 RCW but shall require the owner of the property to file a declaration to defer taxes under chapter 84.38 RCW.

NEW SECTION, Sec. 65. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "government;" strike the remainder of the title and insert "amending RCW 36.01.010, 36.32.120, 35.22.280, 35.24.290, 35.27.370, 35A.11.020, 53.48.010, 85.05.360, 85.06.330, 85.08.210, 85.08.320, 85.16.030, 85.16.180, 85.20.070, 85.20.120, 85.22.060, 85.24.160, 85.32.140, 86.09.157, 85.38.010, 85.38.070, 86.09.430, 86.09.439, 86.09.562, 35.44.090, 86.09.151, 35.67.025, 35.92.021, 36.89.085, 36.94.145, 56.08.012, 86.15.160, 86.15.176, 90.03.500, and 90.03.510; reenacting and amending RCW 35.23.440 and 84.64.050; adding a new section to chapter 52.12 RCW; adding new sections to chapter 85.05 RCW; adding new sections to chapter 85.06 RCW; adding new sections to chapter 85.08 RCW; adding new sections to chapter 85.24 RCW; adding new sections to chapter 85.36 RCW; adding new sections to chapter 85.38 RCW; adding new sections to chapter 86.09 RCW; adding new sections to chapter 90.03 RCW; repealing RCW 85.05.290, 85.05.300, 85.05.310, 85.05.320, 85.05.330, 85.05.340, 85.05.480, 85.05.510, 85.05.520, 85.05.530, 85.06.170, 85.06.260, 85.06.270, 85.06.280, 85.06.290, 85.06.300, 85.06.310, 85.06.321, 85.06.322, 85.06.323, 85.06.324, 85.06.325, 85.06.326, 85.06.327, 85.06.328, 85.06.329, 85.08.240, 85.08.280, 85.09.010, 85.09.020, 85.09.030, 85.09.040, 85.09.050, 85.09.060, 85.09.070, 85.09.080, 85.09.090, 85.09.900, 85.20.080, 85.20.090, 85.20.100, 85.20.110, 85.20.120, 85.20.130, 85.22.070, 85.22.080, 85.22.090, 85.22.100, 85.22.110, 85.22.120, 85.24.230, 86.09.568, 86.09.571, 86.09.574, 86.09.577, 86.09.580, 86.09.583, 86.09.586, 86.09.589, 86.09.604, 86.09.607, 86.09.610, 86.09.613, 85.05.560, 85.05.570, 85.05.580, 85.05.590, 85.05.600, 85.06.510, 85.06.520, 85.06.530, 85.06.540, 85.07.020, 85.07.030, 85.08.580, 85.08.590, 85.08.600, 85.08.610, 85.08.620, 85.08.625, 85.36.010, 85.36.020, 85.36.030, 86.09.184, and 86.09.187; and prescribing penalties."

Signed by Senators Thompson, Garrett, Zimmerman; Representatives Haugen, Nutley, Brough.

MOTION

On motion of Ms. Haugen, the House adopted the report of the Free Conference Committee on Substitute Senate Bill No. 4486.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 4486 as amended by Free Conference Committee.

Representatives Haugen, Betzoff, Hankins, Brough and Appelwick spoke in favor of passage of the bill.

POINT OF PARLIAMENTARY INQUIRY

Mr. Isaacson: "Mr. Speaker, oftentimes I have a little red book here on my desk that I kind of thumb through from time to time, and I would like to ask a question: In Article II, section 19, it says, 'No bill shall embrace more than one subject, and that shall be expressed in the title.' I am wondering if this bill fits that requirement?"

The Speaker: "Reed's Rule 161 speaks to the incompatibility or the inconsistency of amendments and, also, the question of unconstitutionality is not for the Speaker to decide. Incompatibility, inconsistency and constitutionality are matters of argument. So, Representative Isaacson, I'm not going to comment on this."

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4486 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristol, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luvan, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Miller, Winsley - 2.

Substitute Senate Bill No. 4486 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4990 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4990, regulating river running, have had the same under consideration, and we recommend that the House amendments not be adopted, the bill be amended as follows and the amended bill do pass:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The purpose of this chapter is to further the public interest, welfare, and safety by providing for the protection and promotion of safety in the operation of watercraft carrying passengers for hire on the rivers of this state.

NEW SECTION, Sec. 2. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Watercraft" means every type of watercraft carrying passengers for hire used as a means of transportation on a river, including but not limited to power boats, drift boats, open canoes, inflatable crafts, decked canoes, and kayaks.

(2) "Carrying passengers for hire" means carrying passengers by watercraft for valuable consideration, whether given directly or indirectly or received by the owner, agent, operator,

or other person having an interest in the watercraft. This shall not affect trips where expenses for food, transportation, or incidentals are shared by participants on an even basis. Anyone receiving compensation for skills or money for amortization of equipment and carrying passengers shall be considered to be carrying passengers for hire. Individuals licensed under chapter 77.32 RCW and acting as a fishing guide are exempt from this chapter.

(3) 'Operate' means to navigate or otherwise use a watercraft.

(4) 'Operator' means any person operating the watercraft or performing the duties of a pilot or guide for one or more watercraft in a group.

(5) 'Passenger' means every person on board a watercraft who is not an operator.

(6) 'Rivers of the state' means those rivers and streams, or parts thereof, within the boundaries of this state.

NEW SECTION, Sec. 3. (1) No person may operate any watercraft in a manner that interferes with other watercraft or with the free and proper navigation of the rivers of this state.

(2) Every operator of a watercraft shall at all times operate the watercraft in a careful and prudent manner and at such a speed as to not endanger the life, limb, or property of any person.

(3) No watercraft may be loaded with passengers or cargo beyond its safe carrying capacity taking into consideration the type and construction of the watercraft and other existing operating conditions. In the case of inflatable crafts, safe carrying capacity in whitewater shall be considered as less than the United States Coast Guard capacity rating for each watercraft. This subsection shall not apply in cases of an unexpected emergency on the river.

NEW SECTION, Sec. 4. (1) Except as provided in subsection (2) of this section, watercraft proceeding downstream have the right of way over watercraft proceeding upstream.

(2) In all cases, watercraft not under power have the right of way over motorized craft underway.

NEW SECTION, Sec. 5. (1) No person may operate on the rivers of this state a watercraft carrying passengers for hire unless the person has been issued a valid Red Cross standard first aid card or at least its equivalent.

(2) This section does not apply to a person operating a vessel on the navigable waters of the United States in this state and who is licensed by the United States Coast Guard for the type of vessel being operated.

NEW SECTION, Sec. 6. While carrying passengers for hire on whitewater river sections in this state, the operator and owner shall:

(1) If using inflatable watercraft, use only watercraft with three or more separate air chambers;

(2) Ensure that all passengers and operators are wearing a securely fastened United States Coast Guard approved type III or type V life jacket in good condition;

(3) Ensure that each watercraft has accessible a spare type III or type V life jacket in good repair;

(4) Ensure that each watercraft has on it a bagged throwable line with a floating line and bag;

(5) Ensure that each watercraft has accessible an adequate first-aid kit;

(6) Ensure that each watercraft has a spare propelling device;

(7) Ensure that a repair kit and air pump are accessible to inflatable watercraft; and

(8) Ensure that equipment to prevent and treat hypothermia is accessible to all watercraft on a trip.

NEW SECTION, Sec. 7. (1) Watercraft operators and passengers on any trip carrying passengers for hire shall not allow the use of alcohol during the course of a trip on a whitewater river section in this state.

(2) Any watercraft carrying passengers for hire on any whitewater river section in this state must be accompanied by at least one other watercraft under the supervision of the same operator or owner or being operated by a person registered under section 11 of this act or an operator under the direction or control of a person registered under section 11 of this act.

NEW SECTION, Sec. 8. Whitewater river sections include but are not limited to:

(1) Green river above Flaming Geyser state park;

(2) Klickitat river above the confluence with Summit creek;

(3) Methow river below the town of Carlton;

(4) Sauk river above the town of Darrington;

(5) Skagit river above Bacon creek;

(6) Suttle river;

(7) Tieton river below Rimrock dam;

(8) Skykomish river below Sunset Falls and above the Highway 2 bridge one mile east of the town of Gold Bar;

(9) Wenatchee river above the Wenatchee county park at the town of Monitor;

(10) White Salmon river; and

(11) Any other section of river designated a 'whitewater river section' by the interagency committee for outdoor recreation. Such river sections shall be class two or greater difficulty under the international scale of whitewater difficulty.

NEW SECTION. Sec. 9. (1) When, as a result of an occurrence that involves a watercraft or its equipment, a person dies or disappears from a watercraft, the operator shall notify the nearest sheriff's department, state patrol office, coast guard station, or other law enforcement agency of:

- (a) The date, time, and exact location of the occurrence;
- (b) The name of each person who died or disappeared;
- (c) A description of the watercraft; and
- (d) The names and addresses of the owner and operator.

(2) When the operator of a boat cannot give the notice required by subsection (1) of this section, each person on board the boat shall either give the notice or determine that the notice has been given.

NEW SECTION. Sec. 10. (1) Every peace officer of this state and its political subdivisions has the authority to enforce this chapter. Wildlife agents of the department of game and fisheries patrol officers of the department of fisheries, through their directors, the state patrol, through its chief, county sheriffs, and other local law enforcement bodies, shall assist in the enforcement. In the exercise of this responsibility, all such officers may stop any watercraft and direct it to a suitable pier or anchorage for boarding.

(2) A person, while operating a watercraft on any waters of this state, shall not knowingly flee or attempt to elude a law enforcement officer after having received a signal from the law enforcement officer to bring the boat to a stop.

(3) This chapter shall be construed to supplement federal laws and regulations. To the extent this chapter is inconsistent with federal laws and regulations, the federal laws and regulations shall control.

NEW SECTION. Sec. 11. (1) Any person carrying passengers for hire on whitewater river sections in this state may register with the department of licensing. Each registration application shall be submitted annually on a form provided by the department of licensing and shall include the following information:

(a) The name, residence address, and residence telephone number, and the business name, address, and telephone number of the registrant;

(b) Proof that the registrant has liability insurance for a minimum of three hundred thousand dollars per claim for occurrences by the registrant and the registrant's employees that result in bodily injury or property damage; and

(c) Certification that the registrant will maintain the insurance for a period of not less than one year from the date of registration.

(2) The department of licensing shall charge a fee for each application, to be set in accordance with RCW 43.24.086.

(3) Any person advertising or representing themselves as having registered under this section who is not currently registered is guilty of a gross misdemeanor.

(4) The department of licensing shall submit annually a list of registered persons and companies to the department of trade and economic development, tourism promotion division.

(5) If an insurance company cancels or refuses to renew insurance for a registrant during the period of registration, the insurance company shall notify the department of licensing in writing of the termination of coverage and its effective date not less than thirty days before the effective date of termination.

(a) Upon receipt of an insurance company termination notice, the department of licensing shall send written notice to the registrant that on the effective date of termination the department of licensing will suspend the registration unless proof of insurance as required by this section is filed with the department of licensing before the effective date of the termination.

(b) If an insurance company fails to give notice of coverage termination, this failure shall not have the effect of continuing the coverage.

(c) The department of licensing may suspend or revoke registration under this section if the registrant fails to maintain in full force and effect the insurance required by section 11 of this act.

(6) The state of Washington shall be immune from any civil action arising from a registration under this section.

NEW SECTION. Sec. 12. A person violating this chapter shall be subject to a civil penalty of up to one hundred fifty dollars per violation.

NEW SECTION. Sec. 13. Sections 1 through 12 of this act shall constitute a new chapter in Title 91 RCW.*

Signed by Senators Goltz, Kreidler; Representatives Rust, Unsoeld, Brough.

MOTION

Ms. Rust moved that the House adopt the report of the Free Conference Committee on Substitute Senate Bill No. 4990.

Representatives Rust and Allen spoke in favor of the motion and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 4990 as amended by Free Conference Committee.

Representatives Tilly and Brough spoke against passage of the bill and Ms. Unsoeld spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4990 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 50; nays, 46; excused, 2.

Voting yea: Representatives Allen, Appelwick, Armstrong, Basich, Belcher, Braddock, Brække, Bristow, Cole, Crane, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smitherman, Sommers, Tanner, Todd, Unsoeld, Valle, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 50.

Voting nay: Representatives Addison, Ballard, Barnes, Barrett, Baugher, Betzoff, Bond, Brooks, Brough, Chandler, Day, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Long, Lundquist, May, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Sutherland, Taylor, Thomas, Tilly, van Dyke, Van Luven, Vander Stoep, Vekich, Walker, West, Williams B, Williams J, Wilson S - 46.

Excused: Representatives Miller, Winsley - 2.

Substitute Senate Bill No. 4990 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

The Speaker declared the House to be at ease until 6:15 p.m.

EVENING SESSION

The House was called to order at 6:15 p.m. by the Speaker.

MESSAGES FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has failed to adopt the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1722, and refuses to grant the powers of Free Conference.

Sidney R. Snyder, Secretary.

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4128, and has passed the bill as recommended by the Conference Committee.

Bill Gleason, Assistant Secretary.

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4905, and has passed the bill as recommended by the Conference Committee.

Bill Gleason, Assistant Secretary.

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 5005, and has passed the bill as recommended by the Conference Committee.

Bill Gleason, Assistant Secretary.

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 4738, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Free Conference Committee to whom was referred ENGROSSED SENATE BILL NO. 4738, revising provisions relating to juvenile offenders, have had the same under consideration, and we recommend that the bill be amended as follows and the amended bill do pass:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 19, chapter 155, Laws of 1979 as last amended by section 7, chapter 257, Laws of 1985 and RCW 13.32A.050 are each amended to read as follows:

A law enforcement officer shall take a child into custody:

(1) If a law enforcement agency has been contacted by the parent of the child that the child is absent from parental custody without consent; or

(2) If a law enforcement officer reasonably believes, considering the child's age, the location, and the time of day, that a child is in circumstances which constitute a danger to the child's (physical) safety; or

(3) If an agency legally charged with the supervision of a child has notified a law enforcement agency that the child has run away from placement; or

(4) If a law enforcement agency has been notified by the juvenile court that the court finds probable cause exists to believe that the child has violated a court placement order issued pursuant to chapter 13.32A RCW.

Law enforcement custody shall not extend beyond the amount of time reasonably necessary to transport the child to a destination authorized by law and to place the child at that destination.

An officer who takes a child into custody under this section and places the child in a designated crisis residential center shall inform the department of such placement within twenty-four hours.

(5) Nothing in this section affects the authority of any political subdivision to make regulations concerning the conduct of minors in public places by ordinance or other local law.

Sec. 2. Section 21, chapter 155, Laws of 1979 as amended by section 5, chapter 298, Laws of 1981 and RCW 13.32A.070 are each amended to read as follows:

(1) An officer taking a child into custody under RCW 13.32A.050 may, at his or her discretion, transport the child to the home of a responsible adult who is other than the child's parent where the officer reasonably believes that the child will be provided with adequate care and supervision and that the child will remain in the custody of such adult until such time as the department can bring about the child's return home or an alternative residential placement can be agreed to or determined pursuant to this chapter. An officer placing a child with a responsible adult other than his or her parent shall immediately notify the department's local community service office of this fact and of the reason for taking the child into custody.

(2) A law enforcement officer acting ~~((reasonably and))~~ in good faith pursuant to this chapter in failing to take a child into custody, in taking a child into custody, or in releasing a child to a person other than a parent of such child is immune from civil or criminal liability for such action.

(3) A person other than a parent of such child who receives a child pursuant to this chapter and who acts reasonably and in good faith in doing so is immune from civil or criminal liability for the act of receiving such child. Such immunity does not release such person from liability under any other law including the laws regulating licensed child care and prohibiting child abuse.

NEW SECTION. Sec. 3. There shall be created a joint select legislative committee to review the implementation and administration of:

(1) Chapter 13.04 RCW, the basic juvenile court act;

(2) Chapter 13.32A RCW, procedures for families in conflict generally, and specifically review the alternative residential placement process and the advisability of granting the juvenile court jurisdiction to make in-house placements. The committee shall consider the establishment of a residential school to address the needs of children who, pursuant to law, may be ordered into an alternative residential placement. A residential school may be funded and operated, in whole or in part by private contributions;

(3) Chapter 13.34 RCW, the juvenile court act relating to dependency of a child and the termination of a parent and child relationship; and

(4) Chapter 74.13 RCW, child welfare services.

The joint select legislative committee shall be composed of bipartisan members of the house and senate judiciary committee to be selected at the discretion of the committee chairpersons.

The committee established under this section shall meet and conduct hearings as often as is necessary to carry out its responsibilities under this chapter.

In reviewing the implementation and administration of chapters 13.04, 13.32A, 13.34, and 74.13 RCW the joint select legislative committee may inquire into instances where it is alleged that a law enforcement officer, school employee, department employee, judge, or juvenile court employee has either misrepresented a provision of the cited chapters or has failed to follow any such provision.

The joint select legislative committee shall be granted access to all relevant information necessary to monitor behavior of agencies and/or employees: PROVIDED, That any confidential information shall be kept confidential by members of the committee and shall not be further disseminated unless specifically authorized by state or federal law.

The joint select legislative committee shall report its findings and make recommendations regarding implementation of the chapters cited in this section in a report submitted to the legislature before the 1988 regular session of the legislature.

The joint select legislative committee, unless recreated by the legislature, shall cease to exist after submitting the report required under this section.

NEW SECTION. Sec. 4. The legislature finds that there is evidence of failure to implement and enforce juvenile justice laws. This failure may be due to a number of factors, including, but not necessarily limited to, resource limitations within the various units of government charged with responsibility for such implementation and enforcement.

Therefore, commencing with the effective date of this act, and continuing through such time as further legislative direction is enacted into law, any person legally responsible for implementation or enforcement of any provision of chapter 13.04, 13.32A, 13.34, or 74.13 RCW who is unable to implement or enforce any such provision shall file a report on the situation as soon as possible with the oversight committee created under section 3 of this act or, if the oversight committee has ceased to exist, to the judiciary committees of the house of representatives and the senate. Any such report shall include a documented description of the situation and the reason or reasons for failure to implement or enforce the provision in question.

Nothing contained in this section is intended to limit criminal or civil liability or to protect any employee against possible disciplinary action for failure to perform his or her duties.

Sec. 5. Section 74, chapter 291, Laws of 1977 ex. sess. as last amended by section 15, chapter 191, Laws of 1983 and RCW 13.40.200 are each amended to read as follows:

(1) When a respondent fails to comply with an order of restitution, community supervision, penalty assessments, or confinement of less than thirty days, the court upon motion of the prosecutor or its own motion, may modify the order after a hearing on the violation.

(2) The hearing shall afford the respondent the same due process of law as would be afforded an adult probationer. The court may issue a summons or a warrant to compel the respondent's appearance. The state shall have the burden of proving by a preponderance of the evidence the fact of the violation. The respondent shall have the burden of showing that the violation was not a willful refusal to comply with the terms of the order. If a respondent has failed to pay a fine, penalty assessments, or restitution or to perform community service hours, as required by the court, it shall be the respondent's burden to show that he or she did not have the means and could not reasonably have acquired the means to pay the fine, penalty assessments, or restitution or perform community service.

(3) (a) If the court finds that a respondent has willfully violated the terms of an order pursuant to subsections (1) and (2) of this section, it may impose a penalty of up to thirty days' confinement. Penalties for multiple violations occurring prior to the hearing shall not be aggregated to exceed thirty days' confinement. Regardless of the number of times a respondent is brought to court for violations of the terms of a single disposition order, the combined total number of days spent by the respondent in detention shall never exceed the maximum term to which an adult could be sentenced for the underlying offense.

(b) If the violation of the terms of the order under (a) of this subsection is failure to pay fines, penalty assessments, complete community service, or make restitution, the term of confinement imposed under (a) of this subsection shall be assessed at a rate of one day of confinement for each twenty-five dollars or eight hours owed.

(4) If a respondent has been ordered to pay a fine or monetary penalty and due to a change of circumstance cannot reasonably comply with the order, the court, upon motion of the respondent, may order that the unpaid fine or monetary penalty be converted to community service. The number of hours of community service in lieu of a monetary penalty or fine shall be converted at the rate of the prevailing state minimum wage per hour. The monetary penalties or fines collected shall be deposited in the county general fund. A failure to comply with an order under this subsection shall be deemed a failure to comply with an order of community supervision and may be proceeded against as provided in this section.

Sec. 6. Section 1, chapter 170, Laws of 1975 1st ex. sess. as last amended by section 17, chapter 191, Laws of 1983 and RCW 13.40.300 are each amended to read as follows:

(1) In no case may a juvenile offender be committed by the juvenile court to the department of social and health services for placement in a juvenile correctional institution beyond the juvenile offender's twenty-first birthday. A juvenile may be under the jurisdiction of the juvenile court or the authority of the department of social and health services beyond the juvenile's eighteenth birthday only if prior to the juvenile's eighteenth birthday:

(a) ~~((The juvenile court has committed the juvenile offender to the department of social and health services for a sentence consisting of the standard range of disposition for the offense and the sentence includes a period beyond the juvenile offender's eighteenth birthday; or~~

~~(b) The juvenile court has committed the juvenile offender to the department of social and health services for a sentence outside the standard range of disposition for the offense and the sentence includes a period beyond the juvenile's eighteenth birthday and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile offender for that period; or~~

~~(c)) Proceedings are pending seeking the adjudication of a juvenile offense ((or seeking a disposition order or the enforcement of such an order)) and the court by written order setting forth its reasons extends jurisdiction of juvenile court over the juvenile beyond his or her eighteenth birthday;~~

~~(b) The juvenile has been found guilty after a fact finding or after a plea of guilty and an automatic extension is necessary to allow for the imposition of disposition; or~~

~~(c) Disposition has been held and an automatic extension is necessary to allow for the execution and enforcement of the court's order of disposition. If an order of disposition imposes commitment to the department, then jurisdiction is automatically extended to include a period of up to twelve months of parole, in no case extending beyond the offender's twenty-first birthday.~~

(2) If the juvenile court previously has extended jurisdiction beyond the juvenile offender's eighteenth birthday and that period of extension has not expired, the court may further extend jurisdiction by written order setting forth its reasons.

(3) In no event may the juvenile court have authority to extend jurisdiction over any juvenile offender beyond the juvenile offender's twenty-first birthday.

(4) Notwithstanding any extension of jurisdiction over a person pursuant to this section, the juvenile court has no jurisdiction over any offenses alleged to have been committed by a person eighteen years of age or older.

NEW SECTION, Sec. 7. It is the policy of this state that all county juvenile detention facilities provide a humane, safe, and rehabilitative environment and that adjudicated youth remain in the community whenever possible, consistent with public safety and the provisions of chapter 13.40 RCW.

Sec. 8. Section 3, chapter 299, Laws of 1981 as amended by section 11, chapter 287, Laws of 1984 and RCW 13.40.025 are each amended to read as follows:

(1) There is established a juvenile disposition standards commission to propose disposition standards to the legislature in accordance with RCW 13.40.030 and perform the other responsibilities set forth in this chapter.

(2) The commission shall be composed of the secretary or the secretary's designee and the following ~~((eight))~~ nine members appointed by the governor, subject to confirmation by the senate: (a) A superior court judge; (b) a prosecuting attorney or deputy prosecuting attorney; (c) a law enforcement officer; (d) an administrator of juvenile court services; (e) a public defender actively practicing in juvenile court; ~~((and))~~ (f) a county legislative official or county executive; and (g) three other persons who have demonstrated significant interest in the adjudication and disposition of juvenile offenders. In making the appointments, the governor shall seek the recommendations of the association of superior court judges in respect to the member who is a superior court judge; of Washington prosecutors in respect to the prosecuting attorney or deputy prosecuting attorney member; of the Washington association of sheriffs and police chiefs in respect to the member who is a law enforcement officer; of juvenile court administrators in respect to the member who is a juvenile court administrator; and of the state bar association in respect to the public defender member; and of the Washington association of counties in respect to the member who is either a county legislative official or county executive.

(3) The secretary or the secretary's designee shall serve as chairman of the commission.

(4) The secretary shall serve on the commission during the secretary's tenure as secretary of the department. The term of the remaining members of the commission shall be three years. The initial terms shall be determined by lot conducted at the commission's first meeting as follows: (a) Four members shall serve a two-year term; and (b) four members shall serve a three-year term. In the event of a vacancy, the appointing authority shall designate a new member to complete the remainder of the unexpired term.

(5) Commission members shall be reimbursed for travel expenses as provided in RCW 43.03.050 and 43.03.060. Members shall be compensated in accordance with RCW 43.03.240.

~~(6) ((The commission's first meeting shall be held prior to January 1, 1982. Thereafter.))~~ The commission shall meet at least once every ~~((six))~~ three months.

Sec. 9. Section 4, chapter 299, Laws of 1981 and RCW 13.40.027 are each amended to read as follows:

(1) It is the responsibility of the commission to: (a) (i) Evaluate the effectiveness of existing disposition standards and related statutes in implementing policies set forth in RCW 13.40.010 generally and (ii) specifically review the guidelines relating to the confinement of minor and first offenders as well as the use of diversion. The committee shall propose modifications to the legislature regarding subsection (1)(a)(ii) of this section by January 1, 1987; (b) solicit the comments and suggestions of the juvenile justice community concerning disposition standards; and (c) develop and propose to the legislature modifications of the disposition standards in accordance with RCW 13.40.030.

(2) It is the responsibility of the department to: (a) Provide the commission with available data concerning the implementation of the disposition standards and related statutes and their effect on the performance of the department's responsibilities relating to juvenile offenders; (b) at the request of the commission, provide technical and administrative assistance to the commission in the performance of its responsibilities; and (c) provide the commission with recommendations for modification of the disposition standards.

NEW SECTION. Sec. 10. A new section is added to chapter 13.40 RCW to read as follows:

The commission, in cooperation and consultation with the judiciary committees of the senate and house of representatives, shall propose to the legislature state-wide standards by November 1, 1987, on the following subjects:

- (1) The detention intake procedures used and decisions made to release or detain youth in juvenile detention facilities;
- (2) The use of punishment, security, and control mechanisms such as isolation, restraints, program restrictions, and the procedures required for their use;
- (3) Availability and quality of health care;
- (4) Inventory and storage of residents' belongings;
- (5) Access to defense counsel;
- (6) Residents' rights to communicate with persons outside the facility; and
- (7) Information gathering and reporting necessary for educated decision-making by the commission and for the proper monitoring of facilities for compliance with commission standards.

The standards proposed under this section shall become effective upon approval by the legislature.

Sec. 11. Section 8, chapter 155, Laws of 1979 and RCW 13.50.010 are each amended to read as follows:

- (1) For purposes of this chapter:
 - (a) 'Juvenile justice or care agency' means any of the following: Police, diversion units, court, prosecuting attorney, defense attorney, detention center, attorney general, the department of social and health services and its contracting agencies, and persons or public or private agencies having children committed to their custody;
 - (b) 'Official juvenile court file' means the legal file of the juvenile court containing the petition or information, motions, memorandums, briefs, findings of the court, and court orders;
 - (c) 'Social file' means the juvenile court file containing the records and reports of the probation counselor;
 - (d) 'Records' means the official juvenile court file, the social file, and records of any other juvenile justice or care agency in the case.
- (2) Each petition or information filed with the court may include only one juvenile and each petition or information shall be filed under a separate docket number. The social file shall be filed separately from the official juvenile court file.
- (3) It is the duty of any juvenile justice or care agency to maintain accurate records. To this end:
 - (a) The agency may never knowingly record inaccurate information;
 - (b) An agency shall take reasonable steps to insure the security of its records and prevent tampering with them; and
 - (c) An agency shall make reasonable efforts to insure the completeness of its records, including action taken by other agencies with respect to matters in its files.
- (4) Each juvenile justice or care agency shall implement procedures consistent with the provisions of this chapter to facilitate inquiries concerning records.
- (5) Any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency and who has been denied access to those records by the agency may make a motion to the court for an order authorizing that person to inspect the juvenile justice or care agency record concerning that person. The court shall grant the motion to examine records unless it finds that in the interests of justice or in the best interests of the juvenile the records or parts of them should remain confidential.
- (6) A juvenile, or his or her parents, or any person who has reasonable cause to believe information concerning that person is included in the records of a juvenile justice or care agency may make a motion to the court challenging the accuracy of any information concerning the moving party in the record or challenging the continued possession of the record by the agency. If the court grants the motion, it shall order the record or information to be corrected or destroyed.

(7) The person making a motion under subsection (5) or (6) of this section shall give reasonable notice of the motion to all parties to the original action and to any agency whose records will be affected by the motion.

(8) The court may permit inspection of records by, or release of information to, any clinic, hospital, or agency which has the subject person under care or treatment, or to individuals or agencies engaged in legitimate research for educational, scientific, or public purposes. The court may also permit inspection of, or release of information from, records which have been sealed pursuant to RCW 13.50.050(11). Access to records or information for research purposes shall be permitted only if the anonymity of all persons mentioned in the records or information will be preserved. Each person granted permission to inspect juvenile justice or care agency records for research purposes shall present a notarized statement to the court stating that the names of juveniles and parents will remain confidential.

(9) Juvenile detention facilities shall release records to the juvenile disposition standards commission under RCW 13.40.025 upon request. The commission shall not disclose the names of any juveniles or parents mentioned in the records without the named individual's written permission.

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

NEW SECTION. Sec. 13. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title after "juveniles;" strike the remainder of the title and insert "amending RCW 13.32A.050, 13.32A.070, 13.40.200, 13.40.300, 13.40.025, 13.40.027, and 13.50.010; adding a new section to chapter 13.40 RCW; creating new sections; and declaring an emergency."

Signed by Senators Talmadge, Rinehart; Representatives K. Wilson, Armstrong, G. Nelson.

MOTION

On motion of Mr. Armstrong, the House adopted the report of the Free Conference Committee on Engrossed Senate Bill No. 4738.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 4738 as amended by Free Conference Committee.

Representatives G. Nelson and Crane spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4738 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 91; nays, 5; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Walk, Walker, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky - 91.

Voting nay: Representatives Nelson D, Smith L, Vekich, Wang, and Mr. Speaker - 5.

Excused: Representatives Miller, Winsley - 2.

Engrossed Senate Bill No. 4738 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4531 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4531, modifying provisions relating to mental health insurance coverage, have had the same under consideration, and we recommend that the House Financial Institutions & Insurance Committee amendment be amended as follows:

On page 7, line 19 of the committee amendment strike "July 1, 1986" and insert "March 1, 1987"

And we recommend that the committee amendment as amended be adopted and the bill do pass as amended.

Signed by Senators Moore, Granlund; Representatives Lux, Niemi, Barrett.

MOTION

On motion of Mr. Barrett, the House adopted the report of the Free Conference Committee on Substitute Senate Bill No. 4531.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 4531 as amended by Free Conference Committee.

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

POINT OF INQUIRY

Mr. Barrett yielded to question by Mr. Day.

Mr. Day: "Representative Barrett, the biennial operating budget prohibits the SEIB from increasing benefit levels beyond the level that existed on July 1, 1985. Would SEIB compliance with Substitute Senate Bill 4531 and Engrossed Substitute Senate Bill 4762 be viewed as an extension of benefits beyond the July 1, 1986 level?"

Mr. Barrett: "It wouldn't to me, Representative Day."

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4531 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Miller, Winsley - 2.

Substitute Senate Bill No. 4531 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has discharged the members of the Conference Committee to ENGROSSED SENATE BILL NO. 4463, and appointed the following members as conferees: Senators Warnke, Moore, Bailey.

Bill Gleason, Assistant Secretary.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SENATE BILL NO. 3397, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SENATE BILL NO. 3397, revising provisions relating to reimbursements for illegally killed wildlife, have had the same under consideration and we recommend that the House amendments to page 1, line 7; page 1, line 19; page 1, line 22 and page 2, line 16 be adopted and the amendment to page 2, line 9 not be adopted; and the following amendment be adopted:

On page 2, beginning on line 10 after "remitted" strike all material through "treasurer" on line 11.

And the bill do pass as amended.

Signed by Senators Owen, Johnson, Peterson; Representatives Lundquist, McMullen, Sutherland.

MOTION

On motion of Mr. Sutherland, the House adopted the report of the Free Conference Committee on Senate Bill No. 3397.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Senate Bill No. 3397 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Senate Bill No. 3397 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brække, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Vaile, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Miller, Winsley - 2.

Senate Bill No. 3397 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4938, and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4938, relating to state boards and commissions, have had the same under consideration, and we recommend that the committee amendment be amended as follows:

On page 70 of the House committee amendment, after line 5, insert the following:

*Sec. 1001. Section 3, chapter 98, Laws of 1935 as last amended by section 2, chapter 153, Laws of 1984 and RCW 18.64.005 are each amended to read as follows:

The board shall:

(1) Regulate the practice of pharmacy and ~~((administer and))~~ enforce all laws placed under its jurisdiction:

(2) Prepare ~~((grade and administer))~~ or determine the nature of, and supervise the grading ~~((and administration))~~ of, examinations for applicants for pharmacists' licenses:

(3) ~~((Examine, inspect, and investigate all applicants for license as))~~ Establish the qualifications for licensure of pharmacists or pharmacy interns ~~((and grant licenses to all applicants whom it shall judge to be properly qualified))~~:

(4) ~~((Establish reasonable fees for licenses, examinations, and services for other agencies sufficient to cover the cost of the operations of the board. In cases where there are unanticipated demands for services the board may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the board from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management.~~

(5) ~~Employ an executive officer, inspectors, investigators, chemists, and other agents as necessary to assist it for any purpose which it may deem necessary;~~

(6) ~~investigate violations of the provisions of law or regulations under its jurisdiction, and cause prosecutions to be instituted in the courts;~~

(7) ~~Make inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law;~~

(8) ~~Conduct hearings for the revocation or suspension of licenses, permits, registrations, certificates, or any other authority to practice granted by the board, which hearings may also be conducted by an administrative law judge appointed under chapter 34.12 RCW;~~

(9) ~~Issue subpoenas and administer oaths in connection with any~~ ~~((investigation;))~~ hearing, or disciplinary proceeding held under this chapter or any other chapter assigned to the board:

(10) ~~Assist the regularly constituted enforcement agencies of this state in enforcing all laws pertaining to drugs, controlled substances, and the practice of pharmacy, and/or any other laws or rules under its jurisdiction;~~

(11) ~~Promulgate rules for the dispensing, distribution, wholesaling, and manufacturing of drugs and devices and the practice of pharmacy for the protection and promotion of the public health, safety, and welfare. Violation of any such rules shall constitute grounds for refusal, suspension, or revocation of licenses or any other authority to practice issued by the board;~~

(12) ~~Adopt rules establishing and governing continuing education requirements for pharmacists and other licensees applying for renewal of licenses under this chapter;~~

(13) ~~Be immune, collectively and individually, from suit in any action, civil or criminal, based upon any disciplinary proceedings or other official acts performed in good faith as members of such board. Such immunity shall apply to employees of the~~ ~~((board when acting at the direction of the board in the course of disciplinary proceedings))~~ department:

(14) ~~Establish an interdepartmental coordinating committee on drug misuse, diversion, and abuse, composed of one member from each caucus of the house of representatives and senate, the superintendent of public instruction, the director of licensing, the executive secretary of the criminal justice training commission, the chief of the Washington state patrol, the secretary of social and health services, director of the traffic safety commission, representatives of prescribing, delivering, and dispensing health care practitioner boards, the attorney general, the director of the department of labor and industries, a representative of local law enforcement agencies, and the executive officer of the board of pharmacy, or their designees. The committee shall meet at least twice annually at the call of the executive officer of the board of pharmacy who shall serve as chairperson of the committee. The committee shall advise the board of pharmacy in all matters related to its powers and duties delineated in subsections~~ ~~((15), (16), (17), (18) and (19))~~ (11), (12), (13), (14) and (15) of this section, and shall

report to the legislature each biennium on the results of its and the board's activity under those subsections:

((†5)) (11) Provide for the coordination and exchange of information on state programs relating to drug misuse, diversion, and abuse, and act as a permanent liaison among the departments and agencies engaged in activities concerning the legal and illegal use of drugs:

((†6)) (12) Suggest strategies for preventing, reducing, and eliminating drug misuse, diversion, and abuse, including professional and public education, and treatment of persons misusing and abusing drugs:

((†7)) (13) Conduct or encourage educational programs to be conducted to prevent the misuse, diversion, and abuse of drugs for health care practitioners and licensed or certified health care facilities:

((†8)) (14) Monitor trends of drug misuse, diversion, and abuse and make periodic reports to disciplinary boards of licensed health care practitioners and education, treatment, and appropriate law enforcement agencies regarding these trends:

((†9)) (15) Enter into written agreements with all other state and federal agencies with any responsibility for controlling drug misuse, diversion, or abuse and with health maintenance organizations, health care service contractors, and health care providers to assist and promote coordination of agencies responsible for ensuring compliance with controlled substances laws and to monitor observance of these laws and cooperation between these agencies. The department of social and health services, the department of labor and industries, ((the department of licensing:)) and any other state agency including licensure disciplinary boards, shall refer all apparent instances of over-prescribing by practitioners and all apparent instances of legend drug overuse to the ((board) department). The ((board) department) shall also encourage such referral by health maintenance organizations, health service contractors, and health care providers.

NEW SECTION, Sec. 1002. A new section is added to chapter 18.64 RCW to read as follows:

The department shall:

(1) Establish reasonable fees for licenses, examinations, and services for other agencies sufficient to cover the cost of the operations of the department. Fees shall be set in accordance with RCW 43.24.086. In cases where there are unanticipated demands for services, the department may request payment for services directly from the agencies for whom the services are performed, to the extent that revenues or other funds are available. Drug-related investigations regarding licensed health care practitioners shall be funded by an appropriation to the department from the health professions account. The payment may be made on either an advance or a reimbursable basis as approved by the director of financial management:

(2) Employ an executive officer who shall be a pharmacist licensed in Washington, inspectors, investigators, chemists, and other persons as necessary to assist it for any purpose which it may deem necessary:

(3) Investigate and prosecute, including use of subpoena powers, violations of law or regulations under its jurisdiction:

(4) Make inspections and investigations of pharmacies and other places, including dispensing machines, in which drugs or devices are stored, held, compounded, dispensed, sold, or administered to the ultimate consumer, to take and analyze any drugs or devices and to seize and condemn any drugs or devices which are adulterated, misbranded, stored, held, dispensed, distributed, administered, or compounded in violation of or contrary to law.

Sec. 1003. Section 1, chapter 82, Laws of 1969 ex. sess. as last amended by section 59, chapter 7, Laws of 1985 and RCW 18.64.009 are each amended to read as follows:

Employees of the ((Washington state board of pharmacy)) department, who are designated by the board as enforcement officers, are declared to be peace officers and shall be vested with police powers to enforce chapters 18.64, 69.04, 69.36, 69.40, 69.41, and 69.50 RCW and all other laws ((administered)) enforced by the board.

NEW SECTION, Sec. 1004. A new section is added to chapter 18.64 RCW to read as follows:

The board shall designate which employees of the department of licensing shall serve as investigators for the purposes of any investigations that fall within the jurisdiction of the board of pharmacy. The board shall prioritize all investigatory work of employees who are designated as investigators under this section.

NEW SECTION, Sec. 1005. A new section is added to chapter 18.64 RCW to read as follows:

Any person who desires to distribute sample or complimentary controlled substances to practitioners in the state of Washington shall pay a registration fee determined by the director and, thereafter, on or before a date to be determined by the director, a like fee for renewal of the registration. Any person who distributes sample or complimentary controlled substances in this state without having properly registered is guilty of a misdemeanor, and each day such conduct continues is deemed a separate offense.

Sec. 1006. Section 1, chapter 38, Laws of 1963 as last amended by section 3, chapter 153, Laws of 1984 and RCW 18.64.011 are each amended to read as follows:

Unless the context clearly requires otherwise, definitions of terms shall be as indicated when used in this chapter.

(1) 'Person' means an individual, corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

(2) 'Board' means the Washington state board of pharmacy.

(3) 'Drugs' means:

(a) Articles recognized in the official United States pharmacopoeia or the official homeopathic pharmacopoeia of the United States;

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals;

(c) Substances (other than food) intended to affect the structure or any function of the body of man or other animals; or

(d) Substances intended for use as a component of any substances specified in (a), (b), or (c) of this subsection, but not including devices or their component parts or accessories.

(4) 'Device' means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended (a) for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or other animals, or (b) to affect the structure or any function of the body of man or other animals.

(5) 'Nonlegend' or 'nonprescription' drugs means any drugs which may be lawfully sold without a prescription.

(6) 'Legend drugs' means any drugs which are required by any applicable federal or state law or regulation to be dispensed on prescription only or are restricted to use by practitioners only.

(7) 'Controlled substance' means a drug or substance, or an immediate precursor of such drug or substance, so designated under or pursuant to the provisions of chapter 69.50 RCW.

(8) 'Prescription' means an order for drugs or devices issued by a practitioner duly authorized by law or rule in the state of Washington to prescribe drugs or devices in the course of his or her professional practice for a legitimate medical purpose.

(9) 'Practitioner' means a physician, dentist, veterinarian, nurse, or other person duly authorized by law or rule in the state of Washington to prescribe drugs.

(10) 'Pharmacist' means a person duly licensed by the Washington state board of pharmacy to engage in the practice of pharmacy.

(11) 'Practice of pharmacy' includes the practice of and responsibility for: interpreting prescription orders; the compounding, dispensing, labeling, administering, and distributing of drugs and devices; the monitoring of drug therapy and use; the initiating or modifying of drug therapy in accordance with written guidelines or protocols previously established and approved for his or her practice by a practitioner authorized to prescribe drugs; the participating in drug utilization reviews and drug product selection; the proper and safe storing and distributing of drugs and devices and maintenance of proper records thereof; the providing of information on legend drugs which may include, but is not limited to, the advising of therapeutic values, hazards, and the uses of drugs and devices.

(12) 'Pharmacy' means every place properly licensed by the board of pharmacy where the practice of pharmacy is conducted.

(13) The words 'drug' and 'devices' shall not include surgical or dental instruments or laboratory materials, gas and oxygen, therapy equipment, X-ray apparatus or therapeutic equipment, their component parts or accessories, or equipment, instruments, apparatus, or contrivances used to render such articles effective in medical, surgical, or dental treatment, or for use or consumption in or for mechanical, industrial, manufacturing, or scientific applications or purposes, nor shall the word 'drug' include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended, nor medicated feed intended for and used exclusively as a feed for animals other than man.

(14) The word 'poison' shall not include any article or mixture covered by the Washington pesticide control act (chapter 15.58 RCW), as enacted or hereafter amended.

(15) 'Deliver' or 'delivery' means the actual, constructive, or attempted transfer from one person to another of a drug or device, whether or not there is an agency relationship.

(16) 'Dispense' means the interpretation of a prescription or order for a drug, biological, or device and, pursuant to that prescription or order, the proper selection, measuring, compounding, labeling, or packaging necessary to prepare that prescription or order for delivery.

(17) 'Distribute' means the delivery of a drug or device other than by administering or dispensing.

(18) 'Compounding' shall be the act of combining two or more ingredients in the preparation of a prescription.

(19) 'Wholesaler' shall mean a corporation, individual, or other entity which buys drugs or devices for resale and distribution to corporations, individuals, or entities other than consumers.

(20) 'Manufacture' means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.

(21) 'Manufacturer' shall mean a person, corporation, or other entity engaged in the manufacture of drugs or devices.

(22) 'Labeling' shall mean the process of preparing and affixing a label to any drug or device container. The label must include all information required by current federal and state law and pharmacy rules.

(23) 'Administer' means the direct application of a drug or device, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject.

(24) 'Master license system' means the mechanism established by chapter 19.02 RCW by which master licenses, endorsed for individual state-issued licenses, are issued and renewed utilizing a master application and a master license expiration date common to each renewable license endorsement.

(25) Department' means the department of licensing.

(26) Director' means the director of the department of licensing or the director's designee.

Sec. 1007. Section 10, chapter 121, Laws of 1899 as last amended by section 7, chapter 90, Laws of 1979 and RCW 18.64.040 are each amended to read as follows:

Every applicant for license examination under this chapter shall pay the sum determined by the ~~((board))~~ director under RCW 43.24.086 before the examination is attempted.

Sec. 1008. Section 12, chapter 213, Laws of 1909 as last amended by section 4, chapter 153, Laws of 1984 and RCW 18.64.043 are each amended to read as follows:

(1) The owner of each pharmacy shall pay an original license fee to be determined by the ~~((board))~~ director, and annually thereafter, on or before a date to be determined by the ~~((board))~~ director, a fee to be determined by the ~~((board))~~ director, for which he or she shall receive a license of location, which shall entitle the owner to operate such pharmacy at the location specified, or such other temporary location as the ~~((board))~~ director may approve, for the period ending on a date to be determined by the ~~((board))~~ director, and each such owner shall at the time of filing proof of payment of such fee as provided in RCW 18.64.045 as now or hereafter amended, file with the ~~((state board of pharmacy))~~ department on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of ownership of the pharmacy mentioned therein.

(2) It shall be the duty of the owner to immediately notify the ~~((board))~~ department of any change of location and/or ownership and to keep the license of location or the renewal thereof properly exhibited in said pharmacy.

(3) Failure to comply with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense.

(4) In the event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the original license fee.

Sec. 1009. Section 17, chapter 90, Laws of 1979 as last amended by section 5, chapter 153, Laws of 1984 and RCW 18.64.044 are each amended to read as follows:

(1) A shopkeeper registered or exempt from registration as provided in this section may sell nonprescription drugs, if such drugs are sold in the original package of the manufacturer. Shopkeepers with fifteen or fewer drugs shall be exempt from the registration requirements of this section and shall not be required to pay any fees required by this section, but shall be considered shopkeepers for any other purposes under chapter 18.64 RCW.

(2) Every shopkeeper not a licensed pharmacist, desiring to secure the benefits and privileges of this section, is hereby required to register as a shopkeeper through the master license system, and he or she shall pay the fee determined by the ~~((board))~~ director for registration, and on a date to be determined by the ~~((board))~~ director thereafter the fee determined by the ~~((board))~~ director for renewal of the registration; and shall at all times keep said registration or the current renewal thereof conspicuously exposed in the shop to which it applies. In event such shopkeeper's registration is not renewed by the master license expiration date, no renewal or new registration shall be issued except upon payment of the registration renewal fee and the master license delinquency fee under chapter 19.02 RCW. This registration fee shall not authorize the sale of legend drugs or controlled substances.

(3) The registration fees determined by the ~~((board))~~ director under subsection (2) of this section shall not exceed the cost of registering the shopkeeper.

(4) Any shopkeeper who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense.

Sec. 1010. Section 5, chapter 153, Laws of 1949 as last amended by section 6, chapter 153, Laws of 1984 and RCW 18.64.045 are each amended to read as follows:

The owner of each and every place of business which manufactures drugs shall pay a license fee to be determined by the ~~((board))~~ director, and thereafter, on or before a date to be determined by the ~~((board))~~ director, a fee to be determined by the ~~((board))~~ director, for which the owner shall receive a license of location from the ~~((state board of pharmacy))~~ department, which shall entitle the owner to manufacture drugs at the location specified for the

period ending on a date to be determined by the ~~((board))~~ director, and each such owner shall at the time of payment of such fee file with the ~~((state board of pharmacy))~~ department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the ~~((board))~~ department of any change of location and/or ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 1011. Section 18, chapter 90, Laws of 1979 as amended by section 7, chapter 153, Laws of 1984 and RCW 18.64.046 are each amended to read as follows:

The owner of each place of business which sells legend drugs and nonprescription drugs, or nonprescription drugs at wholesale shall pay a license fee to be determined by the ~~((board))~~ director, and thereafter, on or before a date to be determined by the ~~((board))~~ director, a like fee to be determined by the ~~((board))~~ director, for which the owner shall receive a license of location from the ~~((state board of pharmacy))~~ department, which shall entitle such owner to either sell legend drugs and nonprescription drugs or nonprescription drugs at wholesale at the location specified for the period ending on a date to be determined by the ~~((board))~~ director, and each such owner shall at the time of payment of such fee file with the ~~((state board of pharmacy))~~ department, on a blank therefor provided, a declaration of ownership and location, which declaration of ownership and location so filed as aforesaid shall be deemed presumptive evidence of the ownership of such place of business mentioned therein. It shall be the duty of the owner to notify immediately the ~~((board))~~ department of any change of location and ownership and to keep the license of location or the renewal thereof properly exhibited in such place of business. Failure to conform with this section shall be deemed a misdemeanor, and each day that said failure continues shall be deemed a separate offense. In event such license fee remains unpaid for sixty days from date due, no renewal or new license shall be issued except upon payment of the license renewal fee and a penalty fee equal to the license renewal fee.

Sec. 1012. Section 16, chapter 121, Laws of 1899 as last amended by section 8, chapter 153, Laws of 1984 and RCW 18.64.047 are each amended to read as follows:

Any itinerant vendor or any peddler of any nonprescription drug or preparation for the treatment of disease or injury, shall pay a registration fee determined by the ~~((board))~~ director on a date to be determined by the ~~((board))~~ director. The ~~((state board of pharmacy))~~ department may issue a registration to such vendor on an approved application made to the ~~((state board of pharmacy))~~ department. Any itinerant vendor or peddler who shall vend or sell, or offer to sell to the public any such nonprescription drug or preparation without having registered to do so as provided in this section, shall be guilty of a misdemeanor and each sale or offer to sell shall constitute a separate offense. In event such registration fee remains unpaid for sixty days from date due, no renewal or new registration shall be issued except upon payment of the registration renewal fee and a penalty fee equal to the renewal fee. This registration shall not authorize the sale of legend drugs or controlled substances.

Sec. 1013. Section 9, chapter 98, Laws of 1935 as last amended by section 9, chapter 153, Laws of 1984 and RCW 18.64.050 are each amended to read as follows:

In the event that a license or certificate issued by the ~~((board of pharmacy))~~ department is lost or destroyed, the person to whom it was issued may obtain a duplicate thereof upon furnishing proof of such fact satisfactory to the ~~((board of pharmacy))~~ department and the payment of a fee determined by the ~~((board of pharmacy))~~ director.

In the event any person desires any certified document to which he is entitled, he shall receive the same upon payment of a fee determined by the ~~((board of pharmacy))~~ director.

Sec. 1014. Section 1, chapter 9, Laws of 1972 ex. sess. as last amended by section 10, chapter 153, Laws of 1984 and RCW 18.64.080 are each amended to read as follows:

(1) The ~~((state board of pharmacy))~~ department may license as a pharmacist any person who has filed an application therefor, subscribed by the person under oath or affirmation, containing such information as the board may by regulation require, and who—

(a) Is at least eighteen years of age and is a citizen of the United States, an alien in an educational pharmacy graduate or residency program for the period of the program, or a resident alien;

(b) Has satisfied the ~~((board))~~ department that he or she is of good moral and professional character, that he or she will carry out the duties and responsibilities required of a pharmacist, and that he or she is not unfit or unable to practice pharmacy by reason of the extent or manner of his or her proven use of alcoholic beverages, drugs, or controlled substances, or by reason of a proven physical or mental disability;

(c) Holds a baccalaureate degree in pharmacy or a doctor of pharmacy degree granted by a school or college of pharmacy which is accredited by the board of pharmacy;

(d) Has completed or has otherwise met the internship requirements as set forth in board rules;

(e) Has satisfactorily passed the necessary examinations ~~((given))~~ approved by the board and administered by the department.

(2) The ~~((state board of pharmacy))~~ department shall, at least once in every calendar year, offer an examination to all applicants for a pharmacist license who have completed their educational and internship requirements pursuant to rules promulgated by the board. The ~~((said))~~ examination shall be determined by the board. In case of failure at a first examination, the applicant shall have within three years the privilege of a second and third examination. In case of failure in a third examination, the applicant shall not be eligible for further examination until he or she has satisfactorily completed additional preparation as directed and approved by the board. The applicant must pay the examination fee determined by the ~~((board))~~ director for each examination taken. Upon passing the required examinations and complying with all the rules and regulations of the board and the provisions of this chapter, the ~~((board))~~ department shall grant the applicant a license as a pharmacist and issue to him or her a certificate qualifying him or her to enter into the practice of pharmacy.

(3) Any person enrolled as a student of pharmacy in an accredited college may file with the ~~((state board of pharmacy))~~ department an application for registration as a pharmacy intern in which ~~((said))~~ application he or she shall be required to furnish such information as the board may, by regulation, prescribe and, simultaneously with the filing of said application, shall pay to the ~~((board))~~ department a fee to be determined by the ~~((board))~~ director. All certificates issued to pharmacy interns shall be valid for a period to be determined by the ~~((board))~~ director, but in no instance shall the certificate be valid if the individual is no longer making timely progress toward graduation, provided however, the ~~((board))~~ department may issue an intern certificate to a person to complete an internship to be eligible for initial licensure or for the reinstatement of a previously licensed pharmacist.

(4) To assure adequate practical instruction, pharmacy internship experience as required under this chapter shall be obtained after registration as a pharmacy intern by practice in any licensed pharmacy or other program meeting the requirements promulgated by regulation of the board, and shall include such instruction in the practice of pharmacy as the board by regulation shall prescribe.

(5) The ~~((board))~~ department may, without examination other than one in the laws relating to the practice of pharmacy, license as a pharmacist any person who, at the time of filing application therefor, is currently licensed as a pharmacist in any other state, territory, or possession of the United States: PROVIDED, That the ~~((said))~~ person shall produce evidence satisfactory to the board of having had the required secondary and professional education and training and who was licensed as a pharmacist by examination in another state prior to June 13, 1963, shall be required to satisfy only the requirements which existed in this state at the time he or she became licensed in such other state: PROVIDED FURTHER, That the state in which ~~((said))~~ the person is licensed shall under similar conditions grant reciprocal licenses as pharmacist without examination to pharmacists duly licensed by examination in this state. Every application under this subsection shall be accompanied by a fee determined by the ~~((board))~~ department.

(6) The ~~((board))~~ department shall provide for, regulate, and require all persons licensed as pharmacists to renew their license periodically, and shall prescribe the form of such license and information required to be submitted by all applicants.

Sec. 1015. Section 11, chapter 121, Laws of 1899 as last amended by section 11, chapter 153, Laws of 1984 and RCW 18.64.140 are each amended to read as follows:

Every licensed pharmacist who desires to practice pharmacy shall secure from the ~~((board))~~ department a license, the fee for which shall be determined by the ~~((board))~~ director. The renewal fee shall also be determined by the ~~((board))~~ director. The date of renewal may be established by the ~~((board))~~ director by regulation and the ~~((board))~~ department may by regulation extend the duration of a licensing period for the purpose of staggering renewal periods. Such regulation may provide a method for imposing and collecting such additional proportional fee as may be required for the extended period. Payment of this fee shall entitle the licensee to a pharmacy law book, subsequent current mailings of all additions, changes, or deletions in the pharmacy practice act, chapter 18.64 RCW, and all additions, changes, or deletions of pharmacy board and department regulations. Pharmacists shall pay the license renewal fee and a penalty equal to the license renewal fee for the late renewal of their license more than sixty days after the renewal is due. The current license shall be conspicuously displayed to the public in the pharmacy to which it applies. Any licensed pharmacist who desires to leave the active practice of pharmacy in this state may secure from the ~~((board))~~ department an inactive license. The initial license and renewal fees shall be determined by the ~~((board))~~ director. The holder of an inactive license may reactivate his or her license to practice pharmacy in accordance with rules adopted by the board.

Sec. 1016. Section 3, chapter 101, Laws of 1977 ex. sess. and RCW 18.64A.030 are each amended to read as follows:

The board shall adopt, in accordance with chapter 34.04 RCW, rules and regulations governing the extent to which pharmacy assistants may perform services associated with the practice of pharmacy during training and after successful completion of a training course. Such regulations shall provide for the certification by the department of licensing of pharmacy assistants at a ~~((uniform annual))~~ fee ~~((to be))~~ determined by the ~~((board))~~ director of the department of licensing under RCW 43.24.086 according to the following levels of classification:

(1) 'Level A pharmacy assistants' may assist in performing, under the immediate supervision and control of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy.

(2) 'Level B pharmacy assistants' may perform, under the general supervision of a licensed pharmacist, duties including but not limited to, typing of prescription labels, filing, refilling, bookkeeping, pricing, stocking, delivery, nonprofessional phone inquiries, and documentation of third party reimbursements.

Sec. 1017. Section 5, chapter 319, Laws of 1977 ex. sess. as last amended by section 38, chapter 466, Laws of 1985 and RCW 19.02.050 are each amended to read as follows:

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

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

Sec. 1018. Section 3, chapter 139, Laws of 1979 ex. sess. and RCW 69.41.075 are each amended to read as follows:

The state board of pharmacy may make such rules for the enforcement and administration of this chapter as are deemed necessary or advisable. The board shall identify, by rule-making pursuant to chapter 34.04 RCW, those drugs which may be dispensed only on prescription or are restricted to use by practitioners, only. In so doing the board shall consider the toxicity or other potentiality for harmful effect of the drug, the method of its use, and any collateral safeguards necessary to its use. The board shall classify a drug as a legend drug where these considerations indicate the drug is not safe for use except under the supervision of a practitioner.

In identifying legend drugs the board may incorporate in its rules lists of drugs contained in commercial pharmaceutical publications by making specific reference to each such list and the date and edition of the commercial publication containing it. Any such lists so incorporated shall be available for public inspection at the headquarters of the ~~((state board of pharmacy))~~ department of licensing and shall be available on request from the ~~((board))~~ department of licensing upon payment of a reasonable fee to be set by the ~~((board))~~ department of licensing.

Sec. 1019. Section 69.50.201, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.201 are each amended to read as follows:

(a) The state board of pharmacy shall ~~((administer))~~ enforce this chapter and may add substances to or delete or reschedule all substances enumerated in the schedules in RCW 69.50.204, 69.50.206, 69.50.208, 69.50.210, or 69.50.212 pursuant to the rule-making procedures of chapter 34.04 RCW. In making a determination regarding a substance, the board shall consider the following:

- (1) the actual or relative potential for abuse;
- (2) the scientific evidence of its pharmacological effect, if known;
- (3) the state of current scientific knowledge regarding the substance;
- (4) the history and current pattern of abuse;
- (5) the scope, duration, and significance of abuse;
- (6) the risk to the public health;
- (7) the potential of the substance to produce psychic or physiological dependence liability; and
- (8) whether the substance is an immediate precursor of a substance already controlled under this Article.

(b) After considering the factors enumerated in subsection (a) the board may issue a rule controlling the substance if it finds the substance has a potential for abuse.

(c) If the board designates a substance as an immediate precursor, substances which are precursors of the controlled precursor shall not be subject to control solely because they are precursors of the controlled precursor.

(d) If any substance is designated, rescheduled, or deleted as a controlled substance under federal law and notice thereof is given to the board, the substance shall be similarly controlled under this chapter after the expiration of thirty days from publication in the Federal Register of a final order designating a substance as a controlled substance or rescheduling or deleting a substance, unless within that thirty day period, the board objects to inclusion, rescheduling, or deletion. In that case, the board shall proceed pursuant to the rule-making procedures of chapter 34.04 RCW.

(e) Authority to control under this section does not extend to distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 66 RCW and Title 26 RCW.

(f) The board shall exclude any nonnarcotic substances from a schedule if such substances may, under the Federal Food, Drug and Cosmetic Act, and under regulations of the bureau, and the laws of this state including RCW 18.64.250, be lawfully sold over the counter.

Sec. 1020. Section 69.50.301, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.301 are each amended to read as follows:

The state board of pharmacy may promulgate rules and ~~((charge reasonable))~~ the director may set fees of not less than ten dollars or more than fifty dollars relating to the registration and control of the manufacture, distribution, and dispensing of controlled substances within this state.

Sec. 1021. Section 69.50.302, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.302 are each amended to read as follows:

(a) Every person who manufactures, prescribes, distributes, or dispenses any controlled substance within this state or who proposes to engage in the manufacture, prescription, distribution, or dispensing of any controlled substance within this state, including agents or employees of manufacturers or distributors distributing samples of controlled substances to practitioners must obtain annually a registration issued by the ~~((state board of pharmacy))~~ department in accordance with ~~((the))~~ the board's rules.

(b) Persons registered by the ~~((board))~~ department under this chapter to manufacture, prescribe, distribute, dispense, or conduct research with controlled substances may possess, manufacture, prescribe, distribute, dispense, or conduct research with those substances to the extent authorized by their registration and in conformity with the other provisions of this Article.

(c) The following persons need not register and may lawfully possess controlled substances under this chapter:

(1) an agent or employee of any registered manufacturer, distributor, or dispenser of any controlled substance if he is acting in the usual course of his business or employment: PROVIDED, That this exemption shall not include any agent or employee distributing sample controlled substances to practitioners ~~((without an order))~~;

(2) a common or contract carrier or warehouseman, or an employee thereof, whose possession of any controlled substance is in the usual course of business or employment;

(3) an ultimate user or a person in possession of any controlled substance pursuant to a lawful order of a practitioner or in lawful possession of a Schedule V substance.

(d) The board may waive by rule the requirement for registration of certain manufacturers, prescribers, distributors, or dispensers if it finds it consistent with the public health and safety: PROVIDED, That personal practitioners licensed or registered in the state of Washington under the respective professional licensing acts shall not be required to be registered under this chapter unless the specific exemption is denied pursuant to RCW 69.50.305 for violation of any provisions of this chapter.

(e) A separate registration is required at each principal place of business or professional practice where the applicant manufactures, distributes, or dispenses controlled substances.

(f) The ~~((board))~~ department may inspect the establishment of a registrant or applicant for registration in accordance with the board's rule.

Sec. 1022. Section 69.50.303, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.303 are each amended to read as follows:

(a) The ~~((state board of pharmacy))~~ department shall register an applicant to manufacture or distribute controlled substances included in RCW 69.50.204, 69.50.206, 69.50.208, 69.50.210, and 69.50.212 unless ~~((the))~~ the board determines that the issuance of that registration would be inconsistent with the public interest. In determining the public interest, the board shall consider the following factors:

(1) maintenance of effective controls against diversion of controlled substances into other than legitimate medical, scientific, or industrial channels;

(2) compliance with applicable state and local law;

(3) any convictions of the applicant under any federal and state laws relating to any controlled substance;

(4) past experience in the manufacture or distribution of controlled substances, and the existence in the applicant's establishment of effective controls against diversion;

(5) furnishing by the applicant of false or fraudulent material in any application filed under this chapter;

(6) suspension or revocation of the applicant's federal registration to manufacture, distribute, or dispense controlled substances as authorized by federal law; and

(7) any other factors relevant to and consistent with the public health and safety.

(b) Registration under subsection (a) does not entitle a registrant to manufacture and distribute controlled substances in Schedule I or II other than those specified in the registration.

(c) Practitioners must be registered, or exempted under RCW 69.50.302(d), to dispense any controlled substances or to conduct research with controlled substances in Schedules II through V if they are authorized to dispense or conduct research under the law of this state. The board need not require separate registration under this Article for practitioners engaging in research with nonnarcotic controlled substances in Schedules II through V where the registrant is already registered under this Article in another capacity. Practitioners registered under federal law to conduct research with Schedule I substances may conduct research with Schedule I substances within this state upon furnishing the board evidence of that federal registration.

(d) Compliance by manufacturers and distributors with the provisions of the federal law respecting registration entitles them to be registered under this chapter upon application and payment of the required fee.

Sec. 1023. Section 69.50.304, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.304 are each amended to read as follows:

(a) A registration, or exemption from registration, under RCW 69.50.303 to manufacture, distribute, or dispense a controlled substance may be suspended or revoked by the state board of pharmacy upon a finding that the registrant:

(1) has furnished false or fraudulent material information in any application filed under this chapter;

(2) has been found guilty of a felony under any state or federal law relating to any controlled substance; ~~((or))~~

(3) has had his federal registration suspended or revoked to manufacture, distribute, or dispense controlled substances; or

(4) has violated any state or federal rule or regulation regarding controlled substances.

(b) The board may limit revocation or suspension of a registration to the particular controlled substance or schedule of controlled substances, with respect to which grounds for revocation or suspension exist.

(c) If the board suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation order becoming final, all controlled substances may be forfeited to the state.

(d) The ~~((board))~~ department shall promptly notify the Bureau of all orders suspending or revoking registration and all forfeitures of controlled substances.

Sec. 1024. Section 1, chapter 197, Laws of 1977 ex. sess. and RCW 69.50.310 are each amended to read as follows:

On and after September 21, 1977, a humane society and animal control agency may apply to the ~~((state board of pharmacy))~~ department for registration pursuant to the applicable provisions of this chapter for the sole purpose of being authorized to purchase, possess, and administer sodium pentobarbital to euthanize injured, sick, homeless, or unwanted domestic pets and animals. Any agency so registered shall not permit a person to administer sodium pentobarbital unless such person has demonstrated adequate knowledge of the potential hazards and proper techniques to be used in administering this drug.

The ~~((board))~~ department may issue a limited registration to carry out the provisions of this section. The board shall promulgate such rules as it deems necessary to insure strict compliance with the provisions of this section. The board may suspend or revoke registration upon determination that the person administering sodium pentobarbital has not demonstrated adequate knowledge as herein provided. This authority is granted in addition to any other power to suspend or revoke registration as provided by law.

Sec. 1025. Section 69.50.500, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.500 are each amended to read as follows:

(a) It is hereby made the duty of the state board of pharmacy, its officers, agents, inspectors and representatives, and all law enforcement officers within the state, and of all prosecuting attorneys, to enforce all provisions of this chapter, except those specifically delegated, and to cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and all other states, relating to controlled substances as defined in this chapter.

(b) Employees of the ~~((Washington state board of pharmacy))~~ department of licensing, who are so designated by the board as enforcement officers are declared to be peace officers and shall be vested with police powers to enforce the drug laws of this state, including this chapter.

Sec. 1026. Section 3, chapter 136, Laws of 1979 and RCW 69.51.030 are each amended to read as follows:

As used in this chapter:

(1) 'Board' means the state board of pharmacy;

(2) 'Marijuana' means all parts of the plant of the genus Cannabis L., whether growing or not, the seeds thereof, the resin extracted from any part of the plant, and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin; and

(3) 'Practitioner' means a physician licensed pursuant to chapter 18.71 or 18.57 RCW.

(4) 'Department' means the department of licensing.

Sec. 1027, Section 4, chapter 136, Laws of 1979 and RCW 69.51.040 are each amended to read as follows:

(1) There is established in the board the controlled substances therapeutic research program. The program shall be administered by the ~~((board))~~ department. The board shall promulgate rules necessary for the proper administration of the Controlled Substances Therapeutic Research Act. In such promulgation, the board shall take into consideration those pertinent rules promulgated by the United States drug enforcement agency, the food and drug administration, and the national institute on drug abuse.

(2) Except as provided in RCW 69.51.050(4), the controlled substances therapeutic research program shall be limited to cancer chemotherapy and radiology patients and glaucoma patients, who are certified to the patient qualification review committee by a practitioner as being involved in a life-threatening or sense-threatening situation: PROVIDED, That no patient may be admitted to the controlled substances therapeutic research program without full disclosure by the practitioner of the experimental nature of this program and of the possible risks and side effects of the proposed treatment in accordance with the informed consent provisions of chapter 7.70 RCW.

(3) The board shall provide by rule for a program of registration with the department of bona fide controlled substance therapeutic research projects.

Sec. 1028, Section 20, chapter 87, Laws of 1980 as amended by section 21, chapter 163, Laws of 1982 and RCW 43.03.028 are each amended to read as follows:

(1) There is hereby created a state committee on salaries to consist of seven members, or their designees, as follows: The president of the University of Puget Sound; the president of Washington State University; the chairperson of the State Personnel Board; the president of the Association of Washington Business; the president of the Pacific Northwest Personnel Managers' Association; the president of the Washington State Bar Association; and the president of the Washington State Labor Council. If any of the titles or positions mentioned in this subsection are changed or abolished, any person occupying an equivalent or like position shall be qualified for appointment by the governor to membership upon the committee.

(2) The committee shall study the duties and salaries of the directors of the several departments and the members of the several boards and commissions of state government, who are subject to appointment by the governor or whose salaries are fixed by the governor, and of the chief executive officers of the following agencies of state government:

The arts commission; the human rights commission; the board of accountancy; ~~((the board of pharmacy));~~ the capitol historical association and museum; the eastern Washington historical society; the Washington state historical society; the interagency committee for outdoor recreation; the criminal justice training commission; the department of personnel; the state finance committee; the state library; the traffic safety commission; the horse racing commission; the commission for vocational education; the advisory council on vocational education; the public disclosure commission; the hospital commission; the state conservation commission; the commission on Mexican-American affairs; the commission on Asian-American affairs; the state board for volunteer firemen; the urban arterial board; the data processing authority; the public employees relations commission; the forest practices appeals board; and the energy facilities site evaluation council.

The committee shall report to the governor or the chairperson of the appropriate salary fixing authority at least once in each fiscal biennium on such date as the governor may designate, but not later than seventy-five days prior to the convening of each regular session of the legislature during an odd-numbered year, its recommendations for the salaries to be fixed for each position.

(3) The committee shall also make a study of the duties and salaries of all state elective officials, including members of the supreme, appellate, superior, and district courts and members of the legislature and report to the governor and the president of the senate and the speaker of the house not later than sixty days prior to the convening of each regular session of the legislature during an odd-numbered year its recommendation for the salaries to be established for each position. Copies of the committee report to the governor shall be provided to the appropriate standing committees of the house and senate upon request.

(4) Committee members shall be reimbursed by the department of personnel for travel expenses under RCW 43.03.050 and 43.03.060.

Sec. 1029, Section 31, chapter 1, Laws of 1973 as last amended by section 8, chapter 414, Laws of 1985 and RCW 42.17.310 are each amended to read as follows:

(1) The following are exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers, or parolees.

(b) Personal information in files maintained for employees, appointees, or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would (i) be prohibited to such persons by RCW 82.32.330 or (ii) violate the taxpayer's right to privacy or result in unfair competitive disadvantage to the taxpayer.

(d) Specific intelligence information and specific investigative records compiled by investigative, law enforcement, and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement, or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment, or academic examination.

(g) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings, and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(k) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.

(l) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.

(m) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.

(n) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34.070, except that the summaries of the contracts are open to public inspection and copying as otherwise provided by this chapter.

(o) Lists or any records which reveal the location of storage sites or facilities utilized for storing controlled substances by persons registered with the department of licensing pursuant to section 1005 of this act.

(2) Except for information described in subsection (1)(c)(i) of this section and confidential income data exempted from public inspection pursuant to RCW 84.40.020, the exemptions of this section are inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interests, can be deleted from the specific records sought. No exemption may be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records exempt under the provisions of this section may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or in part, inspection of any public record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

NEW SECTION. Sec. 1030. All administrative powers, administrative duties, and administrative functions of the board of pharmacy pertaining to (1) all investigatory and educational activities relating to drugs and (2) the examination of applicants for, the issuance of licenses, certificates, and registrations relating to, and the discipline of persons engaged in the practice of pharmacy are transferred to the department of licensing.

NEW SECTION. Sec. 1031. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the board of pharmacy and pertaining to the powers, functions, and duties transferred by section 1030 of this act shall be delivered to the custody of the department of licensing. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the board of pharmacy in carrying out the powers, functions, and duties transferred by section 1030 of this act shall be made available to the department of licensing. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred by section 1030 of this act shall be assigned to the department of licensing.

Any appropriations made to the board of pharmacy for carrying out the powers, functions, and duties transferred by section 1030 of this act shall, on the effective date of this act, be transferred and credited to the department of licensing.

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

NEW SECTION. Sec. 1032. All employees of the board of pharmacy engaged in performing the powers, functions, and duties transferred by section 1030 of this act and all employees engaged in activities pertaining to controlled substances are transferred to the jurisdiction of the department of licensing. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of licensing to perform duties within their classifications without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 1033. All rules and all pending business before the board of pharmacy pertaining to the powers, functions, and duties transferred by section 1030 of this act shall be continued and acted upon by the department of licensing. All existing contracts and obligations shall remain in full force and shall be performed by the department of licensing.

NEW SECTION. Sec. 1034. The transfer of the powers, duties, functions, and personnel of the board of pharmacy shall not affect the validity of any act performed prior to the effective date of this act.

NEW SECTION. Sec. 1035. If apportionments of budgeted funds are required because of the transfers directed by sections 1031 through 1034 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 1036. Nothing contained in sections 1030 through 1035 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

NEW SECTION. Sec. 1037. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 1038. Section 19, chapter 38, Laws of 1963, section 3, chapter 90, Laws of 1979 and RCW 18.64.007 are each repealed.

PART XI*

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 70 of the amendment, after line 5, insert the following:

"Sec. 1001. Section 27, chapter 290, Laws of 1953 and RCW 68.05.020 are each amended to read as follows:

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

~~((The term))~~ (1) 'Board' ~~((used in this chapter))~~ means the cemetery board.

(2) 'Department' means the department of licensing.

(3) 'Director' means the director of the department of licensing.

Sec. 1002. Section 34, chapter 290, Laws of 1953 and RCW 68.05.070 are each amended to read as follows:

The board shall elect annually a chairman and vice chairman and such other officers as it shall determine from among its members. ~~((Subject to the provisions of law the board may employ, fix the salaries of and prescribe the duties of, one administrative assistant and such clerical, technical and other employees as are necessary in the carrying out of its duties:))~~

NEW SECTION. Sec. 1003. A new section is added to chapter 68.05 RCW to read as follows:

The department shall employ staff to administer this chapter.

Sec. 1004. Section 39, chapter 290, Laws of 1953 as amended by section 6, chapter 21, Laws of 1979 and RCW 68.05.090 are each amended to read as follows:

The board shall enforce ~~((and administer))~~ the provisions of chapters 68.04 through 68.46 RCW, subject to provisions of RCW 68.05.280 and shall have standing to seek enforcement of

said provisions in the superior court of the state of Washington for the county in which the principal office of the cemetery authority is located. The board or the department may refer such evidence as may be available concerning violations of chapters 68.04 through 68.46 RCW or of any rule or order promulgated by the board to the attorney general or the proper prosecuting attorney, who may in his discretion, with or without such a reference, in addition to any other action the board might commence, bring an action in the name of the board or the department against any person to restrain and prevent the doing of any act or practice prohibited or declared unlawful in chapters 68.04 through 68.46 RCW.

Sec. 1005. Section 36, chapter 290, Laws of 1953 as amended by section 8, chapter 402, Laws of 1985 and RCW 68.05.100 are each amended to read as follows:

The board may establish necessary rules and regulations for the ~~((administration and))~~ enforcement of this title and the laws subject to its jurisdiction and the department shall prescribe the form of statements and reports provided for in this title: PROVIDED, HOWEVER, The board shall have no jurisdiction with regard to the provisions of chapter 68.48 RCW. Rules regulating the cremation of human remains and establishing ~~((fees and))~~ permit requirements shall be adopted in consultation with the state board of funeral directors and embalmers.

Sec. 1006. Section 42, chapter 290, Laws of 1953 as last amended by section 7, chapter 21, Laws of 1979 and RCW 68.05.130 are each amended to read as follows:

The ~~((board))~~ department shall examine the endowment care and prearrangement trust fund or funds of a cemetery authority:

(1) Whenever it deems necessary, but at least once every three years after the original examination except where the cemetery authority is either required by the board to, or voluntarily files an annual financial report for the fund certified by a certified public accountant or a licensed public accountant in accordance with generally accepted auditing standards:

(2) Whenever the cemetery authority in charge of endowment care or prearrangement trust fund or funds fails after reasonable notice from the ~~((board))~~ department to file the reports required by this chapter; or

(3) Whenever it is requested by verified petition signed by twenty-five lot owners alleging that the endowment care funds are not in compliance with this title, or whenever it is requested by verified petition signed by twenty-five purchasers or beneficiaries of prearrangement merchandise or services alleging that the prearrangement trust funds are not in compliance with this title, in either of which cases, the examination shall be at the expense of the petitioners.

(4) The expense of the endowment care and prearrangement trust fund examination as provided in subdivisions (1) and (2) shall be paid by the cemetery authority. Such examination shall be privately conducted in the principal office of the cemetery authority.

Sec. 1007. Section 43, chapter 290, Laws of 1953 as amended by section 13, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.05.140 are each amended to read as follows:

If any cemetery authority refuses to pay any examination expenses in advance, the board shall refuse it a certificate of authority and shall revoke any existing certificate of authority. All examination expense moneys collected by the ~~((board))~~ department shall be paid into the state treasury to the credit of the cemetery ~~((fund))~~ account.

Sec. 1008. Section 44, chapter 290, Laws of 1953 as last amended by section 8, chapter 21, Laws of 1979 and RCW 68.05.150 are each amended to read as follows:

In making such examination the ~~((board))~~ department:

(1) Shall have free access to the books and records relating to the endowment care funds, their collection and investment, and the number of graves, crypts, and niches under endowment care;

(2) Shall inspect and examine the endowment care funds to determine their condition and the existence of the investments;

(3) Shall ascertain if the cemetery authority has complied with all the laws applicable to endowment care funds;

(4) Shall have free access to all records required to be maintained pursuant to this chapter and to chapter 68.46 RCW with respect to prearrangement merchandise or services, unconstructed crypts or niches, or undeveloped graves; and

(5) Shall ascertain if the cemetery authority has complied with the laws applicable to prearrangement trust funds.

Sec. 1009. Section 45, chapter 290, Laws of 1953 as last amended by section 9, chapter 21, Laws of 1979 and RCW 68.05.160 are each amended to read as follows:

If any examination made by the ~~((board))~~ department, or any report filed with it, shows that there has not been collected and deposited in the endowment care funds the minimum amounts required by this title, or if the board finds that the cemetery authority has failed to comply with the requirements of this chapter and chapter 68.46 RCW with respect to prearrangement contracts, merchandise, or services, unconstructed crypts or niches or undeveloped graves, or prearrangement trust funds, the board shall require such cemetery authority to comply with this chapter or with chapter 68.40 or 68.46 RCW, as the case may be.

Sec. 1010. Section 40, chapter 290, Laws of 1953 as last amended by section 10, chapter 21, Laws of 1979 and RCW 68.05.180 are each amended to read as follows:

Each cemetery authority in charge of cemetery endowment care funds shall annually, and within ninety days after the end of the calendar or fiscal year of the cemetery authority, file with the ((board)) department a written report in form and content prescribed by the ((board)) department.

These reports shall be verified by the president or vice president, one other officer of the cemetery authority, the accountant or auditor preparing the same, and, if required by the ((board)) department for good cause, a certified public accountant in accordance with generally accepted auditing standards.

Sec. 1011. Section 41, chapter 290, Laws of 1953 and RCW 68.05.190 are each amended to read as follows:

The ((board)) department shall examine the reports filed with it as to their compliance with the requirements of the law.

Sec. 1012. Section 47, chapter 290, Laws of 1953 and RCW 68.05.200 are each amended to read as follows:

Applications in writing for a certificate of authority shall be made by a cemetery authority to the ((board)) department accompanied by the regulatory charge provided for in this title. Such application must show that the cemetery authority owns or is actively operating a cemetery which is subject to the provisions of this title.

Sec. 1013. Section 48, chapter 290, Laws of 1953 as amended by section 2, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.210 are each amended to read as follows:

The ((board)) department may require such proof as it deems advisable concerning the compliance by such applicant to all the laws, rules, regulations, ordinances and orders applicable to it. The ((board)) department shall also require proof that the applicant and its officers and directors are financially responsible, trustworthy and have good personal and business reputations, in order that only cemeteries of permanent benefit to the community in which they are located will be established in this state.

Sec. 1014. Section 50, chapter 290, Laws of 1953 as amended by section 3, chapter 99, Laws of 1969 ex. sess. and RCW 68.05.220 are each amended to read as follows:

The regulatory charges for cemetery certificates at all periods of the year are the same as provided in this chapter. All regulatory charges are payable at the time of the filing of the application and in advance of the issuance of the certificates. All certificates shall be issued for the year and shall expire at midnight, the thirtieth day of January of each year, or at whatever time during any year that ownership or control of any cemetery authority is transferred or sold. Cemetery certificates shall not be transferable. Failure to pay the regulatory charge fixed by the ((board)) department prior to the first day of February for any year automatically shall suspend the certificate of authority. Such certificate may be restored upon payment to the ((board)) department of the prescribed charges.

Sec. 1015. Section 51, chapter 290, Laws of 1953 as last amended by section 1, chapter 5, Laws of 1983 1st ex. sess. and RCW 68.05.230 are each amended to read as follows:

Every cemetery authority shall pay for each cemetery operated by it, an annual regulatory charge to be fixed by the ((board)) department of not more than four dollars per interment, entombment, and inurnment made during the preceding full calendar year, which charges shall be deposited in the cemetery account. Upon payment of said charges and compliance with the provisions of Title 68 RCW and the lawful orders, rules, and regulations of the board, the ((board)) department will issue a certificate of authority.

Sec. 1016. Section 5, chapter 99, Laws of 1969 ex. sess. as last amended by section 11, chapter 21, Laws of 1979 and RCW 68.05.255 are each amended to read as follows:

Prior to the sale or transfer of ownership or control of any cemetery authority, any person, corporation or other legal entity desiring to acquire such ownership or control shall apply in writing for a new certificate of authority to operate a cemetery and shall comply with all provisions of Title 68 RCW relating to applications for, and the basis for granting, an original certificate of authority. The ((board)) department shall, in addition, enter any order deemed necessary for the protection of all endowment care funds and/or prearrangement trust fund during such transfer. As a condition of applying for a new certificate of authority, the entity desiring to acquire such ownership or control must agree to be bound by all then existing prearrangement contracts and the ((board)) department shall enter that agreement as a condition of the transfer. Persons and business entities selling and persons and business entities purchasing ownership or control of a cemetery authority shall each file an endowment care fund report and/or a prearrangement trust fund report showing the status of such funds immediately before and immediately after such transfer on a written report form prescribed by the ((board)) department. Failure to comply with this section shall be a gross misdemeanor and any sale or transfer in violation of this section shall be void.

Sec. 1017. Section 4, chapter 402, Laws of 1985 and RCW 68.05.257 are each amended to read as follows:

A permit or endorsement issued by the ((cemetery board)) department or under chapter 18.39 RCW is required in order to operate a crematory or conduct a cremation. Conducting a cremation without a permit or endorsement is a misdemeanor. Each such cremation is a separate violation. Crematories owned or operated by or located on property licensed as a funeral

establishment shall be regulated by the board of funeral directors and embalmers. Cremator-ies not affiliated with a funeral establishment shall be regulated by the cemetery board.

Sec. 1018. Section 29, chapter 290, Laws of 1953 and RCW 68.05.270 are each amended to read as follows:

There shall be, in ~~((the office of))~~ the state ~~((treasurer, a fund))~~ treasury an account to be known and designated as the 'cemetery ~~((fund))~~ account.' All regulatory fees or other moneys to be paid under this chapter, unless provision be made otherwise, shall be paid at least once a month to the state treasurer to be credited to the cemetery ~~((fund))~~ account. All moneys credited to the cemetery ~~((fund))~~ account shall be used, when appropriated by the legislature, by the ~~((cemetery board))~~ department to carry out the provisions of this chapter.

NEW SECTION. Sec. 1019. All administrative powers, administrative duties, and administrative functions of the cemetery board pertaining to (1) the examination of applicants for, (2) the issuance of licenses, certificates, permits and endorsements relating to, and (3) the discipline of persons engaged in practices regulated under Title 68 RCW are transferred to the department of licensing.

NEW SECTION. Sec. 1020. All reports, documents, surveys, books, records, files, papers, or written material in the possession of the cemetery board and pertaining to the powers, functions, and duties transferred by section 1019 of this act shall be delivered to the custody of the department of licensing. All cabinets, furniture, office equipment, motor vehicles, and other tangible property employed by the cemetery board in carrying out the powers, functions, and duties transferred by section 1019 of this act shall be made available to the department of licensing. All funds, credits, or other assets held in connection with the powers, functions, and duties transferred by section 1019 of this act shall be assigned to the department of licensing.

Any appropriations made to the cemetery board for carrying out the powers, functions, and duties transferred by section 1019 of this act shall, on the effective date of this act, be transferred and credited to the department of licensing.

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

NEW SECTION. Sec. 1021. All employees of the cemetery board engaged in performing the powers, functions, and duties transferred by section 1019 of this act are transferred to the jurisdiction of the department of licensing. All employees classified under chapter 41.06 RCW, the state civil service law, are assigned to the department of licensing to perform duties within their classifications without any loss of rights, subject to any action that may be appropriate thereafter in accordance with the laws and rules governing state civil service.

NEW SECTION. Sec. 1022. All rules and all pending business before the cemetery board pertaining to the powers, functions, and duties transferred by section 1019 of this act shall be continued and acted upon by the department of licensing. All existing contracts and obligations shall remain in full force and shall be performed by the department of licensing.

NEW SECTION. Sec. 1023. The transfer of the powers, duties, functions, and personnel of the cemetery board shall not affect the validity of any act performed prior to the effective date of this act.

NEW SECTION. Sec. 1024. If apportionments of budgeted funds are required because of the transfers directed by sections 1020 through 1023 of this act, the director of financial management shall certify the apportionments to the agencies affected, the state auditor, and the state treasurer. Each of these shall make the appropriate transfer and adjustments in funds and appropriation accounts and equipment records in accordance with the certification.

NEW SECTION. Sec. 1025. Nothing contained in sections 1019 through 1024 of this act may be construed to alter any existing collective bargaining unit or the provisions of any existing collective bargaining agreement until the agreement has expired or until the bargaining unit has been modified by action of the personnel board as provided by law.

Sec. 1026. Section 1, chapter 68, Laws of 1973 1st ex. sess. as last amended by section 22, chapter 21, Laws of 1979 and RCW 68.46.010 are each amended to read as follows:

Unless the context clearly indicates otherwise, the following terms as used only in this chapter have the meaning given in this section:

(1) 'Prearrangement contract' means a contract for purchase of cemetery merchandise or services, unconstructed crypts or niches, or undeveloped graves to be furnished at a future date for a specific consideration which is paid in advance by one or more payments in one sum or by installment payments.

(2) 'Cemetery authority' shall have the same meaning as in RCW 68.04.190, and shall also include any individual, partnership, firm, joint venture, corporation, company, association, or ~~((join joint))~~ joint stock company, any of which sells cemetery services or merchandise, unconstructed crypts or niches, or undeveloped graves through a prearrangement contract, but shall not include insurance companies licensed under chapter 48.05 RCW.

(3) 'Cemetery merchandise or services' and 'merchandise or services' mean those services normally performed by cemetery authorities, including the sale of monuments, markers,

memorials, nameplates, liners, vaults, boxes, urns, vases, interment services, or any one or more of them.

(4) 'Prearrangement trust fund' means all funds required to be maintained in one or more funds for the benefit of beneficiaries by either this chapter or by the terms of a prearrangement contract, as herein defined.

(5) 'Depository' means a qualified public depository as defined by RCW 39.58.010, a credit union as governed by chapter 31.12 RCW, a mutual savings bank as governed by Title 32 RCW, a savings and loan association as governed by Title 33 RCW, and a federal credit union or a federal savings and loan association organized, operated, and governed by any act of congress, in which prearrangement funds are deposited by any cemetery authority.

(6) 'Board' means the cemetery board established under chapter 68.05 RCW or its authorized representative.

(7) 'Undeveloped grave' means any grave in an area which a cemetery authority has not landscaped and groomed to the extent customary in the cemetery industry in that community.

(8) 'Department' means the department of licensing.

(9) 'Director' means the director of the department of licensing or the director's designee.

Sec. 1027. Section 3, chapter 68, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 53, Laws of 1984 and RCW 68.46.030 are each amended to read as follows:

(1) A cemetery authority shall deposit in its prearrangement trust account a percentage of all funds collected in payment of each prearrangement contract equal to the greater of:

(a) Fifty percent of the contract price; or

(b) The percentage which the total of the wholesale cost of merchandise and the direct cost of services to be provided pursuant to the contract is of the total contract price.

(2) Any cemetery authority which does not file and maintain with the ~~((board))~~ department a bond as provided in subsection (4) of this section shall deposit in its prearrangement trust fund fifty percent, or greater percentage as determined under subsection (1) of this section, of all moneys received in payment of each prearrangement contract, excluding sales tax and endowment care if such charge is made.

(3) Any cemetery authority which files and maintains with the ~~((board))~~ department a bond as provided in subsection (4) of this section shall deposit in its prearrangement trust fund each payment as made on the last fifty percent, or greater percentage as determined under subsection (1) of this section, of each prearrangement contract, excluding sales tax and endowment care, if such charge is made.

(4) Each cemetery authority electing to make payments to its prearrangement trust fund pursuant to subsection (3) of this section shall file and maintain with the ~~((board))~~ department a bond, issued by a surety company authorized to do business in the state, in the amount by which the cemetery authority's contingent liability for refunds pursuant to RCW 68.46.060 exceeds the amount deposited in its prearrangement trust fund. The bond shall run to the state and shall be conditioned that it is for the use and benefit of any person requesting a refund pursuant to RCW 68.46.060 if the cemetery authority does not promptly pay to said person the refund due pursuant to RCW 68.46.060. In addition to any other remedy, every person not promptly receiving the refund due pursuant to RCW 68.46.060 may sue the surety for the refund. The liability of the surety shall not exceed the amount of the bond. Termination or cancellation shall not be effective unless notice is delivered by the surety to the ~~((board))~~ department at least thirty days prior to the date of termination or cancellation. The ~~((board))~~ department shall immediately notify the cemetery authority affected by the termination or cancellation by certified mail, return receipt requested. The cemetery authority shall thereupon obtain another bond or make such other arrangement as may be satisfactory to the board to assure its ability to make refunds pursuant to RCW 68.46.060.

(5) Deposits to the prearrangement trust fund shall be made not later than the twentieth day of each month following receipt of each payment required to be deposited. If a prearrangement contract is sold, pledged, or otherwise encumbered as security for a loan by the cemetery authority, the cemetery authority shall pay into the prearrangement trust fund fifty percent of the total sale price of the prearrangement contract within twenty days of receipt of payment of the proceeds from the sale or loan.

(6) Any failure to fund a prearrangement contract as required by this section shall be grounds for revocation of the cemetery authority's prearrangement sales license.

Sec. 1028. Section 9, chapter 68, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 190, Laws of 1983 and RCW 68.46.090 are each amended to read as follows:

Any cemetery authority selling prearrangement merchandise or other prearrangement services shall file in its office or offices and with the ~~((cemetery board))~~ department a written report upon forms prepared by the ~~((cemetery board))~~ department which shall state the amount of the principle of the prearrangement trust fund or funds, the depository of such fund or funds, and cash on hand which is or may be due to such fund as well as such other information the board may deem appropriate. All information appearing on such written reports shall be revised at least annually. These reports shall be verified by the president, or the vice president, and one other officer of the cemetery authority, the accountant or auditor who prepared the report, and, if required by the ~~((board))~~ department for good cause, a certified

public accountant in accordance with generally accepted auditing standards. Verification of these reports by a certified public accountant in accordance with generally accepted auditing standards shall be required on reports from cemetery authorities which manage prearrangement trust funds totaling in excess of five hundred thousand dollars.

Sec. 1029. Section 37, chapter 21, Laws of 1979 and RCW 68.46.095 are each amended to read as follows:

(1) Each authorized cemetery authority shall within ninety days after the close of its accounting year file with the ~~((board))~~ department a true and accurate statement of its financial condition, transactions, and affairs for the preceding year. The statement shall be on such forms and shall contain such information as required by this chapter and by the board.

(2) The board shall suspend or revoke the prearrangement sales license of any cemetery authority which fails to file such a statement when due or after any extension of time which the board has, for good cause, granted.

Sec. 1030. Section 11, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.110 are each amended to read as follows:

No cemetery authority shall sell, offer to sell or authorize the sale of cemetery merchandise or services or accept funds in payment of any prearrangement contract, either directly or indirectly, unless such acts are performed in compliance with this act, and under the authority of a valid, subsisting and unsuspended certificate of authority to operate a cemetery in this state by the ~~((Washington state cemetery board))~~ department.

Sec. 1031. Section 43, chapter 21, Laws of 1979 and RCW 68.46.130 are each amended to read as follows:

The ~~((cemetery board))~~ department may grant an exemption from any or all of the requirements of this chapter relating to prearrangement contracts to any cemetery authority which:

(1) Sells less than twenty prearrangement contracts per year; and

(2) Deposits one hundred percent of all funds received into a trust fund under RCW 68.46-.030, as now or hereafter amended.

Sec. 1032. Section 28, chapter 21, Laws of 1979 and RCW 68.46.140 are each amended to read as follows:

To apply for a prearrangement sales license, a cemetery authority shall:

(1) File with the ~~((board))~~ department its request showing:

(a) Its name, location, and organization date;

(b) The kinds of cemetery business or merchandise it proposes to transact;

(c) A statement of its current financial condition, management, and affairs on a form satisfactory to or furnished by the ~~((board))~~ department; and

(d) Such other documents, stipulations, or information as the board may reasonably require to evidence compliance with the provisions of this chapter; and

(2) Deposit with the ~~((board))~~ department the fees required by this chapter to be paid for filing the accompanying documents, and for the prearrangement sales license, if granted.

Sec. 1033. Section 38, chapter 21, Laws of 1979 and RCW 68.46.160 are each amended to read as follows:

No cemetery authority shall use a prearrangement contract without first filing the form of such contract with the ~~((board))~~ department; PROVIDED, That the board may order the cemetery authority to cease using any prearrangement contract form which:

(1) Is in violation of any provision of this chapter;

(2) Is misleading or deceptive; or

(3) Is being used in connection with solicitation by false, misleading or deceptive advertising or sales practices.

Use of a prearrangement contract form which is not on file with the ~~((board))~~ department or which the board has ordered the cemetery authority not to use shall be a violation of this chapter.

Sec. 1034. Section 23, chapter 21, Laws of 1979 and RCW 68.46.170 are each amended to read as follows:

No cemetery authority shall enter into prearrangement contracts in this state unless the cemetery authority has obtained a prearrangement sales license issued by the ~~((board or its authorized representative))~~ department and such license is then current and valid.

Sec. 1035. Section 29, chapter 21, Laws of 1979 and RCW 68.46.180 are each amended to read as follows:

All prearrangement sales licenses issued under this chapter shall be valid for one year unless extended by the ~~((board or its authorized representative))~~ department for a maximum of thirty days, or such larger extension as the ~~((board))~~ department shall allow for good cause shown.

The ~~((board))~~ department shall set and shall collect in advance the fees required for licensing.

All fees so collected shall be remitted by the ~~((board))~~ department to the state treasurer and ~~((the funds))~~ shall be credited to the cemetery ~~((board fund))~~ account.

Sec. 1036. Section 30, chapter 21, Laws of 1979 and RCW 68.46.190 are each amended to read as follows:

The board (~~(or its authorized representative)~~) may refuse to renew or may revoke or suspend a cemetery authority's prearrangement sales license, if the cemetery authority:

(1) Fails to comply with any provision of this chapter or any proper order or regulation of the board;

(2) Is found by the board to be in such condition that further execution of prearrangement contracts would be hazardous to purchasers or beneficiaries and the people of this state;

(3) Refuses to be examined, or refuses to submit to examination or to produce its accounts, records, and files for examination by the board when required;

(4) Is found by the board after investigation or receipt of reliable information to be managed by persons who are incompetent or untrustworthy or so lacking in managerial experience as to make the proposed or continued operation hazardous to purchasers, beneficiaries, or the public; or

(5) Is found by the board to use false, misleading, or deceptive advertisements or sales methods.

Sec. 1037. Section 31, chapter 21, Laws of 1979 and RCW 68.46.200 are each amended to read as follows:

The (~~(board or its authorized representative)~~) department shall give a cemetery authority notice of its intention to suspend, revoke, or refuse to renew a prearrangement sales license, and the board shall grant the cemetery authority a hearing, in the manner required for contested cases under chapter 34.04 RCW, before the order of suspension, revocation, or refusal may become effective.

No cemetery authority whose prearrangement sales license has been suspended, revoked, or refused shall subsequently be authorized to enter into prearrangement contracts unless the grounds for such suspension, revocation, or refusal in the opinion of the board no longer exist and the cemetery authority is otherwise fully qualified. Any prearrangement sale by an unlicensed cemetery authority shall be voidable by the purchaser who shall be entitled to a full refund.

Sec. 1038. Section 32, chapter 21, Laws of 1979 and RCW 68.46.220 are each amended to read as follows:

(1) The (~~(board or its authorized representative)~~) department may issue and serve upon a cemetery authority a notice of charges if in the opinion of the (~~(board)~~) department or its authorized representative the cemetery authority:

(a) Is engaging in or has engaged in practices likely to endanger the future delivery of cemetery merchandise or services, unconstructed crypts or niches, or undeveloped graves;

(b) Is violating or has violated any statute of the state of Washington or any rule of the board; or

(c) Is about to do an act prohibited in (1)(a) or (1)(b) of this section when the opinion is based upon reasonable cause.

(2) The notice shall contain a statement of the facts constituting the alleged violation or practice and shall fix a time and place at which a hearing will be held by the board to determine whether an order to cease and desist should issue against the cemetery authority. The hearing shall be set not earlier than ten nor later than thirty days after service of the notice unless a later date is set by the board (~~(or its authorized representative)~~) at the request of the cemetery authority.

Unless the cemetery authority appears at the hearing by a duly authorized representative it shall be deemed to have consented to the issuance of a cease and desist order. In the event of this consent or if upon the record made at the hearing the board finds that any violation or practice specified in the notice of charges has been established, the board may issue and serve upon the cemetery authority an order to cease and desist from the violation or practice. The order may require the cemetery authority and its directors, officers, employees, and agents to cease and desist from the violation or practice and may require the cemetery authority to take affirmative action to correct the conditions resulting from the violation or practice.

(3) A cease and desist order shall become effective at the expiration of ten days after service of the order upon the cemetery authority except that a cease and desist order issued upon consent shall become effective as provided in the order unless it is stayed, modified, terminated, or set aside by action of the board or a reviewing court.

(4) The powers of the board under this section are in addition to the power of the board to refuse to renew or to revoke or suspend a cemetery authority's prearrangement sales license.

Sec. 1039. Section 33, chapter 21, Laws of 1979 and RCW 68.46.230 are each amended to read as follows:

Whenever the board (~~(or its authorized representative)~~) determines that a cemetery authority is in violation of this chapter or that the continuation of acts or practices of the cemetery authority is likely to cause insolvency or substantial dissipation of assets or earnings of the cemetery authority or to otherwise seriously prejudice the interests of the purchasers or beneficiaries of prearrangement contracts, the board (~~(or its authorized representative)~~) may issue a

temporary order requiring the cemetery authority to cease and desist from the violation or practice. The order shall become effective upon service on the cemetery authority and shall remain effective unless set aside, limited, or suspended by a court in proceedings under RCW 68.46.240 or until the board dismisses the charges specified in the notice under RCW 68.46.220 or until the effective date of a cease and desist order issued against the cemetery authority under RCW 68.46.220.

PART XI"

Renumber the remaining sections consecutively and correct any internal references accordingly.

On page 70 of the House committee amendment after line 5, strike everything down to and including "PART XI" on page 81, line 22

On page 82 of the House committee amendment, after line 1 strike everything down to and including "79.24.320" on line 12

On page 1 of the bill, line 16 of the title, after "70.119.110," strike everything through "section;" on line 17 and insert "70.119.140, 68.05.020, 68.05.070, 68.05.090, 68.05.100, 68.05.130, 68.05.140, 68.05.150, 68.05.160, 68.05.180, 68.05.190, 68.05.200, 68.05.210, 68.05.220, 68.05.230, 68.05.255, 68.05.257, 68.05.270, 68.46.010, 68.46.030, 68.46.090, 68.46.095, 68.46.110, 68.46.130, 68.46.140, 68.46.160, 68.46.170, 68.46.180, 68.46.190, 68.46.200, 68.46.220, and 68.46.230; reenacting and amending RCW 46.37.320; adding a new section to chapter 68.05 RCW; creating new sections;"

On page 1, line 16 of the title of the bill, after "70.119.110," strike "and"

On page 1, line 16 of the title of the bill, after "70.119.140" and before the semicolon insert ", 18.64.005, 18.64.009, 18.64.011, 18.64.040, 18.64.043, 18.64.044, 18.64.045, 18.64.046, 18.64.047, 18.64.050, 18.64.080, 18.64.140, 18.64A.030, 19.02.050, 69.41.075, 69.50.201, 69.50.301, 69.50.302, 69.50.303, 69.50.304, 69.50.310, 69.50.500, 69.51.030, 69.51.040, 43.03.028, and 42.17.310"

On page 1, line 17 of the title of the bill, strike "creating a new section;" and insert "adding new sections to chapter 18.64 RCW; creating new sections;"

On page 1, line 17 of the title of the bill, strike "and"

On page 1, line 19 of the title of the bill, strike "and 76.09.200," and insert "76.09.200, and 18.64.007; and prescribing penalties."

Signed by Senators Thompson, DeJarnatt; Representatives Belcher, Peery.

MOTION

On motion of Ms. Belcher, the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4938 was adopted.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 4938 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4938 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 59; nays, 37; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Brooks, Cole, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Nelson G, Nutley, O'Brien, Padden, Peery, Rayburn, Rust, Sycan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Van Luven, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wineberry, Zöllinsky, and Mr. Speaker - 59.

Voting nay: Representatives Ballard, Barnes, Betrozoff, Bond, Bristow, Brough, Chandler, Crane, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, Nealey, Niemi, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Tilly, van Dyke, Vander Stoep, West, Williams J, Wilson S - 37.

Excused: Representatives Miller, Winsley - 2.

Engrossed Substitute Senate Bill No. 4938 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate receded from its amendment to SUBSTITUTE HOUSE BILL NO. 1593 on page 1, line 23 and passed the bill with the remaining Senate amendment to page 1, line 21, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

FINAL PASSAGE OF HOUSE BILL WITH CERTAIN SENATE AMENDMENT

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1593 with the Senate amendment to page 1, line 21.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1593 with the Senate amendment to page 1, line 21, and the bill passed the House by the following vote: Yeas, 86; nays, 9; absent, 1; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Betrozoff, Braddock, Brekke, Bristow, Brooks, Chandler, Cole, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremer, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nelson D, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Saryan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, Williams B, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Barnes, Bond, Dobbs, Fuhrman, Nealey, Nelson G, van Dyke, West, Williams J - 9.

Absent: Representative Brough - 1.

Excused: Representatives Miller, Winsley - 2.

Substitute House Bill No. 1593 with certain Senate amendment, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 1499, and has passed the bill as recommended by the Conference Committee, and said report together with the bill are herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1499, revising provisions relating to alcohol breath testing, have had the same under consideration, and we recommend that the bill do pass without the Senate amendments.

Signed by Senators Talmadge, Newhouse; Representatives Hargrove, Locke, Tilly.

MOTION

Mr. Armstrong moved that the House adopt the report of the Conference Committee to House Bill No. 1499.

Representatives Locke, Tilly and Schmidt spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL
AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of House Bill No. 1499 as recommended by the Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1499 as recommended by the Conference Committee, and the bill passed the House by the following vote: Yeas, 94; nays, 2; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristol, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 94.

Voting nay: Representatives Nutley, Vekich - 2.

Excused: Representatives Miller, Winsley - 2.

House Bill No. 1499 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has ruled the Free Conference Committee amendments to HOUSE BILL NO. 1795 beyond the scope and object of the bill, and relieves the Conference Committee of further consideration, and insists on the Senate position on its amendments, and once again asks the House to concur in the Senate amendments. The same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

Mr. Armstrong moved that the House do concur in the Senate amendments to House Bill No. 1795.

Mr. West spoke in favor of the motion.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House do concur in the Senate amendments to House Bill No. 1795, and the motion was carried by the following vote: Yeas, 85; nays, 7; absent, 4; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Bristol, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Madsen, McMullen, Nealey, Nelson D, Niemi, Nutley, O'Brien, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, Williams B, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 85.

Voting nay: Representatives Betzoff, Bond, May, Patrick, Thomas, Vander Stoep, Williams J - 7.

Absent: Representatives Lux, Nelson G, Schoon, Tilly - 4.

Excused: Representatives Miller, Winsley - 2.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of House Bill No. 1795 as amended by the Senate.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1795 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 96; excused, 2.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Saryan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 96.

Excused: Representatives Miller, Winsley - 2.

House Bill No. 1795 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

Representatives Thomas and Walker were excused.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, creating Washington health care project commission, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators McDermott, Talmadge; Representatives J. King, Brekke.

MOTION

Mr. J. King moved that the House adopt the report of the Conference Committee on Engrossed Substitute House Bill No. 2021 and grant the committee powers of Free Conference.

POINT OF ORDER

Mr. Barrett: "Mr. Speaker, I challenge the scope and object of this conference report and ask the Speaker for a ruling."

SPEAKER'S RULING

The Speaker: "Representative Barrett, regarding your point of order on Engrossed Substitute House Bill 2021, under Rule 8 of our Joint Rules, a Free Conference report may include new proposed items within the scope and object of the title of the bill in conference. The Speaker has examined the bill and the report of the Free Conference Committee. The bill is entitled 'An Act Relating to managed health care....' The original bill establishes a new program to enroll public assistance recipients in managed health care systems. The items proposed in the Free Conference report expand the bill to include a program for managed health care for low-income persons not eligible for public assistance, a dedicated tax source to fund this program and a study of the problems of health care. The Speaker finds the provisions of the Free Conference report relate to the subject of managed health care and are therefore within the scope and object of the bill. Your point is not well taken."

Mr. Vander Stoep spoke against the motion and Mr. J. King spoke in favor of it.

The motion was lost.

MOTION

Mr. J. King moved that the House ask the Senate for a further conference on Engrossed Substitute House Bill No. 2021.

POINT OF PARLIAMENTARY INQUIRY

Mr. G. Nelson: "Mr. Speaker, would you provide the House a reference as to the motion that has been made as to whether or not it is a motion that is privileged or to what extent this motion is proper in now accepting or asking for a conference?"

The Speaker: "Other than the fact that in the last twenty-four hours or so we have already done it three times, Reed's Rule 224, the last sentence reads: 'If not agreed to by either House, the only method of renewing the question is by a further conference or by one House receding and concurring with the other.' We have done this in the past."

The motion was carried.

APPOINTMENT OF CONFEREES

The Speaker appointed Representatives J. King, Brekke and Ballard as conferees on Engrossed Substitute House Bill No. 2021.

The House advanced to the sixth order of business.

SECOND READING

On motion of Mr. J. King, the Rules Committee was relieved of HOUSE CONCURRENT RESOLUTION NO. 22 and it was ordered placed at the top of the second reading calendar.

HOUSE CONCURRENT RESOLUTION NO. 22, by Representatives Wang, Barrett, Brekke and Jacobsen: by request of Governor's Committee on Employment of the Handicapped

Creating a joint select committee on disability employment and economic participation.

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

Representatives Wang and Barrett spoke in favor of the resolution.

ROLL CALL

The Clerk called the roll on adoption of House Concurrent Resolution No. 22, and the resolution was adopted by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Belrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P. King R. Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D. Nelson G. Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C. Smith L. Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B. Williams J. Wilson K. Wilson S. Wineberry, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Miller, Thomas, Walker, Winsley - 4.

House Concurrent Resolution No. 22, having received the constitutional majority, was declared adopted.

MOTION

On motion of Mr. Appelwick, House Concurrent Resolution No. 22 was ordered immediately transmitted to the Senate.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SUBSTITUTE HOUSE BILL NO. 588,

SUBSTITUTE HOUSE BILL NO. 1688.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-149, by Representatives D. Nelson, G. Nelson, Valle, Jacobsen, Lundquist, K. Wilson, Brekke, Appelwick, Haugen, Sanders, Isaacson, Addison, Allen, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Ehlers, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Hine, Holland, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Long, Lux, Madsen, May, McMullen, Miller, Nealey, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Vander Stoep, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, B. Williams, J. Williams, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, The death of Prime Minister Olaf Palme of Sweden on February 28, 1986 creates a tremendous loss to all people throughout the world; and

WHEREAS, Prime Minister Palme, while walking home from a movie premier with his wife, Lisbeth, was shot down on a public street in downtown Stockholm; and

WHEREAS, Prime Minister Palme was first elected Prime Minister in 1969 and served until 1976. As the leader of the Social Democrats, he returned to office in 1982, leading his party to victory over an incumbent coalition. In September 1985 he won another three-year term; and

WHEREAS, His untiring efforts to promote peace made him one of the world's most respected leaders. He consistently sought peaceful solutions to the Vietnam War and Middle East conflicts, and he used Sweden's leading role as a nonaligned democracy to promote the control of nuclear arms; and

WHEREAS, His devotion to democratic values, stressing personal freedom with minimum state security, has endeared him in the hearts of many throughout the world; and

WHEREAS, Many Washington citizens and communities have close cultural and ancestral ties to Sweden and mourn this loss as a personal one;

NOW, THEREFORE, BE IT RESOLVED, By the members of the House of Representatives of the State of Washington, That we join the people of Sweden in mourning the death of this world leader of peace and we join all the communities of Swedish descendants in offering our condolences to the family and relatives of the Prime Minister, and we express our gratitude for having benefitted from his efforts; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to Fru Lisbeth Palme and to Ingvar Carlsson, Acting Prime Minister of Sweden.

On motion of Mr. D. Nelson, the resolution was adopted.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1829 and has passed the bill as amended by the Free Conference Committee and said report, together with the bill, are herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1829, requiring a study of categorical educational services, have had the same under consideration and recommend that the bill do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The superintendent of public instruction shall study methods to provide improved instruction to students needing categorical educational services and shall develop recommendations that enhance these students' opportunities for success. The study and recommendations shall include at least the following topics:

- (1) Future service demand in light of changing student demographics, longitudinal trends, eligibility standards for special needs students, and declining federal resources;
- (2) The adequacy of the state's data and information systems as they relate to class size and students requiring categorical educational services;
- (3) The relationship between the current system for the delivery of categorical educational services and the ability of the regular classroom to meet student diversity;
- (4) The relationship between the ratio of certificated staff to students in the classroom and the number of students referred and the type of categorical assistance for which referrals are made;
- (5) The relationship between the ratio of adults to students in the classroom and the number of students referred and the type of categorical assistance for which referrals are made;
- (6) The interrelationship between various state and federal programs designed to serve students requiring categorical educational services, and the effect of targeting under existing state and federal statutes and regulations;
- (7) The relationship between the methods of delivering categorical educational services and research results about educational success;
- (8) The impact of delivering categorical educational services in the regular classroom setting to include: (a) Class size considerations, (b) teaching methods, and (c) coordination of categorical program services;
- (9) The interaction between and effects upon educators, support staff, and parents of students needing categorical educational services in various delivery models; and
- (10) Other topics designated by the advisory committee described in this section.

In conducting this study, the superintendent of public instruction shall include data regarding the categorical education services and students engaged in at least the following programs: Federal chapter 1 disadvantaged and chapter 1 migrant, bilingual, the state remediation assistance program, and the federal and state special education programs.

An advisory committee consisting of legislators and representatives of education organizations concerned with the delivery of categorical instructional services and regular classroom instruction shall be appointed. Representatives of the instructional organizations shall be appointed by the superintendent of public instruction. There shall be four representatives of the legislature. The speaker of the house of representatives shall appoint one member from each caucus to represent the house of representatives on the advisory committee. The president of the senate shall appoint one member from each caucus to represent the senate on the advisory committee. The advisory committee shall review the resulting recommendations of the study and present its position on each to the superintendent of public instruction.

This section shall expire January 30, 1987.

NEW SECTION. Sec. 2. The study shall be completed and results and recommendations for investigation of systems refining categorical education services through data-based pilot projects shall be reported to the legislature no later than January 5, 1987."

On page 1, line 2 of the title, after "needs;" strike the remainder of the title and insert "and creating new sections."

Signed by Senators Gaspard, Kiskaddon, Bauer; Representatives Valle, Ebersole.

MOTION

On motion of Mr. Ebersole, the report of the Free Conference Committee on Substitute House Bill NO. 1829 was adopted.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1829 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1829 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Vaile, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Miller, Thomas, Walker, Winsley - 4.

Substitute House Bill No. 1829 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on HOUSE BILL NO. 1851, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1851, modifying the taxation of ingredients, components and chemicals used in processing, have had the same under consideration and we recommend that the bill do pass with the following amendments:

On page 6, after line 35, insert the following:

NEW SECTION. Sec. 3. A new section is added to chapter 82.08 RCW to read as follows:

The tax levied by RCW 82.08.020 shall not apply to lease amounts paid by a seller/lessee to a lessor after the effective date of this act under a sale/leaseback agreement in respect to property, including equipment and components, used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish, nor to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term: PROVIDED, That the seller/lessee previously paid the tax imposed by this chapter or chapter 82.12 RCW at the time of acquisition of the property, including equipment and components.

NEW SECTION. Sec. 4. A new section is added to chapter 82.12 RCW to read as follows:

The provisions of this chapter shall not apply with respect to lease amounts paid by a seller/lessee to a lessor after the effective date of this act under a sale/leaseback agreement in respect to property, including equipment and components, used by the seller/lessee primarily in the business of canning, preserving, freezing, or dehydrating fresh fruits, vegetables, and fish, nor to the purchase amount paid by the lessee pursuant to an option to purchase at the end of the lease term: PROVIDED, That the seller/lessee previously paid the tax imposed by this chapter or chapter 82.08 RCW at the time of acquisition of the property, including equipment and components.

NEW SECTION. Sec. 5. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "processing;" strike the remainder of the title and insert "amending RCW 82.04.050 and 82.04.190; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and declaring an emergency."

Signed by Senators McDermott, Goltz, Barr; Representatives Bristow, Grimm, L. Smith.

MOTION

On motion of Mr. Bristow, the report of the Free Conference Committee on House Bill NO. 1851 was adopted.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of House Bill No. 1851 as amended by Free Conference Committee.

POINT OF INQUIRY

Mr. Bristow yielded to question by Mr. Barnes.

Mr. Barnes: "Representative Bristow, you are a sponsor of this bill, will you tell us what the bill does?"

Mr. Bristow: "Representative Barnes, Northwest Alloys Corporation produces magnesium. They use ferrosilicon to produce magnesium. If they produce their own ferrosilicon, the components that are used to produce ferrosilicon, which is later used to produce magnesium, are subject to sales tax. If they purchase ferrosilicon from an outside source and use that ferrosilicon in the manufacture of magnesium, sales tax is not required, so we are exempting the sales tax from the components that they would use to process and make ferrosilicon, which will later be used to make magnesium."

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1851 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Miller, Thomas, Walker, Winsley - 4.

House Bill No. 1851 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1870, requiring charter and tour operators to maintain an escrow account, have had the same under consideration, and we recommend that the Senate Commerce & Labor Committee striking amendment be adopted with the following amendments and the bill do pass as amended:

On page 2, line 11 of the amendment after "(g)" strike all material through "Association" on line 15 and insert "a person who operates a travel agency business and meets standards no less than those required on the effective date of this act for authorized agents of the airline reporting corporation; (h) a person who:

(i) has operated a travel tour or charter business for at least three years under the same ownership or management;

(ii) has total annual revenue, not including airline transportation fares, of at least five hundred thousand dollars;

(iii) has a certificate of insurance issued by a company authorized to conduct an insurance business under the laws of any state for at least one million dollars for errors and omissions; and
 (iv) has in effect a surety bond for at least one hundred thousand dollars to the benefit of any consumer who has made payment to the person operating the travel tour or charter business"

On page 7, line 10 of the amendment, strike "a current member of the United States Tour Operators' Association" and insert "a person who meets the requirements of section 2(1)(h) of this act"

Signed by Senators Moore, Pullen; Representatives McMullen, Rayburn, Schmidt.

MOTION

On motion of Mr. McMullen, the report of the Free Conference Committee on Engrossed Substitute House Bill NO. 1870 was adopted.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1870 as amended by Free Conference Committee.

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1870 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Miller, Thomas, Walker, Winsley - 4.

Engrossed Substitute House Bill No. 1870 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1709, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1709, consolidating agencies into the department of community development, have had the same under consideration, and we recommend that the amendment by Senators Vogtild and Thompson, beginning on page 42, line 7 be adopted with the following change:

On page 5 of the Senate amendment after line 20, strike everything down to and including "director." on line 35.

Renumber the remaining subsections consecutively.
and that the bill be further amended as follows:

On page 17 of the bill after line 14 insert the following:

"(9) The director shall appoint a state coordinator for radioactive and hazardous waste emergency response programs. The coordinator shall consult with the state radiation control officer in matters relating to radioactive materials. The duties of the state coordinator for radioactive and hazardous waste emergency response programs shall include:

(a) Assessing the current needs and capabilities of state and local radioactive and hazardous waste emergency response teams on an ongoing basis;

(b) Coordinating training programs for state and local officials for the purpose of updating skills relating to emergency response;

(c) Utilizing appropriate training programs such as those offered by the federal emergency management agency, the department of transportation and the environmental protection agency; and

(d) Undertaking other duties in this area that are deemed appropriate by the director."

Signed by Senators Thompson, Vognild, Benitz; Representatives Perry, Belcher, Hankins.

MOTION

On motion of Ms. Belcher, the report of the Free Conference Committee on Substitute House Bill NO. 1709 was adopted.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1709 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1709 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Miller, Thomas, Walker, Winsley - 4.

Substitute House Bill No. 1709 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on HOUSE BILL NO. 1631, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1631, modifying provisions relating to nursing home cost reimbursement, have had the same under consideration, and we recommend that the bill be amended as follows and the amended bill do pass:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 36, chapter 177, Laws of 1980 and RCW 74.46.360 are each amended to read as follows:

(1) The depreciation base shall be the historical cost of the contractor or lessor, when the assets are leased by the contractor, in acquiring the asset in an arm's-length transaction and preparing it for use, less goodwill, and less accumulated depreciation which has been

incurred during periods that the assets have been used in or as a facility by the contractor, such accumulated depreciation to be measured in accordance with subsections (2), (3), and (4) of this section and RCW 74.46.350 and 74.46.370. If the department challenges the historical cost of an asset, or if the contractor cannot or will not provide the historical costs, the department will have the department of general administration, through an appraisal procedure, determine the fair market value of the assets at the time of purchase. The depreciation base of the assets will not exceed such fair market value.

(2) The historical cost of donated assets, or of assets received through testate or intestate distribution, shall be the lesser of:

(a) Fair market value at the date of donation or death; or

(b) The historical cost base of the owner last contracting with the department, if any.

(3) Estimated salvage value of acquired, donated, or inherited assets shall be deducted from historical cost where the straight-line or sum-of-the-years' digits method of depreciation is used.

(4) (a) Where depreciable assets are acquired that were used in the medical care program subsequent to January 1, 1980, the depreciation base of the assets will not exceed the net book value which did exist or would have existed had the assets continued in use under the previous contract with the department; except that depreciation shall not be assumed to accumulate during periods when the assets were not in use in or as a facility.

(b) ((Subparagraph (4))) The provisions of (a) of this subsection shall not apply to the most recent arm's-length acquisition if it occurs at least ten years after the ownership of the assets has been previously transferred in an arm's-length transaction nor to the first arm's-length acquisition that occurs after January 1, 1980, for facilities participating in the medical care program prior to January 1, 1980. The new depreciation base for such acquisitions shall not exceed the fair market value of the assets as determined by the department of general administration through an appraisal procedure. A determination by the department of general administration of fair market value shall be final unless the procedure used to make such determination is shown to be arbitrary and capricious. This subsection is inoperative for any transfer of ownership of any asset occurring on or after July 18, 1984, leaving (a) of this subsection to apply alone to such transfers: PROVIDED, HOWEVER, That this subsection shall apply to transfers of ownership of assets occurring prior to January 1, 1985, if the costs of such assets have never been reimbursed under medicaid cost reimbursement on an owner-operated basis or as a related-party lease.

(c) Where depreciable assets are acquired from a related organization, the contractor's depreciation base shall not exceed the base the related organization had or would have had under a contract with the department.

(d) Where the depreciable asset is a donation or distribution between related organizations, the base shall be the lesser of (i) fair market value, less salvage value, or (ii) the depreciation base the related organization had or would have had for the asset under a contract with the department.

NEW SECTION, Sec. 2. The legislative budget committee shall conduct a study of the changes in the state reimbursement system for nursing homes, RCW 74.46.840, resulting from requirements of the Federal Deficit Reduction Act of 1984, (DEFRA) (P.L. 98-369). The study shall include analysis of the effects of these changes on: (1) Nursing home sales since July 18, 1984, the effective date of DEFRA; (2) capital formation for nursing home purchases and sales; and (3) leased nursing homes. The study shall also review adjustments other states may be making as a result of DEFRA. The legislative budget committee shall report the results of this study, including recommendations for any needed legislation, to the ways and means committees of the senate and house of representatives by December 1, 1986.

Sec. 3. Section 41, chapter 177, Laws of 1980 as amended by section 17, chapter 67, Laws of 1983 1st ex. sess. and RCW 74.46.410 are each amended to read as follows:

(1) Costs will be unallowable if they are not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) Unallowable costs include, but are not limited to, the following:

(a) Costs of items or services not covered by the medical care program. Costs of such items or services will be unallowable even if they are indirectly reimbursed by the department as the result of an authorized reduction in patient contribution;

(b) Costs of services and items provided to recipients which are covered by the department's medical care program but not included in care services established by the department under this chapter;

(c) Costs associated with a capital expenditure subject to section 1122 approval (part 100, Title 42 C.F.R.) if the department found it was not consistent with applicable standards, criteria, or plans. If the department was not given timely notice of a proposed capital expenditure, all associated costs will be unallowable up to the date they are determined to be reimbursable under applicable federal regulations;

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained;

(e) Interest costs other than those provided by RCW 74.46.290 on and after the effective date of RCW 74.46.530;

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care;

(g) Costs in excess of limits or in violation of principles set forth in this chapter;

(h) Costs resulting from transactions or the application of accounting methods which circumvent the principles of the cost-related reimbursement system set forth in this chapter;

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere;

(j) Bad debts of non-Title XIX recipients. Bad debts of Title XIX recipients are allowable if the debt is related to covered services, it arises from the recipient's required contribution toward the cost of care, the provider can establish that reasonable collection efforts were made, the debt was actually uncollectible when claimed as worthless, and sound business judgment established that there was no likelihood of recovery at any time in the future;

(k) Charity and courtesy allowances;

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations;

(m) Vending machine expenses;

(n) Expenses for barber or beautician services not included in routine care;

(o) Funeral and burial expenses;

(p) Costs of gift shop operations and inventory;

(q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except those used in patient activity programs;

(r) Fund-raising expenses, except those directly related to the patient activity program;

(s) Penalties and fines;

(t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations;

(u) Federal, state, and other income taxes;

(v) Costs of special care services except where authorized by the department;

(w) Expenses of key-man insurance and other insurance or retirement plans not made available to all employees;

(x) Expenses of profit-sharing plans;

(y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care;

(z) Personal expenses and allowances of owners or relatives;

(aa) All expenses of maintaining professional licenses or membership in professional organizations ~~((and association dues or that portion of association dues attributable to membership in national organizations))~~;

(bb) Costs related to agreements not to compete;

(cc) Amortization of goodwill;

(dd) Expenses related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care;

(ee) Legal and consultant fees in connection with a fair hearing against the department where a decision is rendered in favor of the department or where otherwise the determination of the department stands;

(ff) Legal and consultant fees of a contractor or contractors in connection with a lawsuit against the department;

(gg) Lease acquisition costs and other intangibles not related to patient care;

(hh) All rental or lease costs other than those provided in RCW 74.46.300 on and after the effective date of RCW 74.46.510 and 74.46.530."

On page 1, line 1 of the title, after "reimbursement;" strike the remainder of the title and insert "amending RCW 74.46.360 and 74.46.410; and creating a new section."

Signed by Senators McDermott, Fleming, Deccio; Representatives Grimm, Sommers, Tilly.

MOTION

On motion of Ms. Sommers, the report of the Free Conference Committee on House Bill NO. 1631 was adopted.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of House Bill No. 1631 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1631 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 94; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 94.

Excused: Representatives Miller, Thomas, Walker, Winsley - 4.

House Bill No. 1631 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1447, modifying accounting and reporting requirements for public works contracts, have had the same under consideration, and we recommend that the bill be amended as follows and the amended bill do pass:

Strike everything after the enacting clause and insert the following:

"Sec. 1. Section 1, chapter 183, Laws of 1923 as last amended by section 1, chapter 98, Laws of 1982 and RCW 39.04.010 are each amended to read as follows:

The term state shall include the state of Washington and all departments, supervisors, commissioners and agencies thereof.

The term municipality shall include every city, county, town, district or other public agency thereof which is authorized by law to require the execution of public work, except drainage districts, diking districts, diking and drainage improvement districts, drainage improvement districts, diking improvement districts, consolidated diking and drainage improvement districts, consolidated drainage improvement districts, consolidated diking improvement districts, irrigation districts or any such other districts as shall from time to time be authorized by law for the reclamation or development of waste or undeveloped lands.

The term public work shall include all work, construction, alteration, repair, or improvement other than ordinary maintenance, executed at the cost of the state or of any municipality, or which is by law a lien or charge on any property therein, but nothing herein shall apply to the construction, alteration, repair, or improvement of any municipal street railway system. All public works, including maintenance when performed by contract shall comply with the provisions of RCW 39.12.020.

The term contract shall mean a contract in writing for the execution of public work for a fixed or determinable amount duly awarded after advertisement and competitive bid. However, a contract which is awarded from a small works roster under the authority of RCW 39.04.150, 35.22.620, 28B.10.355, and 57.08.050 need not be advertised.

~~(Cost of superintendence, engineering, clerical and accounting service shall include all expenditures specially incurred for such service, and shall include a proportionate charge for the time of all salaried officers, engineers, clerks, accountants and employees of the state or~~

~~municipality while engaged in such work or in keeping or preparing the estimates, accounts and records thereof.))~~

Sec. 2. Section 2, chapter 183, Laws of 1923 as last amended by section 4, chapter 98, Laws of 1982 and RCW 39.04.020 are each amended to read as follows:

Whenever the state, or any municipality shall determine that any public work is necessary to be done it shall cause plans ~~((and/or)), specifications, or both~~ thereof and an estimate of the cost of such work to be made and filed in the office of the director, supervisor, commissioner, trustee, board or agency having by law the authority to require such work to be done. The plans, specifications, and estimates of cost shall be approved by the director, supervisor, commissioner, trustee, board, or agency and the original draft or a certified copy filed in such office before further action is taken.

If the state, or such municipality shall determine that it is necessary or advisable that such work shall be executed by any means or method other than by contract or by a small works roster process, and it shall appear by such estimate that the probable cost of executing such work will exceed the sum of ~~((twenty-five hundred dollars, or twenty-five thousand dollars if such work is let from a small works roster created pursuant to RCW 39.04.156))~~ fifteen thousand dollars, then the state or such municipality shall at least fifteen days before beginning work cause such estimate, together with a description of the work, to be published at least once in a legal newspaper of general circulation published in or as near as possible to that part of the county in which such work is to be done: PROVIDED, That when any emergency shall require the immediate execution of such public work, upon a finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work.

Sec. 3. Section 4, chapter 183, Laws of 1923 and RCW 39.04.050 are each amended to read as follows:

Original estimates shall show in detail the estimated cost of the work; the estimated quantities of each class of work; the estimated unit cost for each class; the estimated total cost for each class; the time limit, allowed for the completion of the work and the estimated dates of commencement and completion. ~~((Such estimates shall show in detail the estimated total cost of labor, material, provisions, supplies, equipment rentals, equipment purchases, industrial insurance and medical aid, superintendence, engineering, clerical and accounting service, the value of the use of equipment owned by the state or such municipality and other estimated expenses in the execution of such work.))~~

Sec. 4. Section 6, chapter 183, Laws of 1923 and RCW 39.04.070 are each amended to read as follows:

Whenever the state or any municipality shall execute any public work by any means or method other than by contract or small works roster, it shall cause to be kept and preserved a full, true and accurate account and record of the costs of executing such work in accordance with the budgeting, accounting, and reporting system provisions prescribed by law for the state agency or municipality.

~~((Such account and record shall show in accurately tabulated form and under appropriate headings the totals of all classes and kinds of work performed; the total cost and unit cost of each class, together with the costs of executing such work, including, under separate headings, the costs of labor, material; equipment purchased; provisions and supplies; rental of equipment, industrial insurance and medical aid; superintendence, engineering, clerical and accounting service; the reasonable value, including depreciation, of the use of equipment owned by the state or municipality; and all other expenses incurred therein.))~~

NEW SECTION. Sec. 5. Section 8, chapter 183, Laws of 1923 and RCW 39.04.090 are each repealed.

NEW SECTION. Sec. 6. For purposes of this chapter:

- (1) 'Refuse collection business' means every person who receives waste for transfer, storage, or disposal including but not limited to all collection services, public or private dumps, transfer stations, and similar operations.
- (2) 'Person' shall have the meaning given in RCW 82.04.030 or any later, superseding section.
- (3) 'Waste' means garbage, trash, rubbish, or other material discarded as worthless or not economically viable for further use. The term does not include hazardous or toxic waste nor does it include material collected primarily for recycling or salvage.
- (4) 'Taxpayer' means that person upon whom the refuse collection tax is imposed.

NEW SECTION. Sec. 7. There is imposed on each person using the services of a refuse collection business a refuse collection tax equal to three and six-tenths percent of the consideration charged for the services.

NEW SECTION. Sec. 8. The person collecting the charges made for using the refuse collection business shall collect the tax imposed in section 6 of this act. If any person charged with collecting the tax fails to bill the taxpayer for the tax, or in the alternative has not notified the taxpayer in writing of the imposition of the tax, or having collected the tax, fails to pay it to the department in the manner prescribed by this chapter, whether such failure is the result of the

person's own acts or the result of acts or conditions beyond the person's control, he or she shall, nevertheless, be personally liable to the state for the amount of the tax.

NEW SECTION. Sec. 9. Taxes collected under this chapter shall be held in trust until paid to the state. Taxes so received by the state shall be deposited in the public works assistance account created in RCW 43.155.050. Any person collecting the tax who appropriates or converts the tax collected shall be guilty of a gross misdemeanor if the money required to be collected is not available for payment on the date payment is due. If a taxpayer fails to pay the tax imposed by this chapter to the person charged with collection of the tax and the person charged with collection fails to pay the tax to the department, the department may, in its discretion, proceed directly against the taxpayer for collection of the tax.

The tax shall be due from the taxpayer within twenty-five days from the date the taxpayer is billed by the person collecting the tax.

The tax shall be due from the person collecting the tax at the end of the tax period in which the tax is received from the taxpayer. If the taxpayer remits only a portion of the total amount billed for taxes, consideration, and related charges, the amount remitted shall be applied first to payment of the refuse collection tax and this tax shall have priority over all other claims to the amount remitted.

NEW SECTION. Sec. 10. The refuse collection tax shall not apply to any agency, division, or branch of the federal government or to services rendered under a contract therewith.

NEW SECTION. Sec. 11: To prevent pyramiding and multiple taxation of a single transaction, this tax shall not apply to any refuse collection business using the services of another refuse collection business for the transfer, storage, or disposal of the waste collected during the transaction.

To be eligible for this exemption, a person first must be certified by the department of revenue as a refuse collection business.

NEW SECTION. Sec. 12. Chapter 82.32 RCW applies to the tax imposed under this chapter.

NEW SECTION. Sec. 13. The department of revenue shall have the power to enforce the tax imposed in this chapter through appropriate rules.

Sec. 14. Section 82.16.020, chapter 15, Laws of 1961 as last amended by section 10, chapter 471, Laws of 1985 and RCW 82.16.020 are each amended to read as follows:

(1) There is levied and there shall be collected from every person a tax for the act or privilege of engaging within this state in any one or more of the businesses herein mentioned. The tax shall be equal to the gross income of the business, multiplied by the rate set out after the business, as follows:

(a) Railroad, express, railroad car, sewerage collection, light and power, and telegraph businesses: Three and six-tenths percent;

(b) Gas distribution business: Three and six-tenths percent;

(c) Urban transportation business: Six-tenths of one percent;

(d) Vessels under sixty-five feet in length, except tugboats, operating upon the waters within the state: Six-tenths of one percent;

(e) Motor transportation and tugboat businesses, and all public service businesses other than ones mentioned above: One and eight-tenths of one percent;

(f) Water distribution ((and refuse collection)) business((es)): Four and seven-tenths percent.

(2) An additional tax is imposed equal to the rate specified in RCW 82.02.030 multiplied by the tax payable under subsection (1) of this section.

(3) Twenty percent of the moneys collected under subsection (1) of this section on water distribution businesses(~~(. seventy percent of the moneys collected under subsection (1) of this section on refuse collection businesses.))~~) and sixty percent of the moneys collected under subsection (1) of this section on sewerage collection businesses shall be deposited in the public works assistance account created in RCW 43.155.050.

NEW SECTION. Sec. 15. Sections 6 through 13 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 16. The legislature finds that the regulation, management, and disposal of solid waste through waste reduction, recycling, and the use of resource recovery facilities of the kind described in RCW 35.92.022 and 36.58.040 should be conducted in a manner substantially consistent with the priorities and policies of the Solid Waste Management Act, chapter 70.95 RCW. Nothing contained in sections 17 through 20 of this act shall detract from the powers, duties, and functions given to the utilities and transportation commission in chapter 81.77 RCW.

NEW SECTION. Sec. 17. A new section is added to chapter 35.92 RCW to read as follows:

(1) Notwithstanding the charter of any city, the legislative authority of a city or town may contract with one or more private vendors for one or more of the design, construction, or operation function of systems and plants for solid waste handling, as defined in RCW 70.95.030 and in accordance with the procedures set forth in subsections (2) and (3) of this section. Contracts shall be for facilities that are in substantial compliance with the solid waste management plans prepared pursuant to chapter 70.95 RCW. Such systems and plants may be owned, leased, and/or operated in whole or in part by the city or town, or owned, leased, and/or operated in whole or in part by the private vendor.

(2) The legislative authority shall publish notice of its requirements and request submission of qualifications for the design, construction, and operation of solid waste handling systems and plants. The notice shall be published in the official newspaper of the city or town at least once a week for two weeks not less than sixty days before the final date for the submission of qualifications. The notice shall (a) state in summary form, the general scope and nature of the system and plant or work for which the services are required, (b) the name and address of a representative of the city or town who can provide further details, and (c) the final date for the submission of qualifications.

(3) If the legislative authority of the city or town decides to proceed with the construction of a resource recovery facility or one or more of the services to be provided for such a facility, it may designate a representative to evaluate the vendors who submitted qualifications and conduct discussions regarding proposals with one or more vendors. The representative of the legislative authority shall recommend to the legislative authority a vendor, based upon criteria established by the city or town, which shall not be determined solely by price but by all terms of the contract, who is initially determined to be the best qualified to provide one or more of the services required for the proposed project. If two or more vendors submit qualifications, at least two vendors shall be interviewed. One or more vendors may be selected to provide services. The legislative authority or its representative shall attempt to negotiate a contract with the first vendor selected for one or more of the construction, design, or operation portions of the proposed project at a price and on other terms that the legislative authority determines to be fair and reasonable and in the best interest of the city or town. Only the legislative authority may approve and sign the contract: PROVIDED, That where a contract for design is entered into separately from other services permitted under this act, procurement shall be in accord with chapter 39.80 RCW. If the legislative authority or its representative is unable to negotiate such a contract with the first vendor selected on terms that it determines to be fair and reasonable and in the best interest of the city or town, negotiations with that vendor shall be formally terminated and other vendors may be selected in accordance with the procedures set forth in subsections (2) and (3) of this section. If the legislative authority decides to continue the process of selection, negotiations shall continue in accordance with this section at the sole discretion of the legislative authority until an agreement is reached with one or more vendors, or the process is terminated by the legislative authority. The process may be repeated until an agreement is reached.

(4) Prior to entering into such a contract with a vendor, the legislative authority of the city or town must have made written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the contract and that the contract is financially sound and advantageous compared to other methods.

(5) Each contract shall include project performance bonds or other security by the vendor which in the judgment of the legislative authority of the city or town is sufficient to secure adequate performance by the vendor.

(6) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a contract entered into under this section to the same extent as if the systems and plants were owned by a public body.

Sec. 18. Section 35.21.120, chapter 7, Laws of 1965 and RCW 35.21.120 are each amended to read as follows:

Every city ~~((and))~~ or town may by ordinance provide for the establishment of a system of garbage collection and disposal for the entire city or town or for portions thereof, and award contracts for garbage collection and disposal or provide for it under the direction of officials and employees of the city or town. Contracts for solid waste handling may provide that a city or town pay a minimum periodic fee in consideration of the operational availability of a solid waste handling system or plant, without regard to the ownership of the system or plant or the amount of solid waste actually handled during all or any part of the contract period. There shall be included in the contract specific allocation of financial responsibility in cases where the amount of solid waste handled during the contract period falls below the minimum level provided in the contract.

NEW SECTION, Sec. 19. A new section is added to chapter 36.58 RCW to read as follows:

(1) Notwithstanding the charter of any county, the legislative authority of a county may contract with one or more private vendors for one or more of the design, construction, or operation function of systems and plants for solid waste handling, as defined in RCW 70.95.030 and in accordance with the procedures set forth in subsections (2) and (3) of this section. Such systems and plants may be owned, leased, and/or operated in whole or in part by the county, or owned, leased, and/or operated in whole or in part by the private vendor.

(2) The legislative authority shall publish notice of its requirements and request submission of qualifications for the design, construction, and operation of solid waste handling systems and plants. The notice shall be published in the official newspaper of the county at least once a week for two weeks not less than sixty days before the final date for the submission of qualifications. The notice shall state in summary form (a) the general scope and nature of the system

and plant or work for which the services are required, (b) the name and address of a representative of the county who can provide further details, and (c) the final date for the submission of qualifications.

(3) If the legislative authority of the county decides to proceed with the construction of a resource recovery facility or one or more of the services to be provided for such a facility, it may designate a representative to evaluate the vendors who submitted qualifications and conduct discussions regarding proposals with one or more vendors. The representative of the legislative authority shall recommend to the legislative authority a vendor, based upon criteria established by the county, which shall not be determined solely by price but by all terms of the contract, who is initially determined to be the best qualified to provide one or more of the services required for the proposed project. If two or more vendors submit qualifications, at least two vendors shall be interviewed. One or more vendors may be interviewed and selected to provide services. The legislative authority or its representative shall attempt to negotiate a contract with the first vendor selected for one or more of the construction, design, or operation portions of the proposed project at a price and on other terms that the legislative authority determines to be fair and reasonable and in the best interest of the county. Only the legislative authority may approve and sign the contract: PROVIDED, That where a contract for design is entered into separately from other services permitted under this act, procurement shall be in accord with chapter 39.80 RCW. If the legislative authority or its representative is unable to negotiate such a contract with the first vendor selected on terms that it determines to be fair and reasonable and in the best interest of the county, negotiations with that vendor shall be formally terminated and other vendors may be selected in accordance with the procedures set forth above. If the legislative authority decides to continue the process of selection, negotiations shall continue in accordance with this section at the sole discretion of the legislative authority until an agreement is reached with one or more vendors, or the process is terminated by the legislative authority. The process may be repeated until an agreement is reached.

(4) Prior to entering into such a contract with a vendor, the legislative authority of the county must have made written findings, after holding a public hearing on the proposal, that it is in the public interest to enter into the contract and that the contract is financially sound and advantageous compared to other methods.

(5) Each contract shall include project performance bonds or other security by the vendor which in the judgment of the legislative authority of the county is sufficient to secure adequate performance by the vendor.

(6) The provisions of chapters 39.12, 39.19, and 39.25 RCW shall apply to a contract entered into under this section to the same extent as if the systems and plants were owned by a public body.

Sec. 20. Section 2, chapter 58, Laws of 1975-'76 2nd ex. sess. and RCW 36.58.040 are each amended to read as follows:

The legislative authority of each county may by ordinance provide for the establishment of a system of solid waste disposal for all the unincorporated areas of the county or for portions thereof. Each county may designate disposal sites for all solid waste collected in the unincorporated areas pursuant to the provisions of a comprehensive solid waste plan adopted pursuant to chapter 70.95 RCW: PROVIDED, That for any solid waste collected by a private hauler operating pursuant to a certificate granted by the Washington utilities and transportation commission under the provisions of chapter 81.77 RCW and which certificate is for collection in a geographic area lying in more than one county, such designation of disposal sites shall be pursuant to an interlocal agreement between the involved counties.

Such systems may also provide for the processing and conversion of solid wastes into other valuable or useful products with full jurisdiction and authority to construct, lease, purchase, acquire, manage, regulate, maintain, operate, and control such system and plants, and to enter into agreements with public or private parties providing for the construction, purchase, acquisition, lease, maintenance, and operation of systems and plants for the processing and conversion of solid wastes and for the sale of said products. Contracts shall be for facilities that are in substantial compliance with the solid waste management plans prepared pursuant to chapter 70.95 RCW.

The legislative authority of a county may award contracts for solid waste handling, and such contracts may provide that a county pay a minimum periodic fee in consideration of the operational availability of a solid waste handling system or plant, without regard to the ownership of the system or plant or the amount of solid waste actually handled during all or any part of the contractual period. There shall be included in the contract specific allocation of financial responsibility in cases where the amount of solid waste handled during the contract period falls below the minimum level provided in the contract.

Nothing in this section shall be construed to authorize the operation of a solid waste collection system by counties.

NEW SECTION. Sec. 21. Sections 16 through 20 of this act, being necessary for the health and welfare of the state and its inhabitants, shall be liberally construed to effect its purposes. Sections 16 through 20 of this act shall be deemed to provide an alternative method for the

performance of those subjects authorized by these sections and shall be regarded as supplemental and additional to powers conferred by the Washington state Constitution, other state laws, and the charter of any city or county.

NEW SECTION. Sec. 22. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "contracts;" strike the remainder of the title and insert "amending RCW 39.04.010, 39.04.020, 39.04.050, 39.04.070, 82.16.020, 35.21.120, and 36.58.040; adding a new section to chapter 35.92 RCW; adding a new section to chapter 36.58 RCW; adding a new chapter to Title 82 RCW; creating new sections; repealing RCW 39.04.090; and prescribing penalties."

Signed by Senators Saling, McManus, Goltz; Representatives Haugen, Brough.

MOTION

On motion of Ms. Haugen, the report of the Free Conference Committee on Engrossed Substitute House Bill NO. 1447 was adopted.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1447 as amended by Free Conference Committee.

Representatives Haugen and Brough spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1447 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 79; nays, 15; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Baillard, Barnes, Barrett, Basich, Baugher, Betrozoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Madsen, May, McMullen, Nealey, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Tilly, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, West, Williams B, Williams J, Wilson K, Wilson S, Zellinsky, and Mr. Speaker - 79.

Voting nay: Representatives Belcher, Brekke, Cole, Fisher, Locke, Lux, Nelson D, Niemi, Rust, Sommers, Todd, Unsoeld, Valle, Wang, Wineberry - 15.

Excused: Representatives Miller, Thomas, Walker, Winsley - 4.

Engrossed Substitute House Bill No. 1447 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-155, by Representative Brekke

WHEREAS, Gerald E. Thomas can be saluted as "The Administrator's Administrator," because Jerry epitomizes the best in public service; and

WHEREAS, Jerry was a coach, a teacher, a leader and a friend. As Governor Gardner stated, "It would be difficult to find a better example of dedication and hard work than that which Jerry has provided over the years"; and

WHEREAS, Jerry Thomas began as a caseworker in the Chelan-Douglas County Public Assistance Office in 1951, served as acting secretary for periods in 1978 and 1981, and retired after over thirty-three years service to the Department of Social and Health Services; and

WHEREAS, Jerry has a matchless understanding of the department's programs and a positive approach to its many complex issues, and he always acknowledges the contributions of others; and

WHEREAS, Jerry Thomas is highly respected by both his colleagues and by clients served by the department; and

WHEREAS, We wish to acknowledge our debt of gratitude to Jerry Thomas and our best wishes for his future;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That Jerry Thomas be sincerely and gratefully thanked for his long-time service to the people of this state, and furthermore, that his retirement as Assistant Secretary of the Department of Social and Health Services be marked with our sincere best wishes for the next chapter of his distinguished career; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Jerry Thomas.

On motion of Ms. Brekke, the resolution was adopted.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1754, encouraging employers to hire recipients of unemployment insurance benefits and public assistance, have had the same under consideration, and we recommend that the bill be amended as follows and the amended bill do pass:

Strike everything after the enacting clause and insert the following:

NEW SECTION. Sec. 1. The legislature recognizes that the essential purpose of state economic development programs is to encourage the hiring of the unemployed. It is of even greater benefit to the state if those hired were drawing unemployment benefits or public assistance and the benefits terminate when employment is secured. A targeted program that encourages employers to make a good faith effort to hire public assistance recipients and the unemployed will provide benefits to the state of Washington.

NEW SECTION. Sec. 2. (1) 'Department' means the employment security department.

(2) 'First source contract' means an agreement by an employer to screen applicants from a pool of qualified individuals, if any, submitted to the employer by the department and to consider hiring from that pool.

NEW SECTION. Sec. 3. The department shall encourage the use of first source contracts with employers looking to locate or expand in the state. The department shall make every effort to guarantee easy access by employers to qualified workers. The commissioner may delegate duties under this chapter to a local organization.

NEW SECTION. Sec. 4. The department may provide specific financial incentives to employers who sign first source agreements if state funds are appropriated or if federal funds are made available for that purpose. The incentives may include but shall not be limited to providing an employer with up to fifty percent of a trainee's wages during the first ten weeks of employment and on-the-job training.

NEW SECTION. Sec. 5. An employer and a prospective employee to be hired from the pool may agree to a thirty-day training period, at the end of which time the employer shall make a decision whether to hire the individual. The individual may continue to draw unemployment or public assistance, or both during the thirty-day training period.

NEW SECTION. Sec. 6. The funds specified in section 4 of this act shall be available during the thirty-day training period.

NEW SECTION. Sec. 7. Sections 1 through 6 of this act shall constitute a new chapter in Title 50 RCW.

NEW SECTION. Sec. 8. Sections 1 through 6 of this act shall expire December 31, 1989.

Sec. 9. Section 1, chapter 2, Laws of 1985 ex. sess. and RCW 82.61.010 are each amended to read as follows:

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

(1) 'Applicant' means a person applying for a tax deferral under this chapter.

(2) 'Person' has the meaning given in RCW 82.04.030.

(3) 'Department' means the department of revenue.

(4) 'Eligible investment project' means: (a) Construction of new buildings and the acquisition of related machinery and equipment when the buildings, machinery, and equipment are to be used for either manufacturing or research and development activities, which construction

is commenced prior to December 31, ~~((1986))~~ 1988; or (b) acquisition prior to December 31, 1988, of machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure: PROVIDED, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

In addition to the requirements of this section, a project must create at least one new full-time qualified employment position for each three hundred thousand dollars of investment on which a deferral is requested.

(5) 'Manufacturing' means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and includes the production or fabrication of specially made or custom-made articles.

(6) 'Research and development' means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun.

(7) 'Buildings' means only those new structures used for either manufacturing or research and development activities, including plant offices and warehouses or other facilities for the storage of raw materials or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development purposes. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(8) 'Machinery and equipment' means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. 'Qualified machinery and equipment' includes computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery. For purposes of this definition, new machinery and equipment means either new to the taxing jurisdiction of the state or new to the certificate holder. Used machinery and equipment are eligible for deferral if the certificate holder either brings the machinery and equipment into Washington or makes a retail purchase of the machinery and equipment in Washington or elsewhere.

(9) 'Qualified employment position' means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) 'Recipient' means a person receiving a tax deferral under this chapter.

~~((10))~~ (11) 'Certificate holder' means an applicant to whom a tax deferral certificate has been issued.

~~((11))~~ (12) 'Operationally complete' means constructed or improved to the point of being functionally useable for the intended purpose.

~~((12))~~ (13) 'Initiation of construction' means that date upon which on-site construction commences.

Sec. 10. Section 8, chapter 2, Laws of 1985 ex. sess. and RCW 82.61.040 are each amended to read as follows:

RCW 82.61.020 and 82.61.030 shall expire July 1, ~~((1986))~~ 1988.

Sec. 11. Section 6, chapter 2, Laws of 1985 ex. sess. and RCW 82.61.070 are each amended to read as follows:

The department and the department of trade and economic development shall jointly report to the legislature about the effects of this chapter on new manufacturing and research and development activities in this state. The report shall contain information concerning the number of deferral certificates granted, the amount of sales tax deferred, the number of jobs created and other information useful in measuring such effects. Reports shall be submitted by January 1, 1986, and by January 1, ~~((1987))~~ of each year through 1989.

Sec. 12. Section 2, chapter 232, Laws of 1985 and RCW 82.60.020 are each amended to read as follows:

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

(1) 'Applicant' means a person applying for a tax deferral under this chapter.

(2) 'Department' means the department of revenue.

(3) 'Eligible area' means a county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent.

(4)(a) 'Eligible investment project' means that portion of an investment project which:

(i) Is directly utilized to create at least one new full-time qualified employment position for each ~~((two))~~ three hundred thousand dollars of investment on which a deferral is requested; and

(ii) Either initiates a new operation, or expands or diversifies a current operation by expanding or renovating an existing building with costs in excess of twenty-five percent of the true and fair value of the plant complex prior to improvement; ~~((and))~~ or

(iii) ~~((Does not exceed twenty million dollars in value))~~ Acquires machinery and equipment to be used for either manufacturing or research and development if the machinery and equipment is housed in a new leased structure: PROVIDED, That the lessor/owner of the structure is not eligible for a deferral unless the underlying ownership of the buildings, machinery, and equipment vests exclusively in the same person.

(b) 'Eligible investment project' does not include any portion of an investment project undertaken by a light and power business as defined in RCW 82.16.010(5) or investment projects which have already received deferrals under this chapter.

(5) 'Investment project' means an investment in qualified buildings and qualified machinery and equipment, including labor and services rendered in the planning, installation, and construction of the project.

(6) 'Manufacturing' means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. 'Manufacturing' also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(7) 'Person' has the meaning given in RCW 82.04.030.

(8) 'Qualified buildings' means new structures used for manufacturing and research and development activities, including plant offices and warehouses or other facilities for the storage of raw material or finished goods if such facilities are an essential or an integral part of a factory, mill, plant, or laboratory used for manufacturing or research and development. If a building is used partly for manufacturing or research and development and partly for other purposes, the applicable tax deferral shall be determined by apportionment of the costs of construction under rules adopted by the department.

(9) 'Qualified employment position' means a permanent full-time employee employed in the eligible investment project during the entire tax year.

(10) 'Qualified machinery and equipment' means all new industrial and research fixtures, equipment, and support facilities that are an integral and necessary part of a manufacturing or research and development operation. 'Qualified machinery and equipment' includes: Computers; software; data processing equipment; laboratory equipment; manufacturing components such as belts, pulleys, shafts, and moving parts; molds, tools, and dies; operating structures; and all equipment used to control or operate the machinery.

(11) 'Recipient' means a person receiving a tax deferral under this chapter.

(12) 'Research and development' means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, 'commercial sales' excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

Sec. 13. Section 4, chapter 232, Laws of 1985 and RCW 82.60.040 are each amended to read as follows:

(1) The department shall issue a sales and use tax deferral certificate for state and local sales and use taxes due under chapters 82.08, 82.12, and 82.14 RCW on each eligible investment project located in an eligible area.

(2) The department shall keep a running total of all deferrals granted under this chapter during each fiscal biennium. ~~((The department shall not allow any deferrals which would cause the tabulation for a biennium to exceed twenty million dollars. If all or part of an application for deferral is disallowed under this subsection, the disallowed portion shall be carried over for approval the next biennium. However, the applicant's carryover into the next biennium is only permitted if the tabulation for the next biennium does not exceed twenty million dollars as of the date on which the department has disallowed the application.))~~

NEW SECTION. Sec. 14. A new section is added to chapter 82.60 RCW to read as follows:

Notwithstanding any other provision of this chapter, taxes deferred under this chapter on the sale or use of labor that is directly used in the construction of an investment project for which a deferral has been granted under this chapter after the effective date of this act need not be repaid.

NEW SECTION. Sec. 15. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) 'Applicant' means a person applying for a tax credit under this chapter.

(2) 'Department' means the department of revenue.

(3) 'Eligible area' means a county in which the average level of unemployment for the three years before the year in which an application is filed under this chapter exceeds the average state unemployment for those years by twenty percent.

(4)(a) 'Eligible business project' means manufacturing or research and development activities which are conducted by an applicant in an eligible area at a specific facility: PROVIDED, That the applicant's average full-time qualified employment positions at the specific facility will be at least fifteen percent greater in the year for which the credit is being sought than the

applicant's average full-time qualified employment positions at the same facility in the immediately preceding year.

(b) 'Eligible business project' does not include any portion of a business project undertaken by a light and power business as defined in RCW 82.16.010(5) or that portion of a business project creating qualified full-time employment positions outside an eligible area or those recipients of a sales tax deferral under chapter 82.61 RCW.

(5) 'Manufacturing' means all activities of a commercial or industrial nature wherein labor or skill is applied, by hand or machinery, to materials so that as a result thereof a new, different, or useful substance or article of tangible personal property is produced for sale or commercial or industrial use and shall include the production or fabrication of specially made or custom made articles. 'Manufacturing' also includes computer programming, the production of computer software, and other computer-related services, and the activities performed by research and development laboratories and commercial testing laboratories.

(6) 'Person' has the meaning given in RCW 82.04.030.

(7) 'Qualified employment position' means a permanent full-time employee employed in the eligible business project during the entire tax year.

(8) 'Tax year' means the calendar year in which taxes are due.

(9) 'Recipient' means a person receiving tax credits under this chapter.

(10) 'Research and development' means the development, refinement, testing, marketing, and commercialization of a product, service, or process before commercial sales have begun. As used in this subsection, 'commercial sales' excludes sales of prototypes or sales for market testing if the total gross receipts from such sales of the product, service, or process do not exceed one million dollars.

NEW SECTION. Sec. 16. Application for tax credits under this chapter must be made before the actual hiring of qualified employment positions. The application shall be made to the department in a form and manner prescribed by the department. The application shall contain information regarding the location of the business project, the applicant's average employment, if any, at the facility for the prior year, estimated or actual new employment related to the project, estimated or actual wages of employees related to the project, estimated or actual costs, time schedules for completion and operation, and other information required by the department. The department shall rule on the application within sixty days.

NEW SECTION. Sec. 17. (1) A person shall be allowed a credit against the tax due under chapter 82.04 RCW of an amount equal to one thousand dollars for each qualified employment position directly created in an eligible business project.

(2) The department shall keep a running total of all credits granted under this chapter during each fiscal biennium. The department shall not allow any credits which would cause the tabulation for a biennium to exceed fifteen million dollars. If all or part of an application for credit is disallowed under this subsection, the disallowed portion shall be carried over for approval the next biennium. However, the applicant's carryover into the next biennium is only permitted if the tabulation for the next biennium does not exceed fifteen million dollars as of the date on which the department has disallowed the application.

(3) No recipient is eligible for tax credits in excess of three hundred thousand dollars.

(4) No recipient may use the tax credits to decertify a union or to displace existing jobs in any community in the state.

(5) No recipient may receive a tax credit on taxes which have not been paid during the taxable year.

NEW SECTION. Sec. 18. (1) Each recipient shall submit a report to the department on December 31st of each year. The report shall contain information, as required by the department, from which the department may determine whether the recipient is meeting the requirements of this chapter. If the recipient fails to submit a report or submits an inadequate report, the department may declare the amount of taxes for which a credit has been used to be immediately assessed and payable.

(2) If, on the basis of a report under this section or other information, the department finds that a business project is not eligible for tax credit under this chapter for reasons other than failure to create the required number of qualified employment positions, the amount of taxes for which a credit has been used for the project shall be immediately due.

(3) If, on the basis of a report under this section or other information, the department finds that a business project has failed to create the specified number of qualified employment positions, the department shall assess interest, but not penalties, on the credited taxes for which a credit has been used for the project. The interest shall be assessed at the rate provided for delinquent excise taxes, shall be assessed retroactively to the date of the tax credit, and shall accrue until the taxes for which a credit has been used are repaid.

NEW SECTION. Sec. 19. The employment security department shall make, and certify to the department of revenue, all determinations of employment and wages required under this chapter.

NEW SECTION. Sec. 20. Chapter 82.32 RCW applies to the administration of this chapter.

NEW SECTION. Sec. 21. Sections 15 through 20 of this act shall constitute a new chapter in Title 82 RCW.

NEW SECTION. Sec. 22. Sections 16 and 17 of this act shall expire July 1, 1988.

NEW SECTION. Sec. 23. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 24. Sections 15 through 20 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect April 1, 1986."

On page 1, line 1 of the title, after "development," strike the remainder of the title and insert "amending RCW 82.61.010, 82.61.040, 82.61.070, 82.60.020, and 82.60.040; adding a new chapter to Title 50 RCW; adding a new section to chapter 82.60 RCW; adding a new chapter to Title 82 RCW; providing expiration dates; providing an effective date; and declaring an emergency."

Signed by Senators Bottiger, Warnke, Hayner; Representatives McMullen, Schoon.

MOTION

Mr. McMullen moved that the House adopt the report of the Free Conference Committee on Engrossed Substitute House Bill No. 1754.

Mr. Schoon spoke in favor of the motion and it was carried.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1754 as amended by Free Conference Committee.

POINT OF ORDER

Ms. Cole: "Mr. Speaker, I request the Speaker's ruling on the potential violation of the Free Conference Committee report of House Rule 25(D)(6) regarding a negative revenue impact and the requirements of Joint Rule 19."

SPEAKER'S RULING

The Speaker: "House Rule 25(D)(6) provides that all bills having a direct negative revenue impact or a direct appropriation of \$50,000 or more shall be referred to the Ways & Means Committee or Transportation Committee before their final passage. Rule 25(D)(6) applies whenever a bill is on final passage, unless superseded by the Joint Rules. In that regard, the Speaker would note the provisions of Joint Rules 8 and 9 as well as Reed's Rule 236.

"Under the Joint Rules, the two houses together may grant the powers of Free Conference which includes the power to consider new items within the scope and object of the title of the bill. Reed's Rule 236 provides that the Joint Rules are controlling over the rules adopted in either house by itself. Therefore, the Speaker finds that House Rule 25(D)(6) does not apply to a bill on final passage when amended by the report of a Free Conference Committee. Your point is not well taken, Representative Cole."

Representatives McMullen, Hargrove, Schoon, Fisch, Chandler, O'Brien, Taylor, Peery, Lundquist, Vekich and Wineberry spoke in favor of passage of the bill, and Representatives Cole, Braddock, Sommers, Isaacson and D. Nelson opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1754 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 72; nays, 22; excused, 4.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Betrozoff, Bond, Bristow, Brooks, Brough, Chandler, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, King J, King P, King R, Leonard, Lewis, Long, Lundquist, Madsen, May, McMullen, Nealey, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Sayan, Schmidt, Schoon, Scott, Smith C, Smith L, Smitherman, Sutherland, Tanner, Taylor, Tilly, Todd, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky - 72.

Voting nay: Representatives Addison, Belcher, Braddock, Brekke, Cole, Fisher, Grimm, Isaacson, Jacobsen, Kremen, Locke, Lux, Nelson D. Niemi, Rust, Sanders, Silver, Sommers, Unsoeld, Valle, Wang, and Mr. Speaker - 22.

Excused: Representatives Miller, Thomas, Walker, Winsley - 4.

Engrossed Substitute House Bill No. 1754 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has receded from its amendment to SUBSTITUTE HOUSE BILL NO. 803, and passed the bill without the Senate amendment, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4486, and has passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4990, and has passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1992, and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1992, restricting state investments in countries with apartheid policies, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Fleming, McDermott; Representatives Locke, Wineberry.

MOTION

Mr. Grimm moved that the House adopt the report of the Conference Committee on Engrossed Substitute House Bill No. 1992, and grant the committee powers of Free Conference.

Mr. Bond spoke against the motion, and Mr. Wineberry spoke in favor of it.

The motion was carried.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The President has signed:

SENATE BILL NO. 4705,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE BILL NO. 4705.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598, and passed the bill as recommended by the Conference Committee, and said report together with the bill are herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598, revising the sexual offender treatment program, have had the same under consideration, and we recommend that the Senate Judiciary Committee striking amendment be adopted with the following exceptions:

Section 7, on pages 16, 17 and 18 and the corresponding amendment by Senator Wojahn on line 1 of the title, and that the bill as amended do pass.

Signed by Senators Talmadge, Halsan, Newhouse; Representatives Armstrong, Valle, Padden.

MOTION

Mr. Armstrong moved that the House adopt the report of the Conference Committee on Engrossed Substitute House Bill No. 1598.

POINT OF ORDER

Mr. Braddock: "Mr. Speaker, I would ask for your ruling on scope and object of the amendments to this bill."

SPEAKER'S RULING

The Speaker: "On March 9, the Speaker ruled the Senate striking amendment to ESHB 1598 beyond the scope and object of the bill under House Rule 12(C). This ruling was based on the fact that while the original bill dealt with the sexual psychopath program, section 7 of the Senate amendment added a new program to reimburse state institutional employees for costs related to assaults by residents, patients or inmates. The report of the Conference Committee would delete section 7 of the Senate amendment. The Speaker has examined the remaining sections of the Senate striking amendment, and finds that they are not beyond the scope and object of the original bill and therefore, do not conflict with the Speaker's ruling of March 9. Your point is not well taken, Representative Braddock."

Representatives Locke, Niemi and Patrick spoke against the motion, and Representatives Armstrong, Padden and Valle spoke in favor of it.

A division was called.

ROLL CALL

The Clerk called the roll on the motion that the House adopt the report of the Conference Committee on Engrossed Substitute House Bill No. 1598, and the motion was lost by the following vote: Yeas, 27; nays, 67; excused, 4.

Voting yea: Representatives Addison, Appelwick, Brekke, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Haugen, Hine, King J, Long, May, McMullen, Padden, Peery, Rust, Sayan, Smitherman, Tanner, Taylor, Tilly, Todd, Valle, West, Wilson K - 27.

Voting nay: Representatives Allen, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Bristow, Brooks, Brough, Chandler, Dobbs, Doty, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Holland, Isaacson, Jacobsen, King P, King R, Kremen, Leonard, Lewis, Locke, Lundquist, Lux, Madsen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Sommers, Sutherland, Unsoeld, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Wang, Williams B, Williams J, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 67.

Excused: Representatives Miller, Thomas, Walker, Winsley - 4.

MOTION

On motion of Mr. Armstrong, the House insisted on its position on Engrossed Substitute House Bill No. 1598, and asked the Senate to recede from its position.

MESSAGES FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on REENGROSSED SUBSTITUTE SENATE BILL NO. 3498, and passed the bill as amended by the Free Conference Committee.

Bill Gleason, Assistant Secretary.

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 4738, and passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4741, and passed the bill as amended by the Free Conference Committee.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

The House resumed consideration of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1399.

The Speaker stated the question before the House to be the Point of Order raised by Representative McMullen.

With the consent of the House, Mr. McMullen withdrew the Point of Order.

The Speaker stated the question before the House to be the motion to adopt the Conference Committee report and grant powers of Free Conference.

The motion was carried.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 4779, and the President has appointed the following members as conferees: Senators Warnke, Halsan, Barr, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4779, providing increased consumer protection by regulating auctioneers and auction companies, have had the same under consideration, and we recommend that the substitute bill do pass without the House Commerce & Labor Committee amendments.

Signed by Senators Warnke, Halsan, Barr; Representatives Wang, Bond.

MOTION

Mr. Wang moved that the House adopt the report of the Conference Committee on Substitute Senate Bill No. 4779.

Representatives Wang and Chandler spoke in favor of the motion, and Representatives O'Brien, Tilly and Patrick opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

The motion was lost.

MOTION

On motion of Mr. O'Brien, the House insisted on its position on Substitute Senate Bill No. 4779, and again asked the Senate to concur therein.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendment to SENATE BILL NO. 5068 and asks the House for a conference thereon. The President has appointed the following members as conferees: Senators Thompson, Moore, Lee, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Sommers, the House insisted on its position on Senate Bill No. 5068, and again asked the Senate to concur therein.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate refuses to concur in the House amendments on page 2, line 8 and page 1, line 1 to SENATE BILL NO. 3021, insists on its position, and once again asks the House to recede therefrom, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Vekich, the House insisted on its position on Senate Bill No. 3021, and again asked the Senate to concur therein.

MOTION

On motion of Mr. Appelwick, the House adjourned until 9:30 a.m., Wednesday, March 12, 1986.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FIFTY-NINTH DAY

MORNING SESSION

House Chamber, Olympia, Wash., Wednesday, March 12, 1986

The House was called to order at 9:30 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Braddock, J. King, Niemi and Tanner.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Suzanne Schubert and Blake Still. Prayer was offered by Sister Georgette Bayless, Director of Chaplains, St. Peter Hospital in Olympia.

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

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on HOUSE BILL NO. 1633, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1633, providing for the taxation of timber harvested by public entities, have had the same under consideration, and we recommend that the bill be amended as follows and the amended bill do pass:

On page 3, after line 35, insert the following:

*NEW SECTION. Sec. 3. A new section is added to chapter 84.33 RCW to read as follows:

(1) If no later than thirty days after removal of classification or designation the owner applies for classification under RCW 84.34.020 (2) or (3), then the classified or designated forest land shall not be considered removed from classification or designation for purposes of the compensating tax under RCW 84.33.120 or 84.33.140 until the application for current use classification under RCW 84.34.030 is denied or the property is removed from designation under RCW 84.34.108. Upon removal from designation under RCW 84.34.108, the amount of compensating tax due under this chapter shall be equal to:

(a) The difference, if any, between the amount of tax last levied on such land as forest land and an amount equal to the new assessed valuation of such land when removed from designation under RCW 84.34.108 multiplied by the dollar rate of the last levy extended against such land, multiplied by

(b) A number equal to:

(i) The number of years the land was classified or designated under this chapter, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is less than ten; or

(ii) Ten minus the number of years the land was classified under chapter 84.34 RCW, if the total number of years the land was classified or designated under this chapter and classified under chapter 84.34 RCW is at least ten.

(2) Nothing in this section authorizes the continued classification or designation under this chapter or defers or reduces the compensating tax imposed upon forest land not transferred to classification under subsection (1) of this section which does not meet the necessary definitions of forest land under RCW 84.33.100. Nothing in this section affects the additional tax imposed under RCW 84.34.108.

NEW SECTION. Sec. 4. A new section is added to chapter 82.04 RCW, to be codified within RCW 82.04.020 through 82.04.212, to read as follows:

'Plantation Christmas trees' means Christmas trees which are exempt from the timber excise tax under RCW 84.33.170.

Sec. 5. Section 1, chapter 8, Laws of 1970 ex. sess. as last amended by section 25, chapter 3, Laws of 1983 2nd ex. sess. and RCW 82.04.050 are each amended to read as follows:

(1) 'Sale at retail' or 'retail sale' means every sale of tangible personal property (including articles produced, fabricated, or imprinted) to all persons irrespective of the nature of their business and including, among others, without limiting the scope hereof, persons who install, repair, clean, alter, improve, construct, or decorate real or personal property of or for consumers other than a sale to a person who (a) purchases for the purpose of resale as tangible personal property in the regular course of business without intervening use by such person, or (b) installs, repairs, cleans, alters, imprints, improves, constructs, or decorates real or personal property of or for consumers, if such tangible personal property becomes an ingredient or component of such real or personal property without intervening use by such person, or (c) purchases for the purpose of consuming the property purchased in producing for sale a new article of tangible personal property or substance, of which such property becomes an ingredient or component or is a chemical used in processing, when the primary purpose of such chemical is to create a chemical reaction directly through contact with an ingredient of a new article being produced for sale, or (d) purchases for the purpose of providing the property to consumers as part of competitive telephone service, as defined in RCW 82.04.065. The term shall include every sale of tangible personal property which is used or consumed or to be used or consumed in the performance of any activity classified as a 'sale at retail' or 'retail sale' even though such property is resold or utilized as provided in (a), (b), (c), or (d) above following such use. The term also means every sale of tangible personal property to persons engaged in any business which is taxable under RCW 82.04.280, subsections (2) and (7) and RCW 82.04.290.

(2) The term 'sale at retail' or 'retail sale' shall include the sale of or charge made for tangible personal property consumed and/or for labor and services rendered in respect to the following: (a) The installing, repairing, cleaning, altering, imprinting, or improving of tangible personal property of or for consumers, including charges made for the mere use of facilities in respect thereto, but excluding charges made for the use of coin operated laundry facilities when such facilities are situated in an apartment house, hotel, motel, rooming house, trailer camp or tourist camp for the exclusive use of the tenants thereof, and also excluding sales of laundry service to members by nonprofit associations composed exclusively of nonprofit hospitals, and excluding services rendered in respect to live animals, birds and insects; (b) the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for consumers, including the installing or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation, and shall also include the sale of services or charges made for the clearing of land and the moving of earth excepting the mere leveling of land used in commercial farming or agriculture; (c) the sale of or charge made for labor and services rendered in respect to the cleaning, fumigating, razing or moving of existing buildings or structures, but shall not include the charge made for janitorial services; and for purposes of this section the term 'janitorial services' shall mean those cleaning and caretaking services ordinarily performed by commercial janitor service businesses including, but not limited to, wall and window washing, floor cleaning and waxing, and the cleaning in place of rugs, drapes and upholstery. The term 'janitorial services' does not include painting, papering, repairing, furnace or septic tank cleaning, snow removal or sandblasting; (d) the sale of or charge made for labor and services rendered in respect to automobile towing and similar automotive transportation services, but not in respect to those required to report and pay taxes under chapter 82.16 RCW; (e) the sale of and charge made for the furnishing of lodging and all other services by a hotel, rooming house, tourist court, motel, trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property, and it shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same; (f) the sale of or charge made for tangible personal property, labor and services to persons taxable under (a), (b), (c), (d), and (e) above when such sales or charges are for property, labor and services which are used or consumed in whole or in part by such persons in the performance of any activity defined as a 'sale at retail' or 'retail sale' even though such property, labor and services may be resold after such use or consumption. Nothing contained in this paragraph shall be construed to modify the first paragraph of this section and nothing contained in the first paragraph of this section shall be construed to modify this paragraph.

(3) The term 'sale at retail' or 'retail sale' shall include the sale of or charge made for personal business or professional services including amounts designated as interest, rents, fees, admission, and other service emoluments however designated, received by persons engaging in the following business activities: (a) Amusement and recreation businesses including but not limited to golf, pool, billiards, skating, bowling, ski lifts and tows and others; (b) abstract, title insurance and escrow businesses; (c) credit bureau businesses; (d) automobile parking and storage garage businesses.

(4) The term shall also include the renting or leasing of tangible personal property to consumers.

(5) The term shall also include the providing of telephone service, as defined in RCW 82.04.065, to consumers.

(6) The term shall not include the sale of or charge made for labor and services rendered in respect to the building, repairing, or improving of any street, place, road, highway, easement, right of way, mass public transportation terminal or parking facility, bridge, tunnel, or trestle which is owned by a municipal corporation or political subdivision of the state or by the United States and which is used or to be used primarily for foot or vehicular traffic including mass transportation vehicles of any kind, nor shall it include sales of feed, seed, seedlings, fertilizer, and spray materials to persons for the purpose of producing for sale any agricultural product whatsoever, including plantation Christmas trees and milk, eggs, wool, fur, meat, honey, or other substances obtained from animals, birds, or insects, but only when such production and subsequent sale are exempt from tax under RCW 82.04.330, nor shall it include sales of chemical sprays or washes to persons for the purpose of post-harvest treatment of fruit for the prevention of scald, fungus, mold, or decay.

(7) The term shall not include the sale of or charge made for labor and services rendered in respect to the constructing, repairing, decorating, or improving of new or existing buildings or other structures under, upon, or above real property of or for the United States, any instrumentality thereof, or a county or city housing authority created pursuant to chapter 35.82 RCW, including the installing, or attaching of any article of tangible personal property therein or thereto, whether or not such personal property becomes a part of the realty by virtue of installation. Nor shall the term include the sale of services or charges made for the clearing of land and the moving of earth of or for the United States, any instrumentality thereof, or a county or city housing authority.

Sec. 6. Section 82.04.100, chapter 15, Laws of 1961 as last amended by section 2, chapter 148, Laws of 1985 and RCW 82.04.100 are each amended to read as follows:

'Extractor' means every person who from the person's own land or from the land of another under a right or license granted by lease or contract, either directly or by contracting with others for the necessary labor or mechanical services, for sale or for commercial or industrial use mines, quarries, takes or produces coal, oil, natural gas, ore, stone, sand, gravel, clay, mineral or other natural resource product, or fells, cuts or takes timber, Christmas trees other than plantation Christmas trees, or other natural products, or takes fish, or takes, cultivates, or raises shellfish, or other sea or inland water foods or products. 'Extractor' does not include persons performing under contract the necessary labor or mechanical services for others ~~((or))~~; persons cultivating or raising fish entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession; or persons who fell, cut, or take plantation Christmas trees from the person's own land or from land in which the person has a present right of possession.

Sec. 7. Section 82.04.330, chapter 15, Laws of 1961 as last amended by section 1, chapter 148, Laws of 1985 and by section 10, chapter 414, Laws of 1985 and RCW 82.04.330 are each reenacted and amended to read as follows:

This chapter shall not apply to any person in respect to the business of growing or producing for sale upon the person's own lands or upon land in which the person has a present right of possession, any agricultural or horticultural produce or crop, or of raising upon the person's own lands or upon land in which the person has a present right of possession, any plantation Christmas tree or any animal, bird, fish, or insect, or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, or in respect to the sale of such products at wholesale by such grower, producer, or raiser thereof. This exemption shall not apply to any person selling such products at retail or using such products as ingredients in a manufacturing process; nor to the sale of any animal or substance obtained therefrom by a person in connection with the person's business of operating a stockyard or a slaughter or packing house; nor to any person in respect to the business of taking, cultivating, or raising ~~((Christmas trees or))~~ timber; nor to any association of persons whatever, whether mutual, cooperative or otherwise, engaging in any business activity with respect to which tax liability is imposed under the provisions of this chapter. As used in this section, 'fish' means fish which are cultivated or raised entirely within confined rearing areas on the person's own land or on land in which the person has a present right of possession.

NEW SECTION. Sec. 8. A new section is added to chapter 84.33 RCW to read as follows:

The excise tax imposed under this chapter applies to forest trees harvested after the effective date of this 1986 act from lands sold to any governmental agency by warranty deed or contract where the seller reserved to itself the right to take all merchantable timber for a specific period of years, or in perpetuity, and to forest trees harvested after the effective date of this 1986 act that any governmental agency, by quit claim deed, as partial consideration for payment of the purchase price, conveyed for a specific period of years, or in perpetuity, all forest trees, standing, growing, or lying on the described land, to the taxpayer, regardless of the date on which the contract was entered.

NEW SECTION. Sec. 9. Section 8 of this act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 2 of the title, after "entities;" strike the remainder of the title and insert "amending RCW 84.33.035, 84.33.073, 82.04.050, and 82.04.100; reenacting and amending RCW 82.04.330; adding a new section to chapter 82.04 RCW; adding new sections to chapter 84.33 RCW; and declaring an emergency."

Signed by Senators McDermott, Halsan, Lee; Representatives Grimm, Appelwick.

MOTION

On motion of Mr. Grimm, the House adopted the report of the Free Conference Committee on House Bill No. 1633.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of House Bill No. 1633 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1633 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 86; nays, 2; absent, 10.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King P, King R, Kremen, Leonard, Lewis, Locke, Madsen, May, McMullen, Miller, Nealey, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sutherland, Taylor, Thomas, Tilly, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Zellinsky, and Mr. Speaker - 86.

Voting nay: Representatives Nelson D, Sommers - 2.

Absent: Representatives Braddock, Fuhrman, King J, Long, Lundquist, Lux, Niemi, Tanner, Todd, Winsley - 10.

House Bill No. 1633 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 1825 and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1825, authorizing the use of the local hotel/motel tax to develop strategies to expand tourism, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators McDermott, Warnke; Representatives Vekich, McMullen, Doty.

MOTION

On motion of Mr. McMullen, the House adopted the report of the Conference Committee, and granted the committee powers of Free Conference.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on HOUSE BILL NO. 1337 and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF CONFERENCE COMMITTEE

March 10, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred HOUSE BILL NO. 1337, repealing the conflict-of-interest exemption for the Washington state development loan fund committee, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, Halsan, Lee; Representatives McMullen, Fisher.

MOTION

On motion of Ms. Fisher, the House adopted the report of the Conference Committee on House Bill No. 1337, and granted the committee powers of Free Conference.

Representatives J. King and Tanner appeared at the bar of the House.

SPEAKER'S PRIVILEGE

The Speaker: "The Speaker would like to take a moment. Today is an important day for a number of us and particularly to a colleague of mine--we came into the legislature together. Many of you know that Representative Earl Tilly and I (there are others, too, of course) are voluntarily leaving. The Speaker would like to introduce Mrs. Tilly and guests who are here on Earl's last day in the Washington State Legislature."

POINT OF PERSONAL PRIVILEGE

Mr. Tilly: "I thought this would be something I might say late tonight when there is no one else here. I got the official call this morning. The other day when the Speaker said that he would like to announce my appointment, I said, 'Well, I appreciate that, and it was great news to have the Senator's announcement, but I haven't heard from the guy I'm going to work for yet.' The call did come this morning so we're okay. I guess Barbara didn't know that yet either. The people who are the most proud of this are my kids. They said, 'Dad, you're going to have a real job.'

"I have thought several times of what this would be like, this last day and I had to think about what it was like when I first came here. I remember when we told the children --they were very small then. Our boy was 4 or 5--and when I told him that Dad might go to work in Olympia, he said 'Well, I wouldn't mind living in that big white courthouse over there.' We've really got a lot of good memories and I could tell a lot of stories. I could give you my oral history if the Speaker didn't want to get out of here today. There are some thoughts I would like to share and they really come from, I guess, my previous experience of being in business. Some of you maybe get tired of hearing this, but you need that business perspective down here. I got it from my Dad. I think a lot of us are lucky to have had parents who have shared their basic fundamentals. We were in a very, very competitive business and there's a present colleague here who I competed with for many years. He was selling another brand product, which I won't mention because there are ladies present. A lot of times in that type of competition, people would say bad things about our products and Dad would never say anything bad about the others. His tenet was that if you can't say anything good about somebody, you shouldn't say anything. I guess that's the only part about politics that I have not enjoyed. I want to lay it on you folks; it would be great in the 1986 elections if all we heard was positive things about ourselves. I would sure like to see us prescribe to that rule.

Call that the Tilly Rule. We talked about the Sullivan Rule last night, and I think that should be a rule that we, as politicians, should use.

"I would not have been able to be here today without the support of my family. Without my parents and Barbara's parents, especially Barbara and the kids, it just would not have been possible. I think most of you know that this is my tenth year to be here without my family. The first four years when the kids were small, the family came with me and they went to school here and after a of day being here, they didn't want to go back to Wenatchee and we had that seesaw every year, but once they got to junior high age, we felt it was best for them to stay and be able to maintain their social contacts in the schools they were accustomed to being in.

"As I leave you today, the new agency I will be with is the Farmer's Home Administration. It's a division of the Department of Agriculture. The part that is really attractive to me is their mission statement to improve the quality of life in rural America. I wouldn't be able to take this position without your help, all of you. You have taught me a lot. People ask me how I ever got into politics and what did I have to know--business contacts would ask. I told them I had to take a lot of bumps on the head from you and that's what taught me to work over in this area. I think you have taught me how to care about people to a greater degree, and I really feel that this is going to help prepare me for this next position. You know, you hear the advertisement slogan, 'Baseball, hotdogs, apple pie and FHA.' I'm going to miss you. I know that you will do great things for the people in the state in the future, and if it's ever possible to do something with you again, I'd love to do it. Thank you very much."

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4917, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE SENATE BILL NO. 4917, modifying provisions of Title 30 RCW, have had the same under consideration, and we recommend that the bill be amended as follows and the bill as amended do pass:

On page 82 of the House committee amendment by Committee on Financial Institutions & Insurance, after line 21, insert the following:

***NEW SECTION.** Sec. 55. It is the intent of the legislature to provide to the public current information on the condition of financial institutions conducting business in the state of Washington.

NEW SECTION. Sec. 56. A new section is added to chapter 43.19 RCW to read as follows:

The director of general administration shall annually, or by request, make available to the legislature the list of financial institutions designated by the federal reserve system or by the controller of the currency, known as the 'watch list.'

NEW SECTION. Sec. 57. Sections 55 and 56 of this act are necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 83 of the house committee amendment by Committee on Financial Institutions and Insurance, line 13 of the title amendment, after "30.12 RCW;" insert "adding a new section to chapter 43.19 RCW;"

On page 83 of the House committee amendment by Committee on Financial Institutions & Insurance, line 22 of the title amendment, after "30.40.060" insert "; and declaring an emergency"

Signed by Senators Moore, Bender; Representatives Zellinsky, Nutley, West.

MOTION

On motion of Mr. Zellinsky, the House adopted the report of the Free Conference Committee on Engrossed Substitute Senate Bill No. 4917.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute Senate Bill No. 4917 as amended by Free Conference Committee.

Representatives Lux and West spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute Senate Bill No. 4917 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 96; absent, 2.

Voting yeas: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Brække, Bristol, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, Mary, McMullen, Miller, Nealey, Nelson D, Nelson G, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 96.

Absent: Representatives Braddock, Niemi - 2.

Engrossed Substitute Senate Bill No. 4917 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE BILL NO. 4639, and the President has appointed the following members as conferees: Senators Thompson, Granlund, Zimmerman.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4639, revising procedures for filling vacancies in elective offices, have had the same under consideration, and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Thompson, Granlund, Zimmerman; Representatives Fisher, Fisch.

MOTION

On motion of Ms. Fisher, the House adopted the report of the Conference Committee on Substitute Senate Bill No. 4639, and granted the committee powers of Free Conference.

The House advanced to the eighth order of business.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 86-163, by Representative K. Wilson

WHEREAS, Mason Bishop has for the past fifty years served the citizens of his community as an automobile sales representative with the same firm, Bickford Motors, which is also the oldest Ford-Mercury dealership on the West Coast; and

WHEREAS, During this time, the reputation for integrity of Mason Bishop has led to the request for his assistance by members of four generations of the same family in many instances; and

WHEREAS, Mason Bishop is a good family man and a public-spirited citizen with a Southern gentleman approach to relations with his many friends, as evidenced by his grace of manners and speech derived from his years as a youth in the hills of West Virginia; and

WHEREAS, Snohomish County has proclaimed the week of June 9 through June 14 to be a week for recognition of the achievements of Mason Bishop, and a time to express the gratitude of the citizens of that county for his warmth and character through the years;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor the unusual nature of the accomplishments of Mason Bishop; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Mason Bishop.

On motion of Ms. K. Wilson, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 86-159, by Representatives Fuhrman, Bristow and Dellwo

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, The Hunters High School Lions on March 8, 1986 won the State Class B Girls' Basketball Championship; and

WHEREAS, The victory over Willapa Valley reaffirms Coach Roy Graffis' extraordinary coaching talent; and

WHEREAS, The Lions achieved a magnificent 29-2 season; and

WHEREAS, The 1985-86 Hunters High School girls' basketball team proudly upheld the school's rich tradition of sportsmanship, scholarship and citizenship;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives of the State of Washington, That the Hunters High School Lions and the coaching staff be commended on their great success; and

BE IT FURTHER RESOLVED, That copies of this Resolution be transmitted by the Chief Clerk of the House of Representatives to Mr. Roy Graffis, Head Coach of the Hunters Lions.

Mr. Fuhrman moved adoption of the resolution. Representatives Fuhrman and Nealey spoke in favor of the resolution, and it was adopted.

REPORT OF CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 4463, encouraging the promotion of Washington products, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Warnke, Moore, Bailey; Representatives McMullen, Kremen, Lundquist.

MOTION

On motion of Mr. McMullen, the House adopted the report of the Conference Committee on Engrossed Senate Bill No. 4463, and granted the committee powers of Free Conference.

Representatives Braddock and Niemi appeared at the bar of the House.

MESSAGE FROM THE SENATE

March 10, 1986

Mr. Speaker:

The Senate has granted the request of the House for a conference on SUBSTITUTE SENATE JOINT RESOLUTION NO. 138, and the President has appointed the following members as conferees: Senators Thompson, Granlund, Zimmerman, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE JOINT RESOLUTION NO. 138, revising procedures for filling vacancies in elective offices, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Thompson, Granlund, Zimmerman; Representatives Fisher, Vekich, Barnes.

MOTION

On motion of Ms. Fisher, the House adopted the report of the Conference Committee on Substitute Senate Joint Resolution No. 138, and granted the committee powers of Free Conference.

The House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HCR 29 by Representatives Sutherland, Vekich, Belcher, Lundquist, S. Wilson and Holland

Directing the Board of Natural Resources to prepare a report on the sales of timber from trust lands to meet the needs of the common school construction account

On motion of Mr. Grimm, the rules were suspended and House Concurrent Resolution No. 19 was placed on second reading and read the second time in full.

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

Representatives Sutherland, Lundquist and Vekich spoke in favor of the resolution.

House Concurrent Resolution No. 29 was adopted.

The House advanced to the eighth order of business.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 86-167, by Representatives C. Smith, Chandler, Taylor, Rayburn, Tilly, Lewis, Nealey, Doty, Isaacson, Grimm, Walk and Sanders

WHEREAS, It is the policy of the Legislature to recognize excellence in all fields of endeavor; and

WHEREAS, Dean Nicholson has epitomized excellence in his coaching career at Central Washington University; and

WHEREAS, Coach Nicholson has directed Central Washington University's basketball team to an unbelievable record of 489 wins against only 183 losses in the twenty-two years he has coached the team; and

WHEREAS, Coach Nicholson has directed the Wildcats to the NAIA District 1 Championship in nineteen of the twenty-two years he has coached the team; and

WHEREAS, Coach Nicholson's incredible twenty-eight NAIA tournament wins as a coach, and one tournament win as a player, make Central Washington University the second most-winning tournament-team in NAIA history; and

WHEREAS, Dean Nicholson and his father, Leo Nicholson are noted for combined college basketball wins of 994; and

WHEREAS, These achievements are a great credit to the extraordinary character and ability of Coach Nicholson to train, inspire and direct aspiring athletes being competent and remarkable champions; and

WHEREAS, For his truly impressive success Coach Nicholson will be inducted into the NAIA Coaches Hall of Fame on Tuesday, March 18, 1986 in Kansas City, Missouri;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That we commend Coach Dean Nicholson for his dedicated efforts and remarkable achievements and wish him well in his future seasons; and BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives send copies of this Resolution to Coach Dean Nicholson; Donald Garrity, President of Central Washington University; and Gary Frederick, Athletic Director of Central Washington University.

Mr. C. Smith moved adoption of the resolution. Representatives C. Smith, Grimm, Chandler and Leonard spoke in favor of the resolution and it was adopted.

HOUSE FLOOR RESOLUTION NO. 86-154, by Representatives Vekich, Basich, Fisch, Sayan, Hargrove, Hine

WHEREAS, George Irwin, Mayor of Aberdeen, Washington, has announced his retirement after a distinguished career in public service; and

WHEREAS, George Irwin has been employed as a longshoreman for thirty-one years, having resided in Aberdeen for forty-three years where he has a daughter Donna and a granddaughter Jeanelle; and

WHEREAS, As a thirty-year member of the I.L.W.U. Local 24, he has served as past president of the I.L.W.U. Local 24 for three terms, as Vice President for three terms and as an executive board member for four terms; and

WHEREAS, He has belonged to the Veterans of Foreign Wars for over thirty-one years; and

WHEREAS, His honorable service to the City of Aberdeen included serving as City Councilman from 1980 to 1983 during which time he chaired the Finance Committee and served on the Personnel Committee, the Fire Pension Board and the Building Code Commission; and

WHEREAS, George Irwin was elected Mayor of Aberdeen in 1983, and his many accomplishments include having the city accepted into the Puget Sound Insurance Co-op, accomplishing progress in the development of hydroelectric power in the Wynoochee Dam, continuing progress on the Morrison Riverfront Park, and developing the former armory building into a community and social service center which houses programs including community action programs, a senior citizens' center and the Aberdeen Museum; and

WHEREAS, George Irwin has been known throughout the community for his warm-hearted nature, his ability to help business and labor reach compromise and his generous contribution of personal resources to benefit the community;

NOW, THEREFORE, BE IT RESOLVED, By the members of the House of Representatives, That we commend George Irwin for his numerous contributions to the community and acknowledge his longstanding commitment to civic service and for the improvement of the quality of life for his fellow citizens, and we wish him well in his retirement; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be transmitted by the Chief Clerk of the House of Representatives to George Irwin, retired Mayor of Aberdeen, Washington.

On motion of Mr. Basich, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 86-164, by Representatives Unsoeld, Madsen, Belcher, Vekich and Sayan

WHEREAS, It is the policy of the Legislature to recognize efforts in all fields of endeavor; and

WHEREAS, The spirit of the City of Olympia and its interest in being part of the Olympic Games was brilliantly displayed when it cooperated with other local communities and other people from around the country to host the first Women's Olympic Marathon Trial in 1984; and

WHEREAS, The City of Olympia continues to hold the spiritual and physical fitness of young athletes in the highest regard; and

WHEREAS, The Olympia community has an organized effort to locate a permanent Olympic Hall of Fame in this community to bestow a lasting tribute to America's best coaches, athletes and distinguished supporters of the Olympic Games; and

WHEREAS, Olympia's continued support for international amateur sports competition combined with its excellent Pacific Rim location, natural beauty and tranquil setting provides a perfect host environment for an Olympic Hall of Fame;

NOW, THEREFORE, BE IT RESOLVED, By the Members of the House of Representatives, That we commend the City of Olympia for its efforts to establish and support an Olympic Hall of Fame in this beautiful community; and

BE IT FURTHER RESOLVED, That a copy of this Resolution be transmitted by the Chief Clerk of the House of Representatives to the Olympia City Council and the Mayor of Olympia.

On motion of Ms. Unsoeld, the resolution was adopted.

MESSAGES FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has passed:

HOUSE CONCURRENT RESOLUTION NO. 22,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SENATE BILL NO. 3397, and passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4531, and passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on HOUSE BILL NO. 1337, and passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 12, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1337, repealing the conflict-of-interest exemption for the Washington state development loan fund committee, have had the same under consideration, and we recommend that the bill do pass with the following Senate amendments:

The Senate Commerce & Labor Committee amendment on page 1, after the enacting clause, and the corresponding title amendment to page 1, line 2;

The amendment by Senator Warnke on page 1, without "NEW SECTION, Sec. 2." and the corresponding title amendment to page 1, line 2 without the language "adding a new section to chapter 43.168 RCW;"

Signed by Senators Warnke, Halsan, Lee; Representatives McMullen, Fisher.

MOTION

On motion of Ms. Fisher, the House adopted the report of the Free Conference Committee on House Bill No. 1337.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of House Bill No. 1337 as amended by Free Conference Committee.

Mr. Schoon spoke against passage of the bill, and Ms. Fisher spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1337 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 71; nays, 27.

Voting yea: Representatives Addison, Allen, Armstrong, Barrett, Basich, Baugher, Betzoff, Braddock, Brekke, Bristow, Brooks, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Miller, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Peery, Rayburn, Rust, Sayan, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Vallé, Vander Stoep, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 71.

Voting nay: Representatives Appelwick, Ballard, Barnes, Belcher, Bond, Brough, Chandler, Dobbs, Doly, Fuhrman, Hastings, Holland, Isaacson, Long, Lundquist, May, Nealey, Patrick, Prince, Sanders, Schmidt, Schoon, van Dyke, Van Luven, West, Williams B, Williams J - 27.

House Bill No. 1337 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 86-158, by Representatives Leonard, Basich, Lux, Hine and Barnes

WHEREAS, It is the policy of the Legislature to recognize excellence in the field of sports; and

WHEREAS, The Foster High School Bulldogs won the girls state Class A basketball championship; and

WHEREAS, The Foster Bulldogs of the South Central School District in Tukwila won their championship game at the Tacoma Dome over Ephrata High School in a 51 - 31 win; and

WHEREAS, The Bulldog girls' basketball team won its Nisqually league in an undefeated season beating many triple A class schools; and

WHEREAS, The excellent coaching of the Bulldogs Basketball Coach, Tim Parker, along with Assistant Coaches Belinda Romero and Kerry Halvorsen, Principal Paul Highsmith and Athletic Director William Baumgart, has proven their dedication to the sport and their enthusiasm in inspiring outstanding young women; and

WHEREAS, The members of the basketball team consisting of Tracy Sanduson, Michelle Reiners, Pam Leiman, Ranae Duffie, Stephanie Lewin, Sherri Johnson, Kelly Williams, Deanna Moilanen, Diana Reiners, Marci Basich, Marshallyn Thurston and Michelle Graves each deserve individual recognition for their outstanding contribution to their team's state championship;

NOW, THEREFORE, BE IT RESOLVED, By the members of the House of Representatives, That we congratulate the Foster High School girls' basketball team and its coaching staff on their great success; and BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Tim Parker, Head Coach of the Foster High Bulldogs.

On motion of Ms. Leonard, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 86-166, by Representatives Sutherland, Brekke, Rayburn, Baugher, Lewis, Fisch, Scott, Bristow, Smitherman, Peery, K. Wilson, Valle, Hargrove, Zellinsky, P. King, Kremen, Belcher, Crane and Sanders

WHEREAS, The family unit, as affirmed in RCW 13.34.020, is the fundamental resource of American life which should be nurtured and that economic self-sufficiency can contribute to the nurturing and strengthening of the family unit;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives direct the Committee on Social and Health Services to prepare recommendations for the 1987 regular session of the Legislature which would target resources to establish a policy that all welfare applicants/recipients who are able to seek and accept work, be given the opportunity to participate in activities designed to achieve

long-term employment and self-sufficiency. In making its recommendations, the committee shall consider:

(1) Providing a continuum of programs and activities to enable welfare applicants/recipients to make choices. These programs and activities shall include, but not be limited to: (i) training and education services such as job training, community work experience, adult basic education, grant diversion, supported work and transitional employment; (ii) job services such as job clubs, job search workshops, supervised job search, unsupervised job search, job placement, job development and employment counseling; and (iii) supportive services which insure that the family does not fall below the poverty level including day care, medical care and transportation; and

(2) Establishing a performance-based criteria for public or private nonprofit agencies that can demonstrate effectiveness in placing low-income and unskilled persons in unsubsidized employment on a long-term basis.

(It is acknowledged that it is the intent of the Legislature to encourage and recognize the value of existing agencies and the potential of private initiatives and to coordinate activities with those agencies.) (3) Developing and implementing a policy of voluntary and/or required participation in work activities and programs for all applicants/recipients of welfare, provided that good cause for inability to participate at any time shall be determined in accordance with the work-incentive program's federal regulations in 45 C.F.R. 224.34 and state law in RCW 74.23.080 and 74.23.090 or when an individual suffers from medical, family or other problems that reasonably prevent the individual from participating; and

(4) Establishing a requirement that any individual who completes the training or education services to which he or she is assigned, but who remains unemployed, be referred to job-search services for a period of ninety days. If the participant remains unemployed at the end of this ninety-day job search period, he or she be evaluated and assigned to a long-term community work experience that enhances ongoing job skills and provides references for future unsubsidized employment; and

(5) Supporting and promoting a healthier and stronger family unit including, but not limited to, prevention of abuse and neglect of children or adults; enhancement of parenting skills; and building and enhancing of general life-coping skills including self-esteem. These are recognized by the committee as among the foundations needed to assist families in achieving future independence; and

BE IT FURTHER RESOLVED, That the committee submit to the House of Representatives no later than December 1, 1986 a report detailing a specific plan for effectuating or rejecting the policies as set forth in this Resolution. The report shall include, but is not limited to analyzing the costs associated with the policies, short- and long-term savings which could be derived from such policies, and targeted populations that might be addressed to the exclusion of others if resources are not sufficient to implement the policies; and

BE IT FURTHER RESOLVED, That the committee, in conducting its study, shall appoint a citizens' advisory group to assist it in considering program options. The advisory group shall include, but not be limited to, representatives from business organizations in the private sector, representatives from labor organizations, individuals representing the interests of welfare recipients, academic representatives and representatives of private nonprofit groups that assist welfare recipients to become self-sufficient. The committee shall work with any group convened by the Governor to study the area of welfare reform and shall, during the study, hold public meetings throughout the state to solicit input on this subject.

On motion of Mr. Sutherland the resolution was adopted.

The Speaker declared the House to be at ease until 1:00 p.m.

AFTERNOON SESSION

The House was called to order at 1:00 p.m. by the Speaker.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED HOUSE BILL NO. 1614 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill are herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 12, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 1614, delaying certain new prerequisites for the issuance of vehicle licenses, have had the same under consideration and we recommend that the bill do pass with the following amendments:

On page 1, line 7 after "January 1," strike "1988" and insert "1990"

On page 1, line 16 after "1985," insert "including data on deaths and injuries caused by unlicensed drivers."

On page 1, line 17 after "January 1," strike the remainder of section 3 and insert "1989."

Signed by Senators Peterson, Patterson, Vognild; Representatives Walk, Fisher, Van Luven.

MOTION

On motion of Mr. Walk, the House adopted the report of the Free Conference Committee on Engrossed House Bill No. 1614.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed House Bill No. 1614 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed House Bill No. 1614 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristol, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed House Bill No. 1614 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE SENATE BILL NO. 4917, and has passed the bill as amended by the Free Conference Committee.

Bill Gleason, Assistant Secretary.

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 4463, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 12, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 4463, encouraging the promotion of Washington products, have had the same under consideration, and we recommend that the bill be amended as follows and that the bill as amended by the Free Conference Committee do pass:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. The legislature declares that:

(1) The development and sale of Washington business products is a vital element in expanding the state economy.

(2) The marketing of items produced in Washington state contributes substantial benefits to the economic base of the state, provides a large number of jobs and sizeable tax revenues to state and local governments, and provides an important stimulation to the economic strength of Washington companies.

(3) State government should play a significant role in the development and expansion of markets for Washington products.

NEW SECTION, Sec. 2. The department of trade and economic development is directed to develop and promote means to stimulate the expansion of the market for Washington products and shall have the following powers and duties:

(1) To develop a pamphlet for state-wide circulation which will encourage the purchase of items produced in the state of Washington;

(2) To include in the pamphlet a listing of products of Washington companies which individuals can examine when making purchases so they may have the opportunity to select one of those products in support of this program;

(3) To distribute the pamphlets on the broadest possible basis through local offices of state agencies, business organizations, chambers of commerce, or any other means the department deems appropriate;

(4) In carrying out these powers and duties the department shall cooperate and coordinate with other agencies of government and the private sector.

NEW SECTION, Sec. 3. The sum of ten thousand dollars, or so much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the department of trade and economic development for the purposes of sections 1 and 2 of this act.

NEW SECTION, Sec. 4. A new section is added to chapter 43.31 RCW to read as follows:

The legislature hereby acknowledges the growing importance of trade development services in increasing the promotion and export of Washington products and facilitating trade through the state. It is important for the state to act as a partner to other public and private organizations to provide for a coordinated trade information network for users of trade services.

(1) The department is directed to utilize a sum of up to fifty thousand dollars from the surplus funds in the state trade fair fund, as permitted by RCW 43.31.832, for the purposes of subsection (2) of this section.

(2) The department shall assist in the analysis and development of recommendations to provide for coordinated, accurate, and up-to-date trade information services between users and providers of trade services. A feasibility study shall be conducted of the best and most efficient process available to provide essential trade services to public and private organizations. The department shall encourage private sector involvement and utilize existing resources whenever possible to support product marketing and coordinated trade services.

(3) The department shall report to the legislature by January 1, 1987, on its activities and findings under this section.

(4) This section shall expire on June 30, 1987.

NEW SECTION, Sec. 5. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "products;" strike the remainder of the title and insert "adding a new section to chapter 43.31 RCW; creating new sections; making an appropriation; and providing an expiration date."

Signed by Senators Warnke, Moore, Bailey; Representatives McMullen, Day, Lundquist.

MOTION

On motion of Mr. McMullen, the House adopted the report of the Free Conference Committee on Engrossed Senate Bill No. 4463.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Senate Bill No. 4463 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4463 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zöllinsky, and Mr. Speaker - 98.

Engrossed Senate Bill No. 4463 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4639, and has granted said committee the powers of Free Conference.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 12, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4639, revising procedures for filling vacancies in elective offices, have had the same under consideration, and we recommend that the bill be amended as follows and the bill as amended by the Free Conference Committee do pass:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 36.32.070, chapter 4, Laws of 1963 and RCW 36.32.070 are each amended to read as follows:

Whenever there is a vacancy in the board of county commissioners, it shall be filled as follows:

(1) If there are three vacancies, the governor of the state shall appoint two of the officers. The two commissioners thus appointed shall then meet and select the third commissioner. The vacancies shall be filled in accordance with Article II, section 15 of the state Constitution and section 3 of this 1986 act. ((If the two appointed commissioners fail to agree upon selection of the third after the expiration of five days from the day they were appointed, the governor shall appoint the remaining commissioner.))

(2) Whenever there are two vacancies in the office of county commissioner, the governor shall appoint one commissioner, and the two commissioners then in office shall appoint the third commissioner. The vacancies shall be filled in accordance with Article II, section 15 of the state Constitution and section 3 of this 1986 act. ((If they fail to agree upon a selection after the

~~expiration of five days from the day of the governor's appointment, the governor shall appoint the third commissioner.))~~

~~(3) Whenever there is one vacancy in the office of county commissioner, the two remaining commissioners shall fill the vacancy in accordance with Article II, section 15 of the state Constitution and section 3 of this 1986 act. ((If the two commissioners fail to agree upon a selection after the expiration of five days from the day the vacancy occurred, the governor shall appoint the third commissioner.))~~

NEW SECTION. Sec. 2. A new section is added to chapter 42.12 RCW to read as follows:

When a vacancy occurs in the office of senator or representative of a legislative district comprising more than one county, the legislative authorities of the counties partially and entirely within the district shall, in joint action, fill the vacancy. The chairperson of the legislative authority of the county whose population residing within the district is greatest shall chair the meeting. Members of each legislative authority, not disqualified from voting under Article II, section 15 of the state Constitution, shall cast individual votes that together amount to the percentage, rounded to the nearest whole number, that the population of the county within the legislative district bears to the population of the entire district. Populations shall be determined by the last decennial census or special census conducted by the bureau of the census of the United States department of commerce and shall exclude nonresident military personnel. The person who receives a majority percentage of the votes shall be appointed to fill the vacancy.

NEW SECTION. Sec. 3. A new section is added to chapter 42.12 RCW to read as follows:

(1) A state or county central committee submitting a list of nominees under Article II, section 15 of the state Constitution shall do so within fourteen days of the occurrence of the vacancy.

(2) A county legislative authority or jointly meeting county legislative authorities making an appointment under Article II, section 15 of the state Constitution shall do so within twenty-eight days of the occurrence of the vacancy.

(3) Except as provided in subsection (4) of this section, an appointment made by the governor under Article II, section 15 of the state Constitution shall be made within forty-two days of the occurrence of the vacancy.

(4) An appointment made by the governor under Article II, section 15 of the state Constitution to establish a majority of filled positions on a county legislative authority shall be made within twenty-eight days of the occurrence of each vacancy.

NEW SECTION. Sec. 4. Sections 1 through 3 of this act shall take effect December 15, 1986, if the proposed amendment to Article II, section 15 of the state Constitution, Substitute Senate Joint Resolution No. 138, modifying methods for filling vacancies in the legislature or county elective office, is validly submitted to and is approved and ratified by the voters at a general election held in November 1986. If the proposed amendment is not so approved and ratified, sections 1 through 3 of this act shall be null and void in their entirety."

On page 1, line 2 of the title, strike "and adding a new section to chapter 42.12 RCW," and insert "adding new sections to chapter 42.12 RCW; and providing an effective date."

Signed by Senators Thompson, Granlund, Zimmerman; Representatives Fisher, Fisch.

MOTION

On motion of Ms. Fisher, the House adopted the report of the Free Conference Committee on Substitute Senate Bill No. 4639.

FINAL PASSAGE OF SENATE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 4639 as amended by Free Conference Committee.

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

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4639 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 93; nays, 5.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Todd, Unseld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Voting nay: Representatives Betrozoff, Hastings, Peery, Prince, Sutherland - 5.

Substitute Senate Bill No. 4639 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

March 12, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 588,
SUBSTITUTE HOUSE BILL NO. 1688,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

March 12, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE SENATE BILL NO. 3498,
SUBSTITUTE SENATE BILL NO. 4128,
SUBSTITUTE SENATE BILL NO. 4486,
SUBSTITUTE SENATE BILL NO. 4541,
SENATE BILL NO. 4628,
SUBSTITUTE SENATE BILL NO. 4738,
SUBSTITUTE SENATE BILL NO. 4741,
SUBSTITUTE SENATE BILL NO. 4905,
SUBSTITUTE SENATE BILL NO. 4990,
SUBSTITUTE SENATE BILL NO. 5005,

SUBSTITUTE SENATE JOINT MEMORIAL NO. 132,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

SUBSTITUTE SENATE BILL NO. 3498,
SUBSTITUTE SENATE BILL NO. 4128,
SUBSTITUTE SENATE BILL NO. 4486,
SUBSTITUTE SENATE BILL NO. 4541,
SENATE BILL NO. 4628,
SUBSTITUTE SENATE BILL NO. 4738,
SUBSTITUTE SENATE BILL NO. 4741,
SUBSTITUTE SENATE BILL NO. 4905,
SUBSTITUTE SENATE BILL NO. 4990,
SUBSTITUTE SENATE BILL NO. 5005,
SUBSTITUTE SENATE JOINT MEMORIAL NO. 132.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate refuses to recede, insists on its position on ENGROSSED SUBSTITUTE HOUSE BILL NO. 1598, and requests that the House reconsider the Conference Committee report and pass the bill as recommended by the Conference Committee, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Armstrong moved that the House adopt the report of the Conference Committee on Engrossed Substitute House Bill No. 1598.

Representatives Walker, Armstrong, Dellwo, Ebersole, Padden and Winsley spoke in favor of the motion, and Representatives Locke, Niemi and Patrick opposed it.

Mr. Crane demanded the previous question and the demand was sustained.

A division was called on the motion.

ROLL CALL

The Clerk called the roll on the motion that the House adopt the report of the Conference Committee on Engrossed Substitute House Bill No. 1598, and the motion was carried by the following vote: Yeas, 72; nays, 26.

Voting yea: Representatives Addison, Allen, Appelwick, Ballard, Barnes, Barrett, Baugher, Bond, Brekke, Brooks, Brough, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Gallagher, Hankins, Hastings, Haugen, Hine, Isaacson, King J, King P, King R, Kremen, Leonard, Lewis, Long, Madsen, May, Miller, Nealey, Nelson G, Nutley, Padden, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Todd, Valle, van Dyke, Van Luven, Vander Stoep, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, and Mr. Speaker - 72.

Voting nay: Representatives Armstrong, Basich, Belcher, Betzoff, Braddock, Bristow, Chandler, Fisher, Fuhrman, Grimm, Hargrove, Holland, Jacobsen, Locke, Lundquist, Lux, McMullen, Nelson D, Niemi, O'Brien, Patrick, Sutherland, Unsoeld, Vekich, Walk, Zellinsky - 26.

FINAL PASSAGE OF HOUSE BILL AS RECOMMENDED BY CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1598 as recommended by Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1598 as recommended by Conference Committee, and the bill passed the House by the following vote: Yeas, 95; nays, 3.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Bond, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 95.

Voting nay: Representatives Betzoff, Braddock, Locke - 3.

Engrossed Substitute House Bill No. 1598 as recommended by Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-153, by Representatives Jacobsen, D. Nelson, Niemi, Appelwick, Wineberry and Brekke

WHEREAS, The University of Washington has adopted a ruling that it, as an institution, shall not discriminate against any person on the basis of age; and

WHEREAS, The University of Washington has further adopted a policy that compensation actions taken by the institution must be administered without regard to age; and

WHEREAS, The University of Washington has adopted grievance procedures for the reduction of complaints of discrimination made against the institution; and

WHEREAS, The Legislature appropriated funds for salary enhancements for faculty at the University of Washington to reduce critical market disparities in teaching disciplines in order that faculty members who were most at risk in leaving the University could be retained; and

WHEREAS, Allegations have been made that some schools and program areas at the University determined that no individual older than a specified age could be eligible for a salary enhancement; and

WHEREAS, These allegations, if true, suggest that assumptions were made that individuals older than a specified age would not, under any circumstance, be at risk to attain employment at other schools; and

WHEREAS, These allegations, if true, would constitute probable violation of University policy as well as state and federal law;

NOW, THEREFORE, BE IT RESOLVED, That the University is requested to investigate thoroughly all alleged instances of age discrimination in connection with the apportionment of salary enhancements; and

BE IT FURTHER RESOLVED, That the University is requested to report its findings to the House Committees on Higher Education and Ways and Means no later than September 1, 1986; and

BE IT FURTHER RESOLVED, That the University is requested to take prompt steps to rectify, where they may exist, instances of age discrimination in connection with the apportionment of salary enhancements; and

BE IT FURTHER RESOLVED, That copies of this Resolution be sent to the President of the University of Washington.

Mr. Jacobsen moved adoption of the resolution. Representatives Jacobsen, Appelwick and D. Nelson spoke in favor of the resolution, and Representatives Prince and Sommers opposed it.

The resolution was not adopted.

SENATE AMENDMENTS TO HOUSE BILL

March 10, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE JOINT RESOLUTION NO. 49 with the following amendments:

On page 1, line 17, after "appeals," strike "and superior court" and insert "superior courts, and district courts"

On page 1, line 19, after "official," strike "state" and insert "public"

On page 2, line 7, after "appeals," strike "and superior court" and insert "superior courts, and district courts"

On page 2, line 8, after "on" strike "November 1, 1986" and insert "January 12, 1987"

On page 2, line 13, after "vote of" strike "three-fifths" and insert "two-thirds" and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Fisher, the House concurred in the Senate amendments to Engrossed Substitute House Joint Resolution No. 49.

FINAL PASSAGE OF HOUSE JOINT RESOLUTION AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Joint Resolution No. 49 as amended by the Senate.

Representative Barnes opposed passage of the resolution, and Representatives Miller, Basich and Fisher spoke in favor of it.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Joint Resolution No. 49 as amended by the Senate, and the resolution passed the House by the following vote: Yeas, 68; nays, 30.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Baugher, Belcher, Braddock, Brekke, Chandler, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lux, Madsen, McMullen, Miller, Nealey, Nelson D, Niemi, Nutley, O'Brien, Peery, Prince, Rayburn, Rust, Sayan, Scott, Sommers, Sutherland, Tanner, Tilly, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 68.

Voting nay: Representatives Addison, Barnes, Betrozoff, Bond, Bristow, Brooks, Brough, Dobbs, Doty, Fuhrman, Hastings, Isaacson, Long, Lundquist, May, Nelson G, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Smitherman, Taylor, Thomas, van Dyke, Williams B, Williams J - 30.

Engrossed Substitute House Joint Resolution No. 49 as amended by the Senate, having received the constitutional two-thirds majority, was declared passed.

SENATE AMENDMENTS TO HOUSE BILL

March 10, 1986

Mr. Speaker:

The Senate has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 1331 with the following amendments:

On page 2, line 34 of the bill, after "official," strike "state" and insert "public"

On page 3, line 17, after "appeals," strike "and superior court" and insert "superior courts, and district courts"

On page 4, line 18, after "on" strike "November 1, 1986," and insert "January 12, 1987."

On page 5, after line 9, insert the following:

"Sec. 7. Section 100, chapter 299, Laws of 1961 as last amended by section 1, chapter 7, Laws of 1985 and RCW 3.58.010 are each amended to read as follows:

The annual salary of each full time district court judge shall be (~~ninety percent of the salary of a judge of a superior court. PROVIDED, That in cities having a population in excess of four hundred thousand, the city which pays the salary may increase such salary of its municipal judges to an amount not more than the salary paid the superior court judges in the county in which the court is located. PROVIDED FURTHER, That~~) established by the Washington citizen's commission on salaries for elected officials. A member of the legislature whose term of office is partly coextensive with or extends beyond the present term of office of any of the officials whose salary is increased by virtue of the provisions of RCW 43.03.010, 2.04.092, 2.06.062, 2.08.092, and 3.58.010 shall be eligible to be appointed or elected to any of the offices the salary of which is increased hereby but he shall not be entitled to receive such increased salary until after the expiration of his present term of office and his subsequent election or reelection to the office to which he was appointed or elected respectively during his term of office as legislator."

Renumber the sections consecutively and correct all internal references accordingly.

On page 1, line 2 of the title, after "2.08.092," insert "3.58.010,"

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTION

On motion of Ms. Fisher, the House concurred in the Senate amendments to Engrossed Substitute House Bill No. 1331.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY SENATE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 1331 as amended by the Senate.

Mr. Barnes spoke against passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 1331 as amended by the Senate, and the bill passed the House by the following vote: Yeas, 65; nays, 33.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barrett, Basich, Belcher, Braddock, Brekke, Chandler, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Lundquist, Lux, Madsen, McMullen, Miller, Nealey, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smith L, Smitherman, Sommers, Sutherland, Tanner, Tilly, Todd, Unsoeld, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 65.

Voting nay: Representatives Addison, Barnes, Baugher, Betrozoff, Bond, Bristow, Brooks, Brough, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Long, May, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Taylor, Thomas, Van Dyke, Van Luven, West, Williams B, Williams J - 33.

Engrossed Substitute House Bill No. 1331 as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE HOUSE BILL NO. 1134 and has granted said committee the powers of Free Conference, and the report of the Conference Committee is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 12, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1134, requiring department of social and health services to screen employees dealing with children and developmentally disabled, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Wojahn, Kreidler, Johnson; Representatives Brekke, Leonard, Lewis.

MOTION

Mr. Appelwick moved that the House adopt the report of the Conference Committee on Substitute House Bill No. 1134, and grant the committee powers of Free Conference.

POINT OF INQUIRY

Ms. Brekke yielded to question by Mr. Locke.

Mr. Locke: "Could you just give us a quick summary of what is contained in the Free Conference report?"

Ms. Brekke: "The Free Conference report deals with the original bill which is a criminal records check for state employees dealing with children and vulnerable persons. It deals with assault on state employees in the institutions and removes a prohibition for a council of seniors to demand or mandate that it is necessary to have federal funds."

Mr. Locke: "Is there anything about fingerprint checks of volunteers who work with children and things like that?"

Ms. Brekke: "No."

The motion was carried.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has ruled the Conference Committee report to SUBSTITUTE SENATE BILL NO. 4814 beyond the scope and object of the bill and has referred the bill to the Conference Committee for further consideration.

Sidney R. Snyder, Secretary.

MOTION

On motion of Mr. Armstrong, the House granted the request of the Senate for a further conference on Substitute Senate Bill No. 4814.

REPORT OF CONFERENCE COMMITTEE

March 12, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4814, relating to child abuse prevention, after further consideration, report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators Talmadge, Gaspard, Bailey; Representatives Hargrove, Locke, West.

MOTION

On motion of Mr. Armstrong, the House adopted the report of the Conference Committee on Substitute Senate Bill No. 4814, and granted the committee powers of Free Conference.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on HOUSE BILL NO. 1825, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 12, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred HOUSE BILL NO. 1825, authorizing the use of the local hotel/motel tax to develop strategies to expand tourism, have had the same under consideration and we recommend that the bill do pass with the following amendments:

Strike everything after the enacting clause and insert the following:

*Sec. 1. Section 14, chapter 236, Laws of 1967 as last amended by section 5, chapter 222, Laws of 1979 ex. sess. and RCW 67.28.210 are each amended to read as follows:

All taxes levied and collected under RCW 67.28.180 shall be credited to a special fund in the treasury of the county or city imposing such tax. Such taxes shall be levied only for the purpose of paying all or any part of the cost of acquisition, construction, or operating of stadium facilities, convention center facilities, performing arts center facilities, and/or visual arts center facilities or to pay or secure the payment of all or any portion of general obligation bonds or revenue bonds issued for such purpose or purposes under this chapter, or to pay for advertising, publicizing, or otherwise distributing information for the purpose of attracting visitors and encouraging tourist expansion when a county or city has imposed such tax for such purpose, or as one of the purposes hereunder, and until withdrawn for use, the moneys accumulated in such fund or funds may be invested in interest bearing securities by the county or city treasurer in any manner authorized by law. In addition such taxes may be used to develop strategies to expand tourism in distressed areas, as defined in RCW 43.165.010: PRO-VIDED, That any county, and any city within a county, bordering upon Grays Harbor may use the proceeds of such taxes for construction and maintenance of a movable tall ships tourist attraction in cooperation with a tall ships restoration society, except to the extent that such proceeds are used for payment of principal and interest on debt incurred prior to the effective date of this 1986 act.

Sec. 2. Section 2, chapter 300, Laws of 1981 as last amended by section 1, chapter 439, Laws of 1985 and RCW 39.84.020 are each amended to read as follows:

As used in this chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

- (1) 'Board of directors' means the board of directors of a public corporation.
- (2) 'Construction' or 'construct' means construction and acquisition, whether by devise, purchase, gift, lease, or otherwise.
- (3) 'Facilities' means land, rights in land, buildings, structures, docks, wharves, machinery, transmission equipment, landscaping, utilities, approaches, roadways and parking, handling and storage areas, and similar ancillary facilities.
- (4) 'Financing document' means a lease, sublease, installment sale agreement, conditional sale agreement, loan agreement, mortgage, deed of trust guaranty agreement, or other agreement for the purpose of providing funds to pay or secure debt service on revenue bonds.
- (5) 'Improvement' means reconstruction, remodeling, rehabilitation, extension, and enlargement; and 'to improve' means to reconstruct, to remodel, to rehabilitate, to extend, and to enlarge.
- (6) 'Industrial development facilities' means manufacturing, processing, research, production, assembly, warehousing, transportation, pollution control, solid waste disposal, energy facilities, sports facilities, parking facilities associated with industrial development facilities as defined in this section or with historic properties as defined in RCW 84.26.020 and industrial parks. For the purposes of this section, the term 'sports facilities' shall not include facilities which are constructed for use by members of a private club or as integral or subordinate parts of a hotel or motel, or which are not available on a regular basis for general public use.
- (7) 'Industrial park' means acquisition and development of land as the site for an industrial park. For the purposes of this chapter, 'development of land' includes the provision of water, sewage, drainage, or similar facilities, or of transportation, energy, or communication facilities.

which are incidental to the use of the site as an industrial park, but does not include the provision of structures or buildings.

(8) 'Municipality' means a city, town, county, or port district of this state.

(9) 'Ordinance' means any appropriate method of taking official action or adopting a legislative decision by any municipality, whether known as a resolution, ordinance, or otherwise.

(10) 'Project costs' means costs of (a) acquisition, construction, and improvement of any facilities included in an industrial development facility; (b) architectural, engineering, consulting, accounting, and legal costs related directly to the development, financing, and construction of an industrial development facility, including costs of studies assessing the feasibility of an industrial development facility; (c) finance costs, including discounts, if any, the costs of issuing revenue bonds, and costs incurred in carrying out any trust agreement; (d) interest during construction and during the six months after estimated completion of construction, and capitalized debt service or repair and replacement or other appropriate reserves; (e) the refunding of any outstanding obligations incurred for any of the costs outlined in this subsection; and (f) other costs incidental to any of the costs listed in this section.

(11) 'Revenue bond' means a nonrecourse revenue bond, nonrecourse revenue note, or other nonrecourse revenue obligation issued for the purpose of financing an industrial development facility on an interim or permanent basis.

(12) 'User' means one or more persons acting as lessee, purchaser, mortgagor, or borrower under a financing document and may include a party who transfers the right of use and occupancy to another party by lease, sublease, or otherwise.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected."

On page 1, line 1 of the title, after "areas;" strike the remainder of the title and insert "and amending RCW 67.28.210 and 39.84.020."

Signed by Senators McDermott, Warnke; Representatives Vekich, McMullen, Doty.

MOTION

On motion of Mr. McMullen, the House adopted the report of the Free Conference Committee on House Bill No. 1825.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of House Bill No. 1825 as amended by Free Conference Committee.

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

POINT OF INQUIRY

Mr. Vekich yielded to question by Mr. G. Nelson.

Mr. G. Nelson: "Representative Vekich, in section 2 of the Free Conference report, it adds to the definition of 'industrial development facilities' that of '...parking facilities associated with industrial development facilities as defined in this section...with historic properties as defined in RCW 84.26.020.' Could you explain to the body what the historic properties as defined in RCW 84.26.020 are?"

Mr. Vekich: "Representative Nelson, it is my understanding that is the register of historic places."

Mr. G. Nelson: "It would be my understanding then that the idea here is to provide parking facilities only in those locations where the historic facility landmark has been placed?"

Mr. Vekich: "Yes."

POINT OF INFORMATION

Mr. Hastings: "Mr. Speaker, section 2 is an expansion of the statutory industrial revenue bonds part of the statutes, which, I believe, our Constitution gives a sixty percent requirement. How many votes does this bill have to have in order to pass?"

The Speaker: "It has to have fifty-nine votes, since there is a bond attached to the section."

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 1825 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 67; nays, 31.

Voting yea: Representatives Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Braddock, Brekke, Brooks, Brough, Crane, Day, Dellwo, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Isaacson, Jacobsen, King J, King P, King R, Leonard, Lewis, Madsen, May, McMullen, Miller, Niemi, Nutley, O'Brien, Padden, Peery, Rayburn, Rust, Sayan, Schoon, Scott, Silver, Smith L, Smitherman, Sutherland, Tanner, Taylor, Todd, Valle, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 67.

Voting nay: Representatives Addison, Belcher, Betzoff, Bond, Bristow, Chandler, Cole, Dobbs, Fuhrman, Hankins, Hastings, Holland, Kremen, Locke, Long, Lundquist, Lux, Nealey, Nelson D, Nelson G, Patrick, Prince, Sanders, Schmidt, Smith C, Sommers, Thomas, Tilly, Unsoeld, van Dyke, Van Luven - 31.

House Bill No. 1825 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate insists on its position on SUBSTITUTE HOUSE BILL NO. 1765, refuses to recede and once again asks the House to concur in the Senate amendments, and the same is herewith transmitted.

Bill Gleason, Assistant Secretary.

MOTION

Mr. Braddock moved that the House insist on its position and again ask the Senate to recede from the amendments to Substitute House Bill No. 1765.

POINT OF INQUIRY

Mr. Braddock yielded to question by Mr. Barnes.

Mr. Barnes: "Representative Braddock, you may know by now that I am a little bit slow-witted and I'm having trouble keeping up. Would you explain to us what this bill does?"

Mr. Braddock: "There has been a case filed against the Department of Social and Health Services defining whether or not the spouses of eligible SSI beneficiaries can receive grants and aid and medical assistance. This bill is intended to clarify that position. The Senate version that they have sent to us broadens beyond the original bill that I sponsored the benefits paid to beneficiaries and would have a cost estimated to be around \$900,000. I believe that we should stick with the House position and provide a response to the case that has been lost but is on appeal. I believe we should not take the action that the Senate is requesting unless, or until, that appeal is finished and we know whether or not we will win or lose that case. I believe we have evidence that we can be successful in that case, and if we take the House position that I am recommending, we will be saving the state approximately \$900,000."

Mr. Taylor spoke in favor of the motion and Ms. Brekke opposed it.

The motion was carried.

RESOLUTIONS

HOUSE FLOOR RESOLUTION NO. 86-168, by Representatives Sayan, Grimm, Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Ehlers, Fisch, Fisher, Fuhrman, Gallagher, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, D. Nelson, G. Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Sanders, Rayburn, Rust, Sanders, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, Smitherman, Sommers, Sutherland,

Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, Paul Locke has faithfully and regularly attended hearings of the Ways and Means committee; and

WHEREAS, Paul Locke has always been prepared to testify about the fiscal practices of Washington State; and

WHEREAS, His insightful observations were always welcome and informative; and

WHEREAS, It has been at significant personal sacrifice and expense that Paul has dedicated himself to this endeavor;

NOW, THEREFORE, BE IT RESOLVED, That the House of Representatives recognize and honor his contributions; and

BE IT FURTHER RESOLVED, That copies of this Resolution be immediately transmitted by the Chief Clerk of the House of Representatives to Paul Locke.

Mr. Sayan moved adoption of the resolution. Representatives Sayan, Vander Stoep, Addison, Taylor, Wineberry and Sanders spoke in favor of the resolution and it was adopted.

HOUSE FLOOR RESOLUTION NO. 86-162, by Representative Hine, Ballard, Addison, Allen, Appelwick, Armstrong, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Ehlers, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Holland, Isaacson, Jacobsen, J. King, P. King, R. King, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, D. Nelson, G. Nelson, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, C. Smith, L. Smith, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, Vander Stoep, van Dyke, Van Luven, Vekich, Walk, Walker, Wang, West, B. Williams, J. Williams, K. Wilson, S. Wilson, Wineberry, Winsley and Zellinsky

WHEREAS, The House of Representatives staff, both permanent and session, has played an integral part in the efficient and smooth operation of the Legislature; and

WHEREAS, The Members of the House rely greatly on the Chief Clerk, Assistant Chief Clerk, the Clerk's office, the staff on the rostrum, the workroom staff, the Office of Program Research, both permanent and session, all partisan staff groups, legislative aides, the Bill Room, the Code Reviser's Office, Word Processing, tour guides and all support systems; and

WHEREAS, These employees must assume the responsibility for countless details in their efforts to assist Legislators; and

WHEREAS, Session and permanent employees work long, late hours to perform the responsibilities assigned to them; and

WHEREAS, The extensive hours of effort, the preparation of documents and the dedication of the staff results in the smooth operation of the legislative process and enhances the quality of our legislative endeavors; and

WHEREAS, Much of the credit for the success of legislation belongs to the staff of the House of Representatives; NOW, THEREFORE, BE IT RESOLVED, That the members of the House of Representatives recognize the efforts of all the staff of the House of Representatives and the related support staffs and express their deep gratitude and appreciation for the contributions made by these people.

Ms. Hine moved adoption of the resolution. Representatives Hine and Ballard spoke in favor of the resolution and it was adopted.

MESSAGES FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SENATE BILL NO. 4463, and passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE HOUSE BILL NO. 1399 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 12, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE HOUSE BILL NO. 1399, revising sentencing of adult felons, have had the same under consideration, and we recommend that the bill be amended as follows and the bill do pass as amended by the Free Conference Committee:

Strike everything after the enacting clause and insert the following:

'NEW SECTION. Sec. 1. The sentencing guidelines commission shall study robbery of controlled substances and consider whether this type of robbery should be defined as a separate felony or whether additional sentencing enhancements are needed. The commission shall study the sentences for this type of robbery that have been imposed under the sentencing reform act. The commission shall deliver its recommendations to the legislature by January 1, 1987.

Sec. 2. Section 9A.56.010, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 382, Laws of 1985 and RCW 9A.56.010 are each amended to read as follows:

The following definitions are applicable in this chapter unless the context otherwise requires:

(1) 'Appropriate lost or misdelivered property or services' means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property;

(2) 'By color or aid of deception' means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services;

(3) 'Credit card' means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer;

(4) 'Deception' occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim, or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) 'Deprive' in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets, or computer programs;

(6) 'Obtain control over' in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another;

(7) 'Wrongfully obtains' or 'exerts unauthorized control' means:

(a) To take the property or services of another: ((or))

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian, or officer of any person, estate, association, or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold, or appropriate the same to his or her own use or to the use of any person other than the true owner or person entitled thereto; or

(c) Having any property or services in one's possession, custody, or control as partner, to secrete, withhold, or appropriate the same to his or her use or to the use of any person other than the true owner or person entitled thereto, where such use is unauthorized by the partnership agreement;

(8) 'Owner' means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services;

(9) 'Receive' includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property;

(10) 'Services' includes, but is not limited to, labor, professional services, transportation services, electronic computer services, the supplying of hotel accommodations, restaurant services, entertainment, the supplying of equipment for use, and the supplying of commodities of a public utility nature such as gas, electricity, steam, and water;

(11) 'Stolen' means obtained by theft, robbery, or extortion;

(12) Value. (a) 'Value' means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then the transactions may be aggregated in one count and the sum of the value of all said transactions shall be the value considered in determining the degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding two hundred and fifty dollars;

(13) 'Shopping cart' means a basket mounted on wheels or similar container generally used in a retail establishment by a customer for the purpose of transporting goods of any kind;

(14) 'Parking area' means a parking lot or other property provided by retailers for use by a customer for parking an automobile or other vehicle.

Sec. 3. Section 9A.04.110, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.04.110 are each amended to read as follows:

In this title unless a different meaning plainly is required:

(1) 'Acted' includes, where relevant, omitted to act;

(2) 'Actor' includes, where relevant, a person failing to act;

(3) 'Benefit' is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;

(4) (a) 'Bodily injury,' ((or)) 'physical injury,' or 'bodily harm' means physical pain or injury, illness, or an impairment of physical condition;

(b) 'Substantial bodily harm' means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part;

(c) 'Great bodily harm' means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ;

(5) 'Building', in addition to its ordinary meaning, includes any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;

(6) 'Deadly weapon' means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a 'vehicle' as defined in this section, which, under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or ~~((serious bodily injury))~~ substantial bodily harm;

(7) 'Dwelling' means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;

(8) 'Government' includes any branch, subdivision, or agency of the government of this state and any county, city, district, or other local governmental unit;

(9) 'Governmental function' includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;

(10) 'Indicted' and 'indictment' include 'informed against' and 'information', and 'informed against' and 'information' include 'indicted' and 'indictment';

(11) 'Judge' includes every judicial officer authorized alone or with others, to hold or preside over a court;

(12) 'Malice' and 'maliciously' shall import an evil intent, wish, or design to vex, annoy, or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission of duty betraying a wilful disregard of social duty;

(13) 'Officer' and 'public officer' means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;

(14) 'Omission' means a failure to act;

(15) 'Peace officer' means a duly appointed city, county, or state law enforcement officer;

(16) 'Pecuniary benefit' means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;

(17) 'Person', 'he', and 'actor' include any natural person and, where relevant, a corporation, joint stock association, or an unincorporated association;

(18) 'Place of work' includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;

(19) 'Prison' means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;

(20) 'Prisoner' includes any person held in custody under process of law, or under lawful arrest;

(21) 'Property' means anything of value, whether tangible or intangible, real or personal;

(22) 'Public servant' means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;

(23) 'Signature' includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;

(24) 'Statute' means the Constitution or an act of the legislature or initiative or referendum of this state;

(25) 'Threat' means to communicate, directly or indirectly the intent:

(a) To cause bodily injury in the future to the person threatened or to any other person; or

(b) To cause physical damage to the property of a person other than the actor; or

(c) To subject the person threatened or any other person to physical confinement or restraint; or

(d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or

(e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or

(f) To reveal any information sought to be concealed by the person threatened; or

(g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

(i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships(;;);

(26) 'Vehicle' means a 'motor vehicle' as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

(27) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

NEW SECTION, Sec. 4. (1) A person is guilty of assault in the first degree if he or she, with intent to inflict great bodily harm:

(a) Assaults another with a firearm or any deadly weapon or by any force or means likely to produce great bodily harm or death; or

(b) Administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(c) Assaults another and inflicts great bodily harm.

(2) Assault in the first degree is a class A felony.

NEW SECTION, Sec. 5. (1) A person is guilty of assault in the second degree if he or she, under circumstances not amounting to assault in the first degree:

(a) Intentionally assaults another and thereby inflicts substantial bodily harm; or

(b) Assaults another with a deadly weapon; or

(c) With intent to inflict bodily harm, administers to or causes to be taken by another, poison or any other destructive or noxious substance; or

(d) With intent to commit a felony, assaults another.

(2) Assault in the second degree is a class B felony.

NEW SECTION, Sec. 6. (1) A person is guilty of assault in the third degree if he or she, under circumstances not amounting to assault in the first or second degree:

(a) With intent to prevent or resist the execution of any lawful process or mandate of any court officer or the lawful apprehension or detention of himself or another person, assaults another; or

(b) Assaults a person employed as a transit operator or driver by a public or private transit company while that person is operating or is in control of a vehicle owned or operated by the transit company; or

(c) With criminal negligence, causes bodily harm to another person by means of a weapon or other instrument or thing likely to produce bodily harm; or

(d) Assaults a fire fighter or other employee of a fire department or fire protection district who was performing his or her official duties at the time of the assault.

(2) Assault in the third degree is a class C felony.

NEW SECTION, Sec. 7. (1) A person is guilty of assault in the fourth degree if, under circumstances not amounting to assault in the first, second, or third degree, he or she assaults another.

(2) Assault in the fourth degree is a gross misdemeanor.

Sec. 8. Section 2, chapter 105, Laws of 1979 ex. sess. as amended by section 20, chapter 263, Laws of 1984 and RCW 10.99.020 are each amended to read as follows:

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

(1) 'Family or household members' means spouses, former spouses, adult persons related by blood or marriage, persons who are presently residing together or who have resided together in the past, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

(2) 'Domestic violence' includes but is not limited to any of the following crimes when committed by one family or household member against another:

(a) Assault in the first degree (~~(RCW 9A.36.010)~~) (section 4 of this 1986 act);

(b) Assault in the second degree (~~(RCW 9A.36.020)~~) (section 5 of this 1986 act);

(c) (~~Simple~~) Assault (~~(RCW 9A.36.040)~~) in the third degree (section 6 of this 1986 act);

(d) Assault in the fourth degree (section 7 of this 1986 act);

(e) Reckless endangerment (RCW 9A.36.050);

~~((f))~~ (f) Coercion (RCW 9A.36.070);

~~((ff))~~ (g) Burglary in the first degree (RCW 9A.52.020);

~~((f7))~~ (h) Burglary in the second degree (RCW 9A.52.030);

~~((f8))~~ (i) Criminal trespass in the first degree (RCW 9A.52.070);

~~((f9))~~ (j) Criminal trespass in the second degree (RCW 9A.52.080);

~~((f10))~~ (k) Malicious mischief in the first degree (RCW 9A.48.070);

~~((f11))~~ (l) Malicious mischief in the second degree (RCW 9A.48.080);

~~((f12))~~ (m) Malicious mischief in the third degree (RCW 9A.48.090);

~~((f13))~~ (n) Kidnapping in the first degree (RCW 9A.40.020);

~~((f14))~~ (o) Kidnapping in the second degree (RCW 9A.40.030);

~~((f15))~~ (p) Unlawful imprisonment (RCW 9A.40.040);

((p)) (q) Violation of the provisions of a restraining order restraining the person or excluding the person from a residence (RCW 26.09.300);

((q)) (r) Violation of the provisions of a protection order restraining the person or excluding the person from a residence (RCW 26.50.060, 26.50.070, or 26.50.130);

((r)) (s) Rape in the first degree (RCW ~~((9-79-170))~~ 9A.44.040); and

((s)) (t) Rape in the second degree (RCW ~~((9-79-180))~~ 9A.44.050).

(3) 'Victim' means a family or household member who has been subjected to domestic violence.

NEW SECTION, Sec. 9. The following acts or parts of acts are each repealed:

(1) Section 9A.36.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.36.010;

(2) Section 9A.36.020, chapter 260, Laws of 1975 1st ex. sess., section 5, chapter 38, Laws of 1975-76 2nd ex. sess., section 9, chapter 244, Laws of 1979 ex. sess. and RCW 9A.36.020;

(3) Section 9A.36.030, chapter 260, Laws of 1975 1st ex. sess., section 10, chapter 244, Laws of 1979 ex. sess., section 1, chapter 140, Laws of 1982 and RCW 9A.36.030;

(4) Section 9A.36.040, chapter 260, Laws of 1975 1st ex. sess., section 18, chapter 263, Laws of 1984, section 8, chapter 303, Laws of 1985 and RCW 9A.36.040; and

(5) Section 28A.87.140, chapter 223, Laws of 1969 ex. sess., section 61, chapter 199, Laws of 1969 ex. sess., section 318, chapter 258, Laws of 1984 and RCW 28A.87.140.

NEW SECTION, Sec. 10. The enactment of section 9 of this act does not have the effect of terminating or in any way modifying any criminal liability in existence prior to the effective date of this act, nor affecting any proceeding instituted under the sections repealed.

NEW SECTION, Sec. 11. Sections 4 through 7 of this act are each added to chapter 9A.36 RCW.

NEW SECTION, Sec. 12. Sections 3 through 10 of this act shall take effect on July 1, 1987.

Sec. 13. Section 9A.04.080, chapter 260, Laws of 1975 1st ex. sess. as last amended by section 1, chapter 186, Laws of 1985 and by section 19, chapter 455, Laws of 1985 and RCW 9A.04.080 are each reenacted and amended to read as follows:

Prosecutions for the offenses of murder, and arson where death ensues, may be commenced at any period after the commission of the offense; for offenses the punishment of which may be imprisonment in a state correctional institution, committed by any public officer in connection with the duties of his office or constituting a breach of his public duty or a violation of his oath of office, and arson where death does not ensue, within ten years after their commission; for violations of RCW 9A.44.070, 9A.44.080, and 9A.44.100(1)(b), within seven years after their commission; for violations of RCW 9A.82.060 or 9A.82.080, within six years after their commission; for bigamy, within three years of the time specified in RCW 9A.64.010; for all other offenses the punishment of which may be imprisonment in a state correctional institution, within three years after their commission; two years for gross misdemeanors; and for all other offenses, within one year after their commission: PROVIDED, That any length of time during which the party charged was not usually and publicly resident within this state shall not be reckoned within the one, two, three, six, seven, and ten years respectively; AND FURTHER PROVIDED, That where an indictment has been found, or complaint or an information filed, within the time limited for the commencement of a criminal action, if the indictment, complaint, or information be set aside, the time of limitation shall be extended by the length of time from the time of filing of such indictment, complaint, or information, to the time such indictment, complaint, or information was set aside.

Sec. 14. Section 9A.64.010, chapter 260, Laws of 1975 1st ex. sess. and RCW 9A.64.010 are each amended to read as follows:

(1) A person is guilty of bigamy if he intentionally marries or purports to marry another person when either person has a living spouse.

(2) In any prosecution under this section, it is a defense that at the time of the subsequent marriage or purported marriage:

(a) The actor reasonably believed that the prior spouse was dead; or

(b) A court had entered a judgment purporting to terminate or annul any prior disqualifying marriage and the actor did not know that such judgment was invalid; or

(c) The actor reasonably believed that he was legally eligible to marry.

(3) The limitation imposed by RCW 9A.04.080 on commencing a prosecution for bigamy does not begin to run until the death of the prior or subsequent spouse of the actor or until a court enters a judgment terminating or annulling the prior or subsequent marriage.

(4) Bigamy is a class C felony.

Sec. 15. Section 2, chapter 234, Laws of 1984 (uncodified) is amended to read as follows:

(1) The joint legislative committee on the criminal justice system shall survey and study crime prevention, the causes of crime, and how the administration of the criminal justice system impacts crime.

(2) The committee shall submit its findings and recommendations thereon to the governor, the legislature, and the judicial branch of state government. A final report shall be prepared and submitted by January 1, ~~((1986))~~ 1987, on which date the committee shall cease to exist.

(3) The committee shall conduct a study for the legislature to determine whether the sentencing reform act has addressed the high rate of minority incarceration in Washington. The

committee shall determine whether there are significant statistical differences in the arrest, charging, conviction, and sentencing of minorities. The committee is also directed to determine the extent to which recommended prosecutor charging and plea bargaining guidelines set forth in the sentencing reform act are being followed around the state and whether uniform, mandatory standards should be adopted. The committee shall complete this report for the legislature by January 1, 1987.

Sec. 16. Section 2, chapter 335, Laws of 1981 and RCW 43.10.232 are each amended to read as follows:

(1) The attorney general shall have concurrent authority and power with the prosecuting attorneys to investigate crimes and initiate and conduct prosecutions upon the request of or with the concurrence of any of the following:

((+)) (a) The county prosecuting attorney of the jurisdiction in which the offense has occurred;

((2)) (b) The governor of the state of Washington; or

((3)) (c) A majority of the committee charged with the oversight of the organized crime intelligence unit.

(2) Such request or concurrence shall be communicated in writing to the attorney general.

(3) Prior to any prosecution by the attorney general under this section, the attorney general and the county in which the offense occurred shall reach an agreement regarding the payment of all costs, including expert witness fees, and defense attorneys' fees associated with any such prosecution.

Sec. 17. Section 3, chapter 137, Laws of 1981 as last amended by section 5, chapter 346, Laws of 1985 and RCW 9.94A.030 are each amended to read as follows:

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

(1) 'Commission' means the sentencing guidelines commission.

(2) 'Community corrections officer' means an employee of the department who is responsible for carrying out specific duties in supervision of sentenced offenders and monitoring of sentence conditions.

(3) 'Community service' means compulsory service, without compensation, performed for the benefit of the community by the offender. For purposes of the interstate compact for out of state supervision of parolees and probationers, RCW 9.95.270, community supervision is the functional equivalent of probation and should be considered the same as probation by other states.

(4) 'Community supervision' means a period of time during which a convicted offender is subject to crime-related prohibitions and other sentence conditions imposed pursuant to this chapter by a court. For first-time offenders, the supervision may include crime-related prohibitions and other conditions imposed pursuant to RCW 9.94A.120(5).

(5) 'Confinement' means total or partial confinement as defined in this section.

(6) 'Conviction' means an adjudication of guilt pursuant to Titles 10 or 13 RCW and includes a verdict of guilty, a finding of guilty, and acceptance of a plea of guilty.

(7) 'Crime-related prohibition' means an order of a court prohibiting conduct that directly relates to the circumstances of the crime for which the offender has been convicted, and shall not be construed to mean orders directing an offender affirmatively to participate in rehabilitative programs or to otherwise perform affirmative conduct.

(8) (a) 'Criminal history' means the list of a defendant's prior convictions, whether in this state, in federal court, or elsewhere. The history shall include, where known, for each conviction (i) whether the defendant has been placed on probation and the length and terms thereof; and (ii) whether the defendant has been incarcerated and the length of incarceration.

(b) 'Criminal history' includes a defendant's prior convictions ((or pleas of guilty)) in juvenile court if: (i) The ((guilty plea or)) conviction was for an offense which is a felony and is criminal history as defined in RCW 13.40.020(6)(a); ((and)) (ii) the defendant was fifteen years of age or older at the time the offense was committed; and (iii) with respect to prior juvenile class B and C felonies, the defendant ((had not reached his or her twenty-third birthday)) was less than twenty-three years of age at the time the offense for which he or she is being sentenced was committed.

(9) 'Department' means the department of corrections.

(10) 'Determinate sentence' means a sentence that states with exactitude the number of actual years, months, or days of total confinement, of partial confinement, of community supervision, the number of actual hours or days of community service work, or dollars or terms of a fine or restitution. The fact that an offender through 'earned early release' can reduce the actual period of confinement shall not affect the classification of the sentence as a determinate sentence.

(11) 'Drug offense' means any felony violation of chapter 69.50 RCW except possession of a controlled substance (RCW 69.50.401(d)) or forged prescription for a controlled substance (RCW 69.50.403).

(12) 'Escape' means escape in the first degree (RCW 9A.76.110), escape in the second degree (RCW 9A.76.120), wilful failure to return from furlough (RCW 72.66.060), or wilful failure to return from work release (RCW 72.65.070).

(13) 'Felony traffic offense' means vehicular homicide (RCW 46.61.520), vehicular assault (RCW 46.61.522), or felony hit-and-run injury-accident (RCW 46.52.020(4)).

(14) 'Fines' means the requirement that the offender pay a specific sum of money over a specific period of time to the court.

((+2)) (15)(a) 'First-time offender' means any person who is convicted of a felony not classified as a violent offense or a sex offense under this chapter, and except as provided in (b) of this subsection, who previously has never been convicted of a felony in this state, federal court, or another state, and who has never participated in a program of deferred prosecution for a felony offense.

(b) For purposes of (a) of this subsection, a juvenile adjudication for an offense committed before the age of fifteen years is not a previous felony conviction.

((+3)) (16) 'Nonviolent offense' means an offense which is not a violent offense.

(17) 'Offender' means a person who has committed a felony established by state law and is eighteen years of age or older or is less than eighteen years of age but whose case has been transferred by the appropriate juvenile court to a criminal court pursuant to RCW 13.40.110. Throughout this chapter, the terms 'offender' and 'defendant' are used interchangeably.

((+4)) (18) 'Partial confinement' means confinement for no more than one year in a facility or institution operated or utilized under contract by the state or any the state or any other unit of government, for a substantial portion of each day with the balance of the day spent in the community.

((+5)) (19) 'Restitution' means the requirement that the offender pay a specific sum of money over a specific period of time to the court as payment of damages. The sum may include both public and private costs. The imposition of a restitution order does not preclude civil redress.

((+6)) (20) 'Serious traffic offense' means driving while intoxicated (RCW 46.61.502), actual physical control while intoxicated (RCW 46.61.504), reckless driving (RCW 46.61.500), or hit-and-run an attended vehicle (RCW 46.52.020(5)).

(21) 'Serious violent offense' is a subcategory of violent offense and means murder in the first degree, murder in the second degree, assault in the first degree, kidnaping in the first degree, or rape in the first degree, or an attempt, criminal solicitation, or criminal conspiracy to commit one of these felonies.

(22) 'Sentence range' means the sentencing court's discretionary range in imposing a non-appealable sentence.

((+7)) (23) 'Sex offense' means a felony that is a violation of chapter 9A.44 RCW or RCW 9A.64.020 or 9.68A.090 or that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit such crimes.

(24) 'Total confinement' means confinement inside the physical boundaries of a facility or institution operated or utilized under contract by the state or any other unit of government for twenty-four hours a day, or pursuant to RCW 72.64.050 and 72.64.060.

((+8)) (25) 'Victim' means any person who has sustained physical or financial injury to person or property as a direct result of the crime charged.

((+9)) (26) 'Violent offense' means:

(a) Any of the following felonies, as now existing or hereafter amended: Any felony defined under any law as a class A felony or an attempt to commit a class A felony, criminal solicitation or criminal conspiracy to commit a class A felony, manslaughter in the first degree, manslaughter in the second degree, indecent liberties if committed by forcible compulsion, rape in the second degree, kidnapping in the second degree, arson in the second degree, assault in the second degree, extortion in the first degree, robbery in the second degree, ~~(and)~~ vehicular homicide, and vehicular assault;

(b) Any conviction for a felony offense in effect at any time prior to July 1, 1976, that is comparable to a felony classified as a violent offense in subsection ~~((+9))~~ (26)(a) of this section; and

(c) Any federal or out-of-state conviction for an offense that under the laws of this state would be a felony classified as a violent offense under subsection ~~((+9))~~ (26) (a) or (b) of this section.

Sec. 18. Section 4, chapter 137, Laws of 1981 as amended by section 2, chapter 192, Laws of 1982 and RCW 9.94A.040 are each amended to read as follows:

(1) A sentencing guidelines commission is established as an agency of state government.

(2) The commission shall, following a public hearing or hearings:

(a) Devise a series of recommended standard sentence ranges for all felony offenses and a system for determining which range of punishment applies to each offender based on the extent and nature of the offender's criminal history, if any;

(b) Devise recommended prosecuting standards in respect to charging of offenses and plea agreements; and

(c) Devise recommended standards to govern whether sentences are to be served consecutively or concurrently.

(3) Each of the commission's recommended standard sentence ranges shall include one or more of the following: Total confinement, partial confinement, community supervision, community service, and a fine.

(4) In devising the standard sentence ranges of total and partial confinement under this section, the commission is subject to the following limitations:

(a) If the maximum term in the range is one year or less, the minimum term in the range shall be no less than one-third of the maximum term in the range, except that if the maximum term in the range is ninety days or less, the minimum term may be less than one-third of the maximum.

(b) If the maximum term in the range is greater than one year, the minimum term in the range shall be no less than seventy-five percent of the maximum term in the range; and

(c) The maximum term of confinement in a range may not exceed the statutory maximum for the crime as provided in RCW 9A.20.020.

(5) In carrying out its duties under subsection (2) of this section, the commission shall give consideration to the existing guidelines adopted by the association of superior court judges and the Washington association of prosecuting attorneys and the experience gained through use of those guidelines. The commission shall emphasize confinement for the violent offender and alternatives to total confinement for the nonviolent offender.

(6) This commission shall conduct a study to determine the capacity of correctional facilities and programs which are or will be available. While the commission need not consider such capacity in arriving at its recommendations, the commission shall project whether the implementation of its recommendations would result in exceeding such capacity. If the commission finds that this result would probably occur, then the commission shall prepare an additional list of standard sentences which shall be consistent with such capacity.

~~(7) ((By January 10, 1983, the commission shall recommend its standard sentence ranges and standards to the legislature by providing the recommendations to the chief clerk of the house of representatives and secretary of the senate. If the commission has prepared an additional list of standard sentence ranges, as provided under subsection (6) of this section, then the commission shall include such list along with its recommendations.~~

~~(8) Every two years:))~~ The commission may recommend to the legislature revisions or modifications to the standard sentence ranges and other standards. If implementation of the revisions or modifications would result in exceeding the capacity of correctional facilities, then the commission shall accompany its recommendation with an additional list of standard sentence ranges which are consistent with correction capacity.

~~((9))~~ (8) The commission shall study the existing criminal code and from time to time make recommendations to the legislature for modification.

~~((10))~~ (9) The commission shall exercise its duties under this section in conformity with chapter 34.04 RCW, as now existing or hereafter amended.

Sec. 19. Section 7, chapter 137, Laws of 1981 and RCW 9.94A.070 are each amended to read as follows:

~~((1) At its regular session convening in 1983, the legislature shall enact laws approving or modifying either the standards recommended by the commission, or the additional list of standard sentence ranges consistent with prison capacity in the event an additional list has been submitted pursuant to RCW 9.94A.040(6). The standards so adopted shall take effect on July 1, 1984.~~

~~((2))~~ Revisions or modifications of standard sentence ranges or other standards, together with any additional list of standard sentence ranges, shall be submitted to the legislature at least every two years ~~((and shall become effective as provided under subsection (1) of this section on July first of the year in which they are submitted)).~~

Sec. 20. Section 12, chapter 137, Laws of 1981 as last amended by section 6, chapter 209, Laws of 1984 and RCW 9.94A.120 are each amended to read as follows:

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

(1) Except as authorized in subsections (2) ~~((and)),~~ (5), and (7) of this section, the court shall impose a sentence within the sentence range for the offense.

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

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

(4) An offender convicted of the crime of murder in the first degree shall be sentenced to a term of total confinement not less than twenty years. An offender convicted of the crime of assault in the first degree where the offender used force or means likely to result in death or intended to kill the victim shall be sentenced to a term of total confinement not less than five years. An offender convicted of the crime of rape in the first degree shall be sentenced to a

term of total confinement not less than three years, and shall not be eligible for furlough, work release or other authorized leave of absence from the correctional facility during such minimum three year term except for the purpose of commitment to an inpatient treatment facility. The foregoing minimum terms of total confinement are mandatory and shall not be varied or modified as provided in subsection (2) of this section.

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

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

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

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

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

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

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

department of social and health services. The offender shall be transferred to the state pending placement in the treatment program.

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

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

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

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

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

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

(10) Except as provided under RCW 9.94A.140(1), a court may not impose a sentence providing for a term of confinement or community supervision which exceeds the statutory maximum for the crime as provided in chapter 9A.20 RCW ((9A-20-020)).

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

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

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

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

Sec. 21. Section 19, chapter 137, Laws of 1981 as amended by section 10, chapter 209, Laws of 1984 and RCW 9.94A.190 are each amended to read as follows:

(1) A sentence that includes a term or terms of confinement totaling more than one year shall be served in a facility or institution operated, or utilized under contract, by the state. Except as provided for in subsection (3) of this section, a sentence of not more than one year of confinement shall be served in a facility operated, licensed, or utilized under contract, by the county.

(2) If a county uses a state partial confinement facility for the partial confinement of a person sentenced to confinement for not more than one year, the county shall reimburse the state for the use of the facility as provided for in this subsection. The office of financial management shall set the rate of reimbursement based upon the average per diem cost per offender in the facility. The office of financial management shall determine to what extent, if any, reimbursement shall be reduced or eliminated because of funds provided by the legislature to the department of corrections for the purpose of covering the cost of county use of state partial confinement facilities. The office of financial management shall reestablish reimbursement rates each even-numbered year.

(3) A person who is sentenced for a felony to a term of not more than one year, and who is committed or returned to incarceration in a state facility on another felony conviction, either under the indeterminate sentencing laws, chapter 9.95 RCW, or under this chapter shall serve all terms of confinement, including a sentence of not more than one year, in a facility or institution operated, or utilized under contract, by the state, consistent with the provisions of RCW 9.94A.400.

Sec. 22. Section 2, chapter 115, Laws of 1983 as amended by section 16, chapter 209, Laws of 1984 and RCW 9.94A.310 are each amended to read as follows:

(1)

TABLE 1

Sentencing Grid

SERIOUSNESS SCORE	OFFENDER SCORE									
	0	1	2	3	4	5	6	7	8	9 or more
XIV	Life Sentence without Parole/Death Penalty									
XIII	23y4m 240- 320	24y4m 250- 333	25y4m 261- 347	26y4m 271- 361	27y4m 281- 374	28y4m 291- 388	30y4m 312- 416	32y10m 338- 450	36y 370- 493	40y 411- 548
XII	12y 123- 164	13y 134- 178	14y 144- 192	15y 154- 205	16y 165- 219	17y 175- 233	19y 195- 260	21y 216- 288	25y 257- 342	29y 298- 397
XI	6y 62- 82	6y9m 69- 92	7y6m 77- 102	8y3m 85- 113	9y 93- 123	9y9m 100- 133	12y6m 129- 171	13y6m 139- 185	15y6m 159- 212	17y6m 180- 240
X	5y 51- 68	5y6m 57- 75	6y 62- 82	6y6m 67- 89	7y 72- 96	7y6m 77- 102	9y6m 98- 130	10y6m 108- 144	12y6m 129- 171	14y6m 149- 198
IX	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	5y 51- 68	5y6m 57- 75	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144	12y6m 129- 171
VIII	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	4y6m 46- 61	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116	10y6m 108- 144
VII	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y 41- 54	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102	8y6m 87- 116
VI	13m 12+- 14	18m 15- 20	2y 21- 27	2y6m 26- 34	3y 31- 41	3y6m 36- 48	4y6m 46- 61	5y6m 57- 75	6y6m 67- 89	7y6m 77- 102
V	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y 41- 54	5y 51- 68	6y 62- 82	7y 72- 96
IV	6m 3- 9	9m 6- 12	13m 12+- 14	15m 13- 17	18m 15- 20	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y2m 53- 70	6y2m 63- 84
III	2m 1- 3	5m 3- 8	8m 4- 12	11m 9- 12	14m 12+- 16	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57	5y 51- 68
II		4m 2- Days 6	6m 3- 9	8m 4- 12	13m 12+- 14	16m 14- 18	20m 17- 22	2y2m 22- 29	3y2m 33- 43	4y2m 43- 57
I			3m 2- 0-60	4m 2- 0-90	5m 3- 0-90	8m 4- 0-90	13m 12+- 0-90	16m 14- 0-90	20m 17- 0-90	2y2m 22- 0-90

SERIOUSNESS
SCORE

OFFENDER SCORE

0	1	2	3	4	5	6	7	8	9 or more
Days	Days	5	6	8	12	14	18	22	29

NOTE: Numbers in the first horizontal row of each seriousness category represent sentencing midpoints in years(y) and months(m). Numbers in the second and third rows represent presumptive sentencing ranges in months, or in days if so designated. 12+ equals one year and one day.

(2) For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the completed crime, and multiplying the range by 75 percent.

(3) The following additional times shall be added to the presumptive sentence if the offender or an accomplice was armed with a deadly weapon as defined in this chapter and the offender is being sentenced for one of the crimes listed in this subsection. If the offender or an accomplice was armed with a deadly weapon and the offender is being sentenced for an anticipatory offense under chapter 9A.28 RCW to commit one of the crimes listed in this subsection, the following times shall be added to the presumptive range determined under subsection (2) of this section:

- (a) 24 months ((~~6~~) for Rape 1 (RCW 9A.44.040), Robbery 1 (RCW 9A.56.200), or Kidnapping 1(~~6~~)) (RCW 9A.40.020)
 - (b) 18 months ((~~6~~) for Burglary 1(~~6~~)) (RCW 9A.52.020)
 - (c) 12 months ((~~6~~) for Assault 2 (RCW 9A.36.020), Escape 1 (RCW 9A.76.110), Kidnapping 2 (RCW 9A.40.030), Burglary 2 of a building other than a dwelling (RCW 9A.52.030), (~~Deliver~~ ~~ery~~ or Possession of a controlled substance with intent to deliver)) or any drug offense
- Sec. 23. Section 3, chapter 115, Laws of 1983 as amended by section 17, chapter 209, Laws of 1984 and RCW 9.94A.320 are each amended to read as follows:

TABLE 2
CRIMES INCLUDED WITHIN EACH SERIOUSNESS LEVEL

XIV	Aggravated Murder 1 (RCW 10.95.020)
XIII	Murder 1 (RCW 9A.32.030)
XII	Murder 2 (RCW 9A.32.050)
XI	Assault 1 (RCW 9A.36.010)
X	Kidnapping 1 (RCW 9A.40.020)
	Rape 1 (RCW 9A.44.040)
	Damaging building, etc., by explosion with threat to human being (RCW 70.74.280(1))
	Over 18 and deliver heroin or narcotic from Schedule I or II to someone under 18 and 3 years junior (RCW 69.50.406)
	<u>Leading Organized Crime (RCW 9A.82.060(1)(a))</u>
IX	Robbery 1 (RCW 9A.56.200)
	Manslaughter 1 (RCW 9A.32.060)
	Statutory Rape 1 (RCW 9A.44.070)
	((Employing, using, or permitting minor to engage in sexually explicit conduct for commercial use (RCW 9.68A.020)))
	Explosive devices prohibited (RCW 70.74.180)
	Endangering life and property by explosives with threat to human being (RCW 70.74.270)
	Over 18 and deliver narcotic from Schedule III, IV, or V or a nonnarcotic from Schedule I-V to someone under 18 and 3 years junior (RCW 69.50.406)
	<u>Sexual Exploitation, Under 16 (RCW 9.68A.040(2)(a))</u>
	<u>Inciting Criminal Profiteering (RCW 9A.82.061(1)(b))</u>
VIII	Arson 1 (RCW 9A.48.020)
	Rape 2 (RCW 9A.44.050)
	Promoting Prostitution 1 (RCW 9A.88.070)
	Selling heroin for profit (RCW 69.50.410)
VII	Burglary 1 (RCW 9A.52.020)
	Vehicular Homicide (RCW 46.61.520)
	Introducing Contraband 1 (RCW 9A.76.140)
	Statutory Rape 2 (RCW 9A.44.080)
	Indecent Liberties (with forcible compulsion) (RCW 9A.44.100(1)(a))
	((Sending, bringing into the state, possessing, publishing, printing, etc., obscene matter involving minor engaged in sexually explicit conduct (RCW 9.68A.030)))
	<u>Sexual Exploitation, Under 18 (RCW 9.68A.040(2)(b))</u>

- Dealing in depictions of minor engaged in sexually explicit conduct (RCW 9.68A.050)
Sending, bringing into state depictions of minor engaged in sexually explicit conduct (RCW 9.68A.060)
- VI Bribery (RCW 9A.68.010)
 Manslaughter 2 (RCW 9A.32.070)
 Intimidating a Juror/Witness (RCW 9A.72.110, 9A.72.130)
 Damaging building, etc., by explosion with no threat to human being (RCW 70.74.280(2))
 Endangering life and property by explosives with no threat to human being (RCW 70.74.270)
 Indecent Liberties (without forcible compulsion) (RCW 9A.44.100(1) (b) and (c))
 Incest 1 (RCW 9A.64.020(1))
 Selling for profit (controlled or counterfeit) any controlled substance (except heroin) (RCW 69.50.410)
 Manufacture, deliver, or possess with intent to deliver heroin or narcotics from Schedule I or II (RCW 69.50.401(a)(1)(i))
Intimidating a Judge (RCW 9A.72.160)
- V Rape 3 (RCW 9A.44.060)
 Kidnapping 2 (RCW 9A.40.030)
 Extortion 1 (RCW 9A.56.120)
 Incest 2 (RCW 9A.64.020(2))
 Perjury 1 (RCW 9A.72.020)
Extortionate Extension of Credit (RCW 9A.82.020)
Advancing money or property for extortionate extension of credit (RCW 9A.82.030)
Extortionate Means to Collect Extensions of Credit (RCW 9A.82.040)
- IV Rendering Criminal Assistance 1 (RCW 9A.76.070)
 Robbery 2 (RCW 9A.56.210)
 Assault 2 (RCW 9A.36.020)
 Escape 1 (RCW 9A.76.110)
 Arson 2 (RCW 9A.48.030)
 Bribing a Witness/Bribe Received by Witness (RCW 9A.72.090, 9A.72.100)
 Malicious Harassment (RCW 9A.36.080)
 Willful Failure to Return from Furlough (RCW 72.66.060)
 Hit and Run -- Injury Accident (RCW 46.52.020(4))
 Vehicular Assault (RCW 46.61.522)
 Manufacture, deliver, or possess with intent to deliver narcotics from Schedule III, IV, or V or nonnarcotics from Schedule I-V (except marijuana) (RCW 69.50.401(a)(1)(ii) through (iv))
Influencing Outcome of Sporting Event (RCW 9A.82.070)
Use of Proceeds of Criminal Profiteering (RCW 9A.82.080 (1) and (2))
Knowingly Trafficking in Stolen Property (RCW 9A.82.050(2))
- III Statutory Rape 3 (RCW 9A.44.090)
 Extortion 2 (RCW 9A.56.130)
 Unlawful Imprisonment (RCW 9A.40.040)
 Assault 3 (RCW 9A.36.030)
 Unlawful possession of firearm or pistol by felon (RCW 9A.41.040)
Harassment (RCW 9A.46.020)
 Promoting Prostitution 2 (RCW 9A.88.080)
Willful Failure to Return from Work Release (RCW 72.65.070)
 Introducing Contraband 2 (RCW 9A.76.150)
 ((~~Communicating~~)) Communication with a Minor for Immoral Purposes (RCW ((9A.44.110)) 9.68A.090)
Patronizing a Juvenile Prostitute (RCW 9.68A.100)
 Escape 2 (RCW 9A.76.120)
 Perjury 2 (RCW 9A.72.030)
 Intimidating a Public Servant (RCW 9A.76.180)
 Tampering with a Witness (RCW 9A.72.120)
 Manufacture, deliver, or possess with intent to deliver marijuana (RCW 69.50.401(a)(1)(ii))
Recklessly Trafficking in Stolen Property (RCW 9A.82.050(1))
Theft of livestock 1 (RCW 9A.56.080)
- II Malicious Mischief 1 (RCW 9A.48.070)
 Possession of Stolen Property 1 (RCW 9A.56.150)
 Theft 1 (RCW 9A.56.030)
 Theft of Livestock 2 (RCW 9A.56.080)
 ((~~Welfare Fraud (RCW 74.00-331)~~))
 Burglary 2 (RCW 9A.52.030)

- Possession of controlled substance that is either heroin or narcotics from Schedule I or II (RCW 69.50.401(d))
- Create, deliver, or possess a counterfeit controlled substance (RCW 69.50.401(b))
- Computer Trespass 1 (RCW 9A.52.110)
- I Theft 2 (RCW 9A.56.040)
- Possession of Stolen Property 2 (RCW 9A.56.160)
- Forgery (RCW 9A.60.020)
- ~~((Auto Theft (Faking and Riding)))~~ Taking Motor Vehicle Without Permission (RCW 9A.56.070)
- Vehicle Prowl 1 (RCW 9A.52.095)
- ~~(Eluding))~~ Attempting to Elude a Pursuing Police Vehicle (RCW 46.61.024)
- Malicious Mischief 2 (RCW 9A.48.080)
- Reckless Burning 1 (RCW 9A.48.040)
- Unlawful Issuance of ~~(Bank)~~ Checks or Drafts (RCW 9A.56.060)
- False Verification for Welfare (RCW 74.08.055)
- Forged Prescription (RCW 69.41.020)
- Forged Prescription for a Controlled Substance (RCW 69.50.403)
- Possess Controlled Substance that is a Narcotic from Schedule III, IV, or V or Non-narcotic from Schedule I-V (RCW 69.50.401(d))

Sec. 24. Section 4, chapter 115, Laws of 1983 as amended by section 18, chapter 209, Laws of 1984 and RCW 9.94A.330 are each amended to read as follows:

TABLE 3

OFFENDER SCORE MATRIX

Prior Adult Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

Current Offenses	Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
	Serious Violent	3	2	2	2
Burglary 1	2	2	2	2	1
Other Violent	2	2	2	2	1
((Vehicular Homicide	0	0	0	2	0
Felony Traffic	1	1	1	2	1
Escape	0	0	0	0	1
Burglary 2	1	2	1	1	1
Other Non-Violent	1	1	1	1	1
Drug	1	1	1	1	1
	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Current Offenses	2				
Serious Violent	1	1	0	1	1
Burglary 1	2	1	0	1	1
Other Violent	1	1	0	1	1
((Vehicular Homicide	0	1	1	0	0
Felony Traffic	1	1	1	1	1
Escape	0	0	0	0	0
Burglary 2	2	1	0	1	1
Other Non-Violent	1	1	0	1	1
Drug	1	1	0	1	2

Prior Juvenile Convictions

(Score prior convictions for felony anticipatory crimes (attempts, criminal solicitations, and criminal conspiracies) the same as for the completed crime.)

Current Offenses	Serious Violent	Burglary 1	Other Violent	Vehicular Assault/Homicide	Escape
Serious Violent	3	2	2	2	1/2
Burglary 1	2	2	2	2	1/2
Other Violent	2	2	2	2	1/2
Vehicular Homicide	0	0	0	2	0
Felony Traffic	1/2	1/2	1/2	2	1/2
Escape	0	0	0	0	1/2
Burglary 2	1/2	2	1/2	1/2	1/2
Other Non-Violent	1/2	1/2	1/2	1/2	1/2
Drug	1/2	1/2	1/2	1/2	1/2

Current Offenses	Burglary 2	Other Felony Traffic	Serious Traffic	Other Non-Violent	Drug
Serious Violent	1/2	1/2	0	1/2	1/2
Burglary 1	1	1/2	0	1/2	1/2
Other Violent	1/2	1/2	0	1/2	1/2
Vehicular Homicide	0	1/2	1/2	0	0
Felony Traffic	1/2	1/2	1/2	1/2	1/2
Escape	0	0	0	0	0
Burglary 2	1	1/2	0	1/2	1/2
Other Non-Violent	1/2	1/2	0	1/2	1/2
Drug	1/2	1/2	0	1/2	1

~~(Definitions: Serious Violent: Murder 1, Murder 2, Assault 1, Kidnapping 1, Rape 1
 Escape: Escape 1, Escape 2, Willful Failure to Return From Work Release or Furlough
 Serious Traffic: Driving While Intoxicated, Actual Physical Control, Reckless Driving, Hit and Run
 Felony Traffic: Felony Hit and Run, Vehicular Assault, Attempting to Elude a Police Officer
 Drug: All felony violations of chapter 69.50 RCW except possession of a controlled substance))~~

Sec. 25. Section 7, chapter 115, Laws of 1983 as amended by section 19, chapter 209, Laws of 1984 and RCW 9.94A.360 are each amended to read as follows:

The offender score is measured on the horizontal axis of the sentencing grid. The offender score rules ~~((are)), partially summarized in Table 3, RCW 9.94A.330, are as follows:~~

The offender score is ((computed in the following way:)) the sum of points accrued under subsections (1) through (14) of this section rounded down to the nearest whole number.

(1) A prior conviction is a conviction which exists before the date of sentencing for the offense for which the offender score is being computed. Convictions entered or sentenced on the same date as the conviction for which the offender score is being computed shall be deemed 'other current offenses' within the meaning of RCW 9.94A.400.

(2) Except as provided in subsections (3) and (13) of this section, class A prior felony convictions shall always be included in the offender score. Class B prior felony convictions shall not be included in the offender score, if since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent ten consecutive years in the community without being convicted of any felonies. Class C prior felony convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender had spent five consecutive years in the community without being convicted of any felonies. Serious traffic convictions shall not be included in the offender score if, since the last date of release from confinement (including full-time residential treatment) pursuant to a felony conviction, if any, or entry of judgment and sentence, the offender spent five years in the community without being convicted of any serious traffic or felony traffic offenses. This subsection applies to both adult and juvenile prior convictions. Out-of-state convictions for offenses shall be classified according to the comparable offense definitions and sentences provided by Washington law.

(3) Include class A juvenile felonies only if the offender was 15 or older at the time the juvenile offense was committed. Include class B and C juvenile felony convictions only if the offender was 15 or older at the time the juvenile offense was committed and the offender was less than 23 at the time the offense for which he or she is being sentenced was committed.

~~((2))~~ (4) Score prior convictions for felony anticipatory offenses (attempts, criminal solicitations, and criminal conspiracies) the same as if they were convictions for completed offenses.

(5) In the case of multiple prior convictions, for the purpose of computing the offender score, count all convictions separately, except:

(a) Prior adult offenses which were found, under RCW 9.94A.400(1)(a), to encompass the same criminal conduct, shall be counted as one offense, the offense that yields the highest offender score. The current sentencing court shall determine with respect to other prior adult offenses for which sentences were served concurrently whether those offenses shall be counted as one offense or as separate offenses, and if the court finds that they shall be counted as one offense, then the offense that yields the highest offender score shall be used;

(b) Juvenile prior convictions entered or sentenced on the same date shall count as one offense, the offense that yields the highest offender score; and

(c) In the case of multiple prior convictions for offenses committed before July 1, 1986, for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. Use the conviction for the offense that yields the highest offender score.

(6) If the present conviction is one of the anticipatory offenses of criminal attempt, solicitation, or conspiracy, count each prior conviction as if the present conviction were for a completed offense.

(7) If the present conviction is for a nonviolent offense and not covered by subsection (11), (12), or (13) of this section, count one point for each adult prior felony conviction and one point for each juvenile prior violent felony conviction and 1/2 point for each juvenile prior nonviolent felony conviction.

(8) If the present conviction is for a violent offense and not covered in subsection (9), (10), (11), or (12) of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

(9) If the present conviction is for Murder 1 or 2, Assault 1, Kidnaping 1, or Rape 1, count three points for prior adult and juvenile convictions for crimes in these categories, two points for each prior adult and juvenile violent conviction (not already counted), one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction.

~~((3))~~ (10) If the present conviction is for Burglary 1, count prior~~(s)~~ convictions as in subsection ~~((5))~~ (8) of this section; however count two points for each prior adult Burglary 2 conviction, and one point for each prior juvenile Burglary 2 conviction.

~~((4))~~ (11) If the present conviction is for ~~(Vehicular Homicide, only)~~ a felony traffic offense count ~~(the following crimes as part of the offender score:)~~ two points for each adult or juvenile prior conviction for Vehicular Homicide~~(, Vehicular Assault, Felony Hit and Run (RCW 46.52.020(4)), Hit and Run (RCW 46.52.020(5)), Driving While Intoxicated (RCW 46.61.502), Actual Physical Control (RCW 46.61.504), Reckless Driving (RCW 46.61.500), Attempting to Elude a Police Officer (RCW 46.61.500))~~. Count two points for each adult or juvenile Vehicular Homicide conviction, one point for each other adult felony traffic or serious traffic conviction, and 1/2 point for each other juvenile felony traffic or serious traffic conviction.

(5) If the present conviction is for a violent offense and not covered in subsections ~~(2), (3), (4), or (8)~~ of this section, count two points for each prior adult and juvenile violent felony conviction, one point for each prior adult nonviolent felony conviction, and 1/2 point for each prior juvenile nonviolent felony conviction); count one point for each adult, and 1/2 point for each juvenile, prior conviction for each other felony offense or serious traffic offense.

~~((6))~~ (12) If the present conviction is for a drug offense count two points for each adult prior felony drug offense conviction and one point for each juvenile drug offense. All other adult and juvenile felonies are scored as in subsection (8) of this section if the current drug offense is violent, or as in subsection (7) of this section if the current drug offense is nonviolent.

(13) If the present conviction is for escape (Escape 1, RCW 9A.76.110; Escape 2, RCW 9A.76.120; Willful Failure to Return from Furlough, RCW 72.66.060; and Willful Failure to Return from Work Release, RCW 72.65.070), count only prior escape convictions in the offender score. Count adult prior escape convictions as one point and juvenile prior escape convictions as 1/2 point.

~~((7))~~ (14) If the present conviction is for Burglary 2, count priors as in subsection ~~((9))~~ (7) of this section; however, count two points for each adult and juvenile prior Burglary 1 conviction, two points for each adult prior Burglary 2 conviction, and one point for each juvenile prior Burglary 2 conviction.

~~((8))~~ If the present conviction is for a violation of chapter 69.50 RCW, except for possession of a controlled substance (RCW 69.50.401(d)), count two points for each adult prior felony drug conviction (chapter 69.50 RCW, except RCW 69.50.401(d)), and one point for each juvenile drug conviction. All other adult and juvenile felonies are scored as in subsection (5) of this section if the current drug conviction is violent, or as in subsection (9) of this section if the current drug conviction is nonviolent.

~~(9) If the present conviction is for a nonviolent offense and not covered by subsection (6), (7), or (8) of this section, count one point for each prior adult felony conviction and one point for each prior juvenile violent felony conviction and 1/2 point for each prior juvenile nonviolent felony.~~

~~(10) For all offender scores, the fractional totals shall be rounded down to the nearest whole number.~~

~~(11) In the case of multiple prior convictions for the purpose of computing the offender score, count all adult convictions served concurrently as one offense, and count all juvenile convictions entered on the same date as one offense. The conviction for the offense that yields the highest offender score is used.~~

~~(12) Class A prior felony convictions are always included in the offender score. Class B prior felony convictions are not included if the offender has spent ten years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. Class C prior felony convictions and serious traffic convictions as defined in RCW 9.94A.330 are not included if the offender has spent five years in the community and has not been convicted of any felonies since the last date of release from confinement pursuant to a felony conviction (including full-time residential treatment), if any, or entry of judgment and sentence. This subsection applies to both adult and juvenile prior convictions.~~

~~The designation of out-of-state convictions shall be covered by the offense definitions and sentences provided by Washington law.~~

~~The offender score is the sum of points accrued under subsections (1) through (12) of this section.))~~

Sec. 26. Section 8, chapter 115, Laws of 1983 as amended by section 20, chapter 209, Laws of 1984 and RCW 9.94A.370 are each amended to read as follows:

(1) The intersection of the column defined by the offender score and the row defined by the offense seriousness score determines the presumptive sentencing range (see RCW 9.94A.310, (Table 1)). The additional time for deadly weapon findings shall be added to the entire presumptive sentence range. The court may impose any sentence within the range that it deems appropriate. All presumptive sentence ranges are expressed in terms of total confinement.

(2) In determining any sentence, the trial court may ~~((use))~~ rely on no more information than is admitted by the plea agreement, ~~((and))~~ or admitted ~~((to or))~~, acknowledged, or proved in a trial or at the time of sentencing. Acknowledgement includes not objecting to information stated in the presentence reports. Where the defendant disputes material facts, the court must either not consider the fact or grant an evidentiary hearing on the point. The ~~((real))~~ facts shall be deemed ~~((proven))~~ proved at the ~~((evidentiary))~~ hearing by a preponderance of the evidence. ~~((Real))~~ Facts that establish the elements of ~~((a higher crime))~~ a more serious crime~~((;))~~ or additional crimes ~~((cannot))~~ may not be used to go outside the presumptive sentence range except upon stipulation or when specifically provided for in RCW 9.94A.390(2) (c) and (d).

Sec. 27. Section 10, chapter 115, Laws of 1983 as amended by section 24, chapter 209, Laws of 1984 and RCW 9.94A.390 are each amended to read as follows:

If the sentencing court finds that an exceptional sentence outside the standard range should be imposed in accordance with RCW 9.94A.120(2), the sentence is subject to review only as provided for in RCW 9.94A.210(4).

The following are illustrative factors which the court may consider in the exercise of its discretion to impose an exceptional sentence~~((;))~~. The following are illustrative only and are not intended to be exclusive reasons for exceptional sentences.

(1) Mitigating Circumstances

~~((1))~~ (a) To a significant degree, the victim was an initiator, willing participant, aggressor, or provoker of the incident.

~~((2))~~ (b) Before detection, the defendant compensated, or made a good faith effort to compensate, the victim of the criminal conduct for any damage or injury sustained.

~~((3))~~ (c) The defendant committed the crime under duress, coercion, threat, or compulsion insufficient to constitute a complete defense but which significantly affected his or her conduct.

~~((4))~~ (d) The defendant, with no apparent predisposition to do so, was induced by others to participate in the crime.

~~((5))~~ (e) The defendant's capacity to appreciate the wrongfulness of his conduct or to conform his conduct to the requirements of the law, was significantly impaired (voluntary use of drugs or alcohol is excluded).

~~((6))~~ (f) The offense was principally accomplished by another person and the defendant manifested extreme caution or sincere concern for the safety or well-being of the victim.

~~((7))~~ (g) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly excessive in light of the purpose of this chapter, as expressed in RCW 9.94A.010.

(2) Aggravating Circumstances

~~((1))~~ (a) The defendant's conduct during the commission of the current offense manifested deliberate cruelty to the victim.

((2)) (b) The defendant knew or should have known that the victim of the current offense was particularly vulnerable or incapable of resistance due to extreme youth, advanced age, disability, or ill health.

((3)) (c) The current offense was a major economic offense or series of offenses, so identified by a consideration of any of the following factors:

((a)) (i) The current offense involved multiple victims or multiple incidents per victim;

((b)) (ii) The current offense involved attempted or actual monetary loss substantially greater than typical for the offense;

((c)) (iii) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time;

((d)) (iv) The defendant used his or her position of trust, confidence, or fiduciary responsibility to facilitate the commission of the current offense.

((4)) (d) The current offense was a major violation of the Uniform Controlled Substances Act, chapter 69.50 RCW (VUCSA), related to trafficking in controlled substances, which was more onerous than the typical offense of its statutory definition: The presence of ANY of the following may identify ((am)) a current offense as a major VUCSA:

((a)) (i) The current offense involved at least three separate transactions in which controlled substances were sold, transferred, or possessed with intent to do so; or

((b)) (ii) The current offense involved an attempted or actual sale or transfer of controlled substances in quantities substantially larger than for personal use; or

((c)) (iii) The current offense involved the manufacture of controlled substances for use by other parties; or

~~((d)) The offender possessed a firearm during the commission of the offense; or~~

((e)) (iv) The circumstances of the current offense reveal the offender to have occupied a high position in the drug distribution hierarchy; or

((f)) (v) The current offense involved a high degree of sophistication or planning or occurred over a lengthy period of time or involved a broad geographic area of disbursement; or

((g)) (vi) The offender used his or her position or status to facilitate the commission of the current offense, including positions of trust, confidence or fiduciary responsibility (e.g., pharmacist, physician, or other medical professional); or

((h)) (e) The operation of the multiple offense policy of RCW 9.94A.400 results in a presumptive sentence that is clearly too lenient in light of the purpose of this chapter, as expressed in RCW ((9.94A.400)) 9.94A.010.

~~((The above considerations are illustrative only and are not intended to be exclusive reasons for exceptional sentences.))~~

Sec. 28. Section 11, chapter 115, Laws of 1983 as amended by section 25, chapter 209, Laws of 1984 and RCW 9.94A.400 are each amended to read as follows:

(1) (a) Except as provided in (b) of this subsection, whenever a person is ~~((convicted of))~~ to be sentenced for two or more current offenses, the sentence range for each current offense shall be determined by using all other current and prior convictions as ~~((criminal history. All sentences so determined shall be served concurrently. Separate crimes encompassing the same criminal conduct))~~ if they were prior convictions for the purpose of the offender score: PROVIDED, That if the court enters a finding that some or all of the current offenses encompass the same criminal conduct then those current offenses shall be counted as one crime ((in determining criminal history)). Sentences imposed under this subsection shall be served concurrently. Consecutive sentences may only be imposed under the exceptional sentence provisions of RCW 9.94A.120 and 9.94A.390(2)(e) or any other provision of RCW 9.94A.390.

(b) Whenever a person is convicted of three or more serious violent offenses, as defined in RCW 9.94A.330, arising from separate and distinct criminal conduct, the sentence range for the offense with the highest seriousness level under RCW 9.94A.320 shall be determined using the offender's ~~((prior convictions as))~~ criminal history in the offender score and the sentence range for other serious violent offenses shall be determined by using ~~((a criminal history))~~ an offender score of zero. The sentence range for any ~~((remaining))~~ offenses that are not serious violent offenses shall be determined according to (a) of this subsection. All sentences imposed under (b) of this subsection shall be served consecutively to each other and concurrently with sentences imposed under (a) of this subsection.

(2) Whenever a person while under sentence of felony commits another felony and is sentenced to another term of imprisonment, the latter term shall not begin until expiration of all prior terms.

(3) Subject to subsections (1) and (2) of this section, whenever a person is sentenced for a felony that was committed while the person was not under sentence of a felony, the sentence shall run ~~((consecutively))~~ concurrently with any felony ((sentences previously) sentence which has been imposed by any court in this or another state or by a federal court(:)) subsequent to the commission of the crime being sentenced unless the court pronouncing the ((subsequent) current sentence expressly orders that they be served ((concurrently)) consecutively.

(4) Whenever any person granted probation under RCW 9.95.210 or 9.92.060, or both, has the probationary sentence revoked and a prison sentence imposed, ~~((this))~~ that sentence shall

run consecutively to any sentence imposed pursuant to this chapter, unless the court pronouncing the subsequent sentence expressly orders that they be served concurrently.

(5) However, in the case of consecutive sentences, all periods of total confinement shall be served before any partial confinement, community service, community supervision, or any other requirement or conditions of any of the sentences.

Sec. 29. Section 12, chapter 115, Laws of 1983 as amended by section 26, chapter 209, Laws of 1984 and RCW 9.94A.410 are each amended to read as follows:

For persons convicted of the anticipatory offenses of criminal attempt, solicitation, or conspiracy under chapter 9A.28 RCW, the presumptive sentence is determined by locating the sentencing grid sentence range defined by the appropriate offender score and the seriousness level of the crime, and multiplying the range by 75 percent.

In calculating an offender score, count each prior conviction as if the present conviction were for the completed offense. When these convictions are used as criminal history, score them the same as a completed crime.

Sec. 30. Section 15, chapter 115, Laws of 1983 and RCW 9.94A.440 are each amended to read as follows:

(1) Decision not to prosecute.

STANDARD: A Prosecuting Attorney may decline to prosecute, even though technically sufficient evidence to prosecute exists, in situations where prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

GUIDELINE/COMMENTARY:

Examples

The following are examples of reasons not to prosecute which could satisfy the standard.

(a) Contrary to Legislative Intent - It may be proper to decline to charge where the application of criminal sanctions would be clearly contrary to the intent of the legislature in enacting the particular statute.

(b) Antiquated Statute - It may be proper to decline to charge where the statute in question is antiquated in that:

- (i) It has not been enforced for many years; and
- (ii) Most members of society act as if it were no longer in existence; and
- (iii) It serves no deterrent or protective purpose in today's society; and
- (iv) The statute has not been recently reconsidered by the legislature.

This reason is not to be construed as the basis for declining cases because the law in question is unpopular or because it is difficult to enforce.

(c) De Minimus Violation - It may be proper to decline to charge where the violation of law is only technical or insubstantial and where no public interest or deterrent purpose would be served by prosecution.

(d) Confinement on Other Charges - It may be proper to decline to charge because the accused has been sentenced on another charge to a lengthy period of confinement; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iii) Conviction of the new offense would not serve any significant deterrent purpose.

(e) Pending Conviction on Another Charge - It may be proper to decline to charge because the accused is facing a pending prosecution in the same or another county; and

(i) Conviction of the new offense would not merit any additional direct or collateral punishment;

(ii) Conviction in the pending prosecution is imminent;

(iii) The new offense is either a misdemeanor or a felony which is not particularly aggravated; and

(iv) Conviction of the new offense would not serve any significant deterrent purpose.

(f) High Disproportionate Cost of Prosecution - It may be proper to decline to charge where the cost of locating or transporting, or the burden on, prosecution witnesses is highly disproportionate to the importance of prosecuting the offense in question. This reason should be limited to minor cases and should not be relied upon in serious cases.

(g) Improper Motives of Complainant - It may be proper to decline charges because the motives of the complainant are improper and prosecution would serve no public purpose, would defeat the underlying purpose of the law in question or would result in decreased respect for the law.

(h) Immunity - It may be proper to decline to charge where immunity is to be given to an accused in order to prosecute another where the accused's information or testimony will reasonably lead to the conviction of others who are responsible for more serious criminal conduct or who represent a greater danger to the public interest.

(i) Victim Request - It may be proper to decline to charge because the victim requests that no criminal charges be filed and the case involves the following crimes or situations:

- (i) Assault cases where the victim has suffered little or no injury;

(ii) Crimes against property, not involving violence, where no major loss was suffered;

(iii) Where doing so would not jeopardize the safety of society.

Care should be taken to insure that the victim's request is freely made and is not the product of threats or pressure by the accused.

The presence of these factors may also justify the decision to dismiss a prosecution which has been commenced.

Notification

The prosecutor is encouraged to notify the victim, when practical, and the law enforcement personnel, of the decision not to prosecute.

(2) Decision to prosecute.

STANDARD:

Crimes against persons will be filed if sufficient admissible evidence exists, which, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder.

Crimes against property/other crimes will be filed if the admissible evidence is of such convincing force as to make it probable that a reasonable and objective fact-finder would convict after hearing all the admissible evidence and the most plausible defense that could be raised.

See table ((13)) below for the crimes within these categories.

((TABLE 13))

CATEGORIZATION OF CRIMES FOR PROSECUTING STANDARDS

CRIMES AGAINST PERSONS

Aggravated Murder

1st Degree Murder

2nd Degree Murder

1st Degree Kidnaping

1st Degree Assault

1st Degree Rape

1st Degree Robbery

1st Degree Statutory Rape

1st Degree Arson

2nd Degree Kidnaping

2nd Degree Assault

2nd Degree Rape

2nd Degree Robbery

1st Degree Burglary

1st Degree Manslaughter

2nd Degree Manslaughter

1st Degree Extortion

Indecent Liberties

2nd Degree Statutory Rape

Incest

((Negligent)) Vehicular Homicide

Vehicular Assault

3rd Degree Rape

3rd Degree Statutory Rape

2nd Degree Extortion

1st Degree Promoting Prostitution

Intimidating a Juror

Communication with a Minor

Intimidating a Witness

Intimidating a Public Servant

Bomb Threat (if against person)

3rd Degree Assault

Unlawful Imprisonment

Promoting a Suicide Attempt

Riot (if against person)

CRIMES AGAINST PROPERTY/OTHER CRIMES

2nd Degree Arson

1st Degree Escape

2nd Degree Burglary

1st Degree Theft

1st Degree Perjury

1st Degree Introducing Contraband

1st Degree Possession of Stolen Property

Bribery

Bribing a Witness

Bribe received by a Witness

Bomb Threat (if against property)
 1st Degree Malicious Mischief
 2nd Degree Theft
 2nd Degree Escape
 2nd Degree Introducing Contraband
 2nd Degree Possession of Stolen Property
 2nd Degree Malicious Mischief
 1st Degree Reckless Burning
 Taking a Motor Vehicle without Authorization
 Forgery
 ((~~Welfare Fraud~~))
 2nd Degree Perjury
 2nd Degree Promoting Prostitution
 Tampering with a Witness
 Trading in Public Office
 Trading in Special Influence
 Receiving/Granting Unlawful Compensation
 Bigamy
 Eluding a Pursuing Police Vehicle
 Wilful Failure to Return from Furlough
 Riot (if against property)
 Thefts of Livestock
 ALL OTHER UNCLASSIFIED FELONIES
 Selection of Charges/Degree of Charge

(1) The prosecutor should file charges which adequately describe the nature of defendant's conduct. Other offenses may be charged only if they are necessary to ensure that the charges:

- (a) Will significantly enhance the strength of the state's case at trial; or
 - (b) Will result in restitution to all victims.
- (2) The prosecutor should not overcharge to obtain a guilty plea. Overcharging includes:
- (a) Charging a higher degree;
 - (b) Charging additional counts.

This standard is intended to direct prosecutors to charge those crimes which demonstrate the nature and seriousness of a defendant's criminal conduct, but to decline to charge crimes which are not necessary to such an indication. Crimes which do not merge as a matter of law, but which arise from the same course of conduct, do not all have to be charged.

GUIDELINES/COMMENTARY:

Police Investigation

A prosecuting attorney is dependent upon law enforcement agencies to conduct the necessary factual investigation which must precede the decision to prosecute. The prosecuting attorney shall ensure that a thorough factual investigation has been conducted before a decision to prosecute is made. In ordinary circumstances the investigation should include the following:

- (1) The interviewing of all material witnesses, together with the obtaining of written statements whenever possible;
- (2) The completion of necessary laboratory tests; and
- (3) The obtaining, in accordance with constitutional requirements, of the suspect's version of the events.

If the initial investigation is incomplete, a prosecuting attorney should insist upon further investigation before a decision to prosecute is made, and specify what the investigation needs to include.

Exceptions

In certain situations, a prosecuting attorney may authorize filing of a criminal complaint before the investigation is complete if:

- (1) Probable cause exists to believe the suspect is guilty; and
- (2) The suspect presents a danger to the community or is likely to flee if not apprehended;

or

- (3) The arrest of the suspect is necessary to complete the investigation of the crime.

In the event that the exception to the standard is applied, the prosecuting attorney shall obtain a commitment from the law enforcement agency involved to complete the investigation in a timely manner. If the subsequent investigation does not produce sufficient evidence to meet the normal charging standard, the complaint should be dismissed.

Investigation Techniques

The prosecutor should be fully advised of the investigatory techniques that were used in the case investigation including:

- (1) Polygraph testing;
- (2) Hypnosis;
- (3) Electronic surveillance;

(4) Use of informants.

Pre-Filing Discussions with Defendant

Discussions with the defendant or his/her representative regarding the selection or disposition of charges may occur prior to the filing of charges, and potential agreements can be reached.

Sec. 31. Section 7, chapter 14, Laws of 1975 1st ex. sess. as amended by section 4, chapter 244, Laws of 1979 ex. sess. and RCW 9A.44.070 are each amended to read as follows:

(1) A person over thirteen years of age is guilty of statutory rape in the first degree when the person engages in sexual intercourse with another person who is less than eleven years old.

(2) Statutory rape in the first degree is a class A felony. No person convicted of statutory rape in the first degree shall be granted a deferred or suspended sentence except ~~((for the purpose of commitment to an inpatient treatment facility))~~ under RCW 9.94A.120(7).

Sec. 32. Section 9A.56.080, chapter 260, Laws of 1975 1st ex. sess. as amended by section 2, chapter 174, Laws of 1977 ex. sess. and RCW 9A.56.080 are each amended to read as follows:

(1) Every person who, ~~((without lawful authority and))~~ with intent to sell or exchange and to deprive or defraud the lawful owner thereof, wilfully takes, leads, or transports away, conceals, withholds, slaughters, or otherwise appropriates ~~((to his own use))~~ any horse, mule, cow, heifer, bull, steer, swine, or sheep ~~((shall be))~~ is guilty of theft of livestock in the first degree.

(2) A person who commits what would otherwise be theft of livestock in the first degree but without intent to sell or exchange, and for the person's own use only, is guilty of theft of livestock in the second degree.

(3) Theft of livestock in the first degree is a class B felony.

(4) Theft of livestock in the second degree is a class C felony.

Sec. 33. Section 9, chapter 155, Laws of 1979 as last amended by section 1, chapter 43, Laws of 1984 and RCW 13.50.050 are each amended to read as follows:

(1) This section governs records relating to the commission of juvenile offenses, including records relating to diversions.

(2) The official juvenile court file of any alleged or proven juvenile offender shall be open to public inspection, unless sealed pursuant to subsection (11) of this section.

(3) All records other than the official juvenile court file are confidential and may be released only as provided in this section and RCW 13.50.010.

(4) Except as otherwise provided in this section and RCW 13.50.010, records retained or produced by any juvenile justice or care agency may be released to other participants in the juvenile justice or care system only when an investigation or case involving the juvenile in question is being pursued by the other participant or when that other participant is assigned the responsibility for supervising the juvenile.

(5) Information not in an official juvenile court file concerning a juvenile or a juvenile's family may be released to the public only when that information could not reasonably be expected to identify the juvenile or the juvenile's family.

(6) Notwithstanding any other provision of this chapter, the release, to the juvenile or his or her attorney, of law enforcement and prosecuting attorneys' records pertaining to investigation, diversion, and prosecution of juvenile offenses shall be governed by the rules of discovery and other rules of law applicable in adult criminal investigations and prosecutions.

(7) The juvenile court and the prosecutor may set up and maintain a central record-keeping system which may receive information on all alleged juvenile offenders against whom a complaint has been filed pursuant to RCW 13.40.070 whether or not their cases are currently pending before the court. The central record-keeping system may be computerized. If a complaint has been referred to a diversion unit, the diversion unit shall promptly report to the juvenile court or the prosecuting attorney when the juvenile has agreed to diversion. An offense shall not be reported as criminal history in any central record-keeping system without notification by the diversion unit of the date on which the offender agreed to diversion.

(8) Upon request of the victim of a crime or the victim's immediate family, the identity of an alleged or proven juvenile offender alleged or found to have committed a crime against the victim and the identity of the alleged or proven juvenile offender's parent, guardian, or custodian and the circumstance of the alleged or proven crime shall be released to the victim of the crime or the victim's immediate family.

(9) Subject to the rules of discovery applicable in adult criminal prosecutions, the juvenile offense records of an adult criminal defendant or witness in an adult criminal proceeding shall be released upon request to prosecution and defense counsel after a charge has actually been filed. The juvenile offense records of any adult convicted of a crime and placed under the supervision of the adult corrections system shall be released upon request to the adult corrections system.

(10) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the sealing of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(11) The court shall grant the motion to seal records made pursuant to subsection (10) of this section if it finds that:

(a) Two years have elapsed from the later of: (i) Final discharge of the person from the supervision of any agency charged with supervising juvenile offenders; or (ii) from the entry of a court order relating to the commission of a juvenile offense or a criminal offense;

(b) No proceeding is pending against the moving party seeking the conviction of a juvenile offense or a criminal offense; and

(c) No proceeding is pending seeking the formation of a diversion agreement with that person.

(12) The person making a motion pursuant to subsection (10) of this section shall give reasonable notice of the motion to the prosecution and to any person or agency whose files are sought to be sealed.

(13) If the court grants the motion to seal made pursuant to subsection (10) of this section, it shall order sealed the official juvenile court file, the social file, and other records relating to the case as are named in the order. Thereafter, the proceedings in the case shall be treated as if they never occurred, and the subject of the records may reply accordingly to any inquiry about the events, records of which are sealed. Any agency shall reply to any inquiry concerning confidential or sealed records that records are confidential, and no information can be given about the existence or nonexistence of records concerning an individual.

(14) Inspection of the files and records included in the order to seal may thereafter be permitted only by order of the court upon motion made by the person who is the subject of the information or complaint, except as otherwise provided in RCW 13.50.010(8).

(15) Any adjudication of a juvenile offense or a crime subsequent to sealing has the effect of nullifying the sealing order. Any conviction for any adult felony subsequent to the sealing has the effect of nullifying the sealing order for the purposes of chapter 9.94A RCW for any juvenile adjudication of guilt for a class A offense.

(16) In any case in which an information has been filed pursuant to RCW 13.40.100 or a complaint has been filed with the prosecutor and referred for diversion pursuant to RCW 13.40.070, the person who is the subject of the information or complaint may file a motion with the court to have the court vacate its order and findings, if any, and order the destruction of the official juvenile court file, the social file, and records of the court and of any other agency in the case.

(17) The court may grant the motion to destroy records made pursuant to subsection (16) of this section if it finds:

(a) The person making the motion is at least twenty-three years of age;

(b) The person has not subsequently been convicted of a felony;

(c) No proceeding is pending against that person seeking the conviction of a criminal offense; and

(d) The person has never been found guilty of a serious offense.

(18) A person eighteen years of age or older whose criminal history consists of only one referral for diversion may request that the court order the records in that case destroyed. The request shall be granted if the court finds that two years have elapsed since completion of the diversion agreement.

(19) If the court grants the motion to destroy records made pursuant to subsection (16) or (18) of this section, it shall order the official juvenile court file, the social file, and any other records named in the order to be destroyed.

(20) The person making the motion pursuant to subsection (16) or (18) of this section shall give reasonable notice of the motion to the prosecuting attorney and to any agency whose records are sought to be destroyed.

(21) Any juvenile to whom the provisions of this section may apply shall be given written notice of his or her rights under this section at the time of his or her disposition hearing or during the diversion process.

(22) Nothing in this section may be construed to prevent a crime victim or a member of the victim's family from divulging the identity of the alleged or proven juvenile offender or his or her family when necessary in a civil proceeding.

(23) Any juvenile justice or care agency may, subject to the limitations in subparagraphs (a) and (b) of this subsection, develop procedures for the routine destruction of records relating to juvenile offenses and diversions.

(a) Records may be routinely destroyed only when the person the subject of the information or complaint has attained twenty-three years of age or older, or is eighteen years of age or older and his or her criminal history consists entirely of one diversion agreement and two years have passed since completion of the agreement.

(b) The court may not routinely destroy the official juvenile court file or recordings or transcripts of any proceedings.

Sec. 34. Section 11, chapter 137, Laws of 1981 as last amended by section 6, chapter 443, Laws of 1985 and RCW 9.94A.110 are each amended to read as follows:

Before imposing a sentence upon a defendant, the court shall conduct a sentencing hearing. The sentencing hearing shall be held within forty court days following conviction. Upon the

motion of either party for good cause shown, or on its own motion, the court may extend the time period for conducting the sentencing hearing. The court shall consider the presentence reports, if any, including any victim impact statement and criminal history, and allow arguments from the prosecutor, the defense counsel, the offender, the victim, the survivor of the victim, or a representative of the victim or survivor, and an investigative law enforcement officer as to the sentence to be imposed. If the court is satisfied by a preponderance of the evidence that the defendant has a criminal history, the court shall specify the convictions it has found to exist. All of this information shall be part of the record. Copies of all presentence reports presented to the sentencing court and all written findings of facts and conclusions of law as to sentencing entered by the court shall be sent to the department by the clerk of the court at the conclusion of the sentencing and shall accompany the offender if the offender is committed to the custody of the department. Court clerks shall provide, without charge, certified copies of documents relating to criminal convictions requested by prosecuting attorneys.

NEW SECTION, Sec. 35. The following acts or parts of acts are each repealed:

(1) Section 1, chapter 115, Laws of 1983 and RCW 9.94A.300; and

(2) Section 8, chapter 443, Laws of 1985 and RCW 9.94A.122.

NEW SECTION, Sec. 36. The sentencing guidelines commission shall consider methods of increasing sentence ranges for offenders who commit a series of physical or sexual abuse offenses. The consideration shall include, but not be limited to, the addition of an aggravating factor under RCW 9.94A.390, changes to the offender scoring rules under RCW 9.94A.390, and amendments to the criminal code. The commission shall consult with organizations concerned with child and sexual abuse as well as the Washington defender association, Washington association of prosecuting attorneys, and the superior court judges association. The commission shall present its recommendations to the 1987 legislature.

NEW SECTION, Sec. 37. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION, Sec. 38. Sections 17 through 35 of this act shall take effect July 1, 1986."

On page 1, line 1 of the title, after "felons;" strike the remainder of the title and insert "amending RCW 9A.56.010, 9A.04.110, 10.99.020, 43.10.232, 9.94A.030, 9.94A.040, 9.94A.070, 9.94A.120, 9.94A.190, 9.94A.310, 9.94A.320, 9.94A.330, 9.94A.360, 9.94A.370, 9.94A.390, 9.94A.400, 9.94A.410, 9.94A.440, 9A.44.070, 9A.56.080, 13.50.050, and 9.94A.110; amending section 2, chapter 234, Laws of 1984 (uncodified); reenacting and amending RCW 9A.04.080; adding new sections to chapter 9A.36 RCW; creating new sections; repealing RCW 9A.36.010, 9A.36.020, 9A.36.030, 9A.36.040, 28A.87.140, 9.94A.300, and 9.94A.122; prescribing penalties; and providing effective dates."

Signed by Senators Talmadge, Halsan, Newhouse; Representatives Armstrong, Locke, Padden.

MOTION

On motion of Mr. Armstrong, the House adopted the report of the Free Conference Committee on Substitute House Bill No. 1399.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1399 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1399 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Baillard, Barnes, Barrett, Basich, Baugher, Belcher, Betrozoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nulley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1399 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted the Conference Committee report on SUBSTITUTE SENATE JOINT RESOLUTION NO. 138 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 12, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE JOINT RESOLUTION NO. 138, revising procedures for filling vacancies in elective offices, have had the same under consideration, and we recommend that the Free Conference Committee amendment as follows be adopted and the bill do pass as amended by the Free Conference Committee:

On page 1, after line 7, strike all material through line 29, page 3 and insert the following:

*Article II, section 15. ((Such)) (1) Vacancies ((as may) that occur in either house of the state legislature or in any partisan county elective office shall be filled by appointment by the ((board of county commissioners)) legislative authority of the county in which the vacancy occurs((- PROVIDED, That)), the person appointed to fill the vacancy must be from the same legislative district, county, or county ((commissioner)) legislative authority district ((and the same political party)) as the legislator or partisan county elective officer whose office has been vacated((- and)). The person appointed shall also be one of three persons ((who shall be)) nominated by the county central committee of ((that) the political party((- and)) of the partisan officer whose office has been vacated if the nominations are received by the county legislative authority within the time prescribed by statute. In case a majority of ((said) the members of the county ((commissioners)) legislative authority do not agree upon the appointment within ((sixty days after the vacancy occurs)) the time prescribed by statute, the governor shall ((within thirty days thereafter, and)), from the list of nominees ((provided for herein)) submitted to the county legislative authority if the list was timely received, appoint a person who shall be from the same legislative district, county, or county ((commissioner)) legislative authority district ((and of the same political party)) as the legislator or partisan county elective officer whose office has been vacated((- and the person so appointed shall hold office until his successor is elected at the next general election, and shall have qualified: PROVIDED, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county commissioners of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of said county commissioners do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated)).

(2) If the majority of the positions of a county legislative authority are vacant, the governor shall appoint to the legislative authority that number of persons necessary to establish a majority of filled positions. A person appointed to fill such a vacancy shall be from the same county legislative authority district as the officer whose office has been vacated. If the positions are partisan elective offices, a person appointed to fill such a vacancy shall also be one of three persons nominated by the county central committee of the same political party as the officer whose office has been vacated if the nominations are received by the governor within the time prescribed by statute.

(3) In case of a vacancy occurring in a nonpartisan county elective office, other than a judicial office, the county legislative authority shall appoint a person to fill the vacancy from the same county or county legislative authority district as the officer whose office has been vacated. If a majority of the members of the county legislative authority do not agree upon the appointment within the time prescribed by statute, the governor shall appoint a person from the same county or county legislative authority district.

(4) Vacancies that occur in the office of senator or representative of a state legislative district comprising more than one county shall be filled by appointment by the joint action of the legislative authorities of the counties within the district. The person appointed to fill the vacancy shall be from the same legislative district as the legislator whose office has been vacated. The person appointed shall also be one of three persons nominated by the state central committee of the political party of the legislator whose office has been vacated if the nominations are received by the county legislative authorities within the time prescribed by statute. In joint

action, the individual vote of each county legislative authority member, not disqualified from voting under subsection (5) of this section, shall collectively amount to the percentage, rounded to the nearest whole number, that the population of the county or portion of the county within the legislative district bears to the population of the entire district. The population shall be determined by the most recent federal census and shall exclude nonresident military personnel. The vacancy shall be filled if one person receives a majority percentage of the votes of the county legislative authorities. If the members of the jointly meeting county legislative authorities do not agree upon an appointment to fill the vacancy within the time prescribed by statute, the governor shall, from the list of nominees submitted to the county legislative authorities if the list was timely received, make the appointment within the time prescribed by statute.

(5) An otherwise qualified member of a county legislative authority is eligible to be appointed to fill a vacancy governed by this section only if the member does not vote in an action or joint action to fill the vacancy.

(6) The legislature shall prescribe the time limits within which the state and county central committees must submit lists of nominees, within which a county legislative authority or county legislative authorities must agree upon an appointment, and within which the governor must make appointments under the terms of this section. If lists of nominees are not timely received, the appointing authority may appoint any qualified person to fill the vacancy.

(7) A person appointed to fill a vacancy in a partisan office under this section shall hold office until a successor is elected at the next state general election as specified by statute and has been qualified."

Signed by Senators Thompson, Granlund, Zimmerman; Representatives Fisher, Vekich, Barnes.

MOTION

On motion of Ms. Fisher, the House adopted the report of the Free Conference Committee on Substitute Senate Joint Resolution No. 138.

FINAL PASSAGE OF SENATE JOINT RESOLUTION AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Joint Resolution No. 138 as amended by Free Conference Committee.

Mr. Barnes spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Joint Resolution No. 138 as amended by Free Conference Committee, and the resolution passed the House by the following vote: Yeas, 89; nays, 9.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Bond, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 89.

Voting nay: Representatives Betrozoff, Braddock, Fuhrman, Hastings, Isaacson, Patrick, Peery, Prince, Sutherland - 9.

Substitute Senate Joint Resolution No. 138 as amended by Free Conference Committee, having received the constitutional majority, was declared passed.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 29, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:
HOUSE CONCURRENT RESOLUTION NO. 29.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTION HOUSE BILL NO. 1134 and has passed the bill as amended by the Free Conference Committee, and said report together with the bill is herewith transmitted.

Bill Gleason, Assistant Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 12, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTION HOUSE BILL NO. 1134, requiring department of social and health services to screen employees dealing with children and developmentally disabled, have had the same under consideration and we recommend that the bill be amended as follows and the bill as amended by Free Conference Committee do pass:

Strike everything after the enacting clause and insert the following:

NEW SECTION, Sec. 1. A new section is added to chapter 43.20A RCW to read as follows:

The secretary shall investigate the conviction records or pending charges of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons. The investigation may include an examination of state and national criminal identification data and the child abuse and neglect register established under chapter 26.44 RCW. The secretary shall use the information solely for the purpose of determining the character, suitability, and competence of these applicants. Criminal justice agencies shall provide the secretary such information as they may have and that the secretary may require for such purpose. If necessary, persons may be employed on a conditional basis pending completion of the background investigation.

NEW SECTION, Sec. 2. A new section is added to chapter 41.06 RCW to read as follows:

The state personnel board shall adopt rules, in cooperation with the secretary of social and health services, for the background investigation of persons being considered for state employment in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons.

Sec. 3. Section 6, chapter 35, Laws of 1969 ex. sess. as last amended by section 6, chapter 97, Laws of 1984 and RCW 26.44.070 are each amended to read as follows:

The department shall maintain a central registry of reported cases of child abuse or abuse of an adult dependent person and shall adopt such rules and regulations as necessary in carrying out the provisions of this section. Records in the central registry shall be considered confidential and privileged and will not be available except upon court order to any person or agency except (1) law enforcement agencies as defined in this chapter in the course of an investigation of alleged abuse or neglect; (2) protective services workers or juvenile court personnel who are investigating reported incidents of abuse or neglect; (3) department of social and health services personnel who are investigating the character and/or suitability of an agency and other persons who are applicants for licensure, registration, or certification, or applicants for employment with such an agency or persons, or under contract to or employed by an agency or persons directly responsible for the care and treatment of children, expectant mothers, or adult dependent persons pursuant to chapter 74.15 RCW; (4) department of social and health services personnel who are investigating the character, suitability, and competence of persons being considered for employment with the department in positions directly responsible for the supervision, care, or treatment of children or developmentally disabled persons pursuant to chapters 43.20A and 41.06 RCW; (5) department of social and health services personnel who are investigating the character or suitability of any persons with whom children may be placed under the interstate compact on the placement of children, chapter 26.34 RCW; ((5)) (6) physicians who are treating the child or adult dependent person or family; ((6)) (7) any child or adult dependent person named in the registry who is alleged to be abused or neglected, or his or her guardian ad litem and/or attorney; ((7)) (8) a parent, guardian, or other person legally responsible for the welfare and safety of the child or adult dependent person named in the registry; ((8)) (9) any person engaged in a bona fide research purpose, as determined by the department, according to rules and regulations, provided that information identifying the persons of the registry shall remain privileged; and ((9)) (10) any individual whose name appears on the registry shall have access to his own records.

Those persons or agencies exempted by this section from the confidentiality of the records of the registry shall not further disseminate or release such information so provided to them and shall respect the confidentiality of such information, and any violation of this section shall constitute a misdemeanor.

NEW SECTION. Sec. 4. A new section is added to chapter 72.01 RCW to read as follows:

(1) For purposes of this section only, 'assault' means an unauthorized touching of an employee by a resident, patient, or juvenile offender resulting in physical injury to the employee.

(2) In recognition of the hazardous nature of employment in state institutions, the legislature hereby provides a supplementary program to reimburse institutional care employees of the department of social and health services for some of their costs attributable to their being the victims of assault by residents, patients, or juvenile offenders. This program shall be limited to the reimbursement provided in this section.

(3) An employee is only entitled to receive the reimbursement provided in this section if the secretary of social and health services, or the secretary's designee, finds that each of the following has occurred:

(a) A resident or patient has assaulted the employee and as a result thereof the employee has sustained demonstrated physical injuries which have required the employee to miss days of work;

(b) The assault cannot be attributable to any extent to the employee's negligence, misconduct, or failure to comply with any rules or conditions of employment; and

(c) The department of labor and industries has approved the employee's workers' compensation application pursuant to chapter 51.32 RCW.

(4) The reimbursement authorized under this section shall be as follows:

(a) The employee's accumulated sick leave days shall not be reduced for the workdays missed;

(b) For each workday missed for which the employee is not eligible to receive compensation under chapter 51.32 RCW, the employee shall receive full pay; and

(c) In respect to workdays missed for which the employee will receive or has received compensation under chapter 51.32 RCW, the employee shall be reimbursed in an amount which, when added to that compensation, will result in the employee receiving full pay for the workdays missed.

(5) Reimbursement under this section may not last longer than three hundred sixty-five consecutive days after the date of the injury.

(6) The employee shall not be entitled to the reimbursement provided in subsection (4) of this section for any workday for which the secretary or secretary's designee, finds that the employee has not diligently pursued his or her compensation remedies under chapter 51.32 RCW.

(7) The reimbursement shall only be made for absences which the secretary or secretary's designee, believes are justified.

(8) While the employee is receiving reimbursement under this section, he or she shall continue to be classified as a state employee and the reimbursement amount shall be considered as salary or wages.

(9) While the employee is receiving reimbursement under this section, the employee shall continue to receive service credit under chapter 41.32 or 41.40 RCW, whichever is appropriate, and the respective employee and employer contributions to the retirement system shall also continue to be made, under the appropriate chapter, on the regular compensation the employee would have received had not the disability occurred.

(10) All reimbursement payments required to be made to employees under this section shall be made by the department of social and health services. The payments shall be considered as a salary or wage expense and shall be paid by the department in the same manner and from the same appropriations as other salary and wage expenses of the department.

(11) Should the legislature revoke the reimbursement authorized under this section or repeal this section, no affected employee is entitled thereafter to receive the reimbursement as a matter of contractual right.

NEW SECTION. Sec. 5. Section 5, chapter 151, Laws of 1981 and RCW 43.20A.700 are each repealed."

On page 1, line 1 of the title, after "services;" strike the remainder of the title and insert "amending RCW 26.44.070; adding a new section to chapter 43.20A RCW; adding a new section to chapter 41.06 RCW; adding a new section to chapter 72.01 RCW; and repealing RCW 43.20A.700."

Signed by Senators Wojahn, Kreidler, Johnson; Representatives Brekke, Leonard, Lewis.

MOTION

On motion of Ms. Brekke, the House adopted the report of the Free Conference Committee on Substitute House Bill No. 1134.

FINAL PASSAGE OF HOUSE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute House Bill No. 1134 as amended by Free Conference Committee.

ROLL CALL

The Clerk called the roll on the final passage of Substitute House Bill No. 1134 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute House Bill No. 1134 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021 and has granted said committee the powers of Free Conference, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF CONFERENCE COMMITTEE

March 12, 1986

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, creating Washington health care project commission, have had the same under consideration and we report that we are unable to agree and we respectfully request the powers of Free Conference in order to amend the bill.

Signed by Senators McDermott, Talmadge; Representatives J. King, Ballard.

MOTION

Mr. J. King moved that the report of the Conference Committee on Engrossed Substitute House Bill No. 2021 be adopted and the committee be granted powers of Free Conference.

Representatives J. King, Brekke and Brooks spoke in favor of the motion and it was carried.

MESSAGE FROM THE SENATE

March 11, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on ENGROSSED SENATE BILL NO. 4725 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 11, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SENATE BILL NO. 4725, revising provisions of the accountancy act, have had the same under consideration and we recommend the committee amendment be amended as follows and the bill as amended by the Free Conference Committee do pass:

On page 18, line 30 of the committee amendment as amended 3/7/86, strike ~~"(board)) department"~~ and insert "board"

On page 26, beginning on line 1 of the committee amendment as amended 3/7/86, strike everything down to and including "RCW." on page 29, line 25 and insert the following:

"Sec. 14. Section 31, chapter 226, Laws of 1949 as amended by section 14, chapter 234, Laws of 1983 and RCW 18.04.320 are each amended to read as follows:

(1) ~~((Proceedings for))~~ in the case of the refusal, revocation, or suspension of ~~((the certificate, permit, or registration of any person, partnership, or corporation may be initiated))~~ a certificate or a license by the board on its own motion, on the complaint of any person, or on receiving notification from another state board of accountancy of its decision to:

(a) Revoke or suspend practice privileges granted in that state to a holder of a certified public accountant certificate or a public accountant registrant of that state; or

(b) Revoke, suspend, refuse to renew, or censure the holder of a permit to practice in that state who holds a permit to practice under RCW 18.04.215;

(2) Unless the charge or charges are dismissed by the board as unfounded or trivial, the board shall set a date for hearing not later than ninety days after formal charges are filed. A copy of the charge or charges, together with a notice of the time and place of hearing before the board shall be served not less than thirty days prior to the date set for hearing on the accused either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the board;

(3) If after having been so served with a notice of hearing, the accused fails to appear at the hearing, the board may proceed to hear evidence against him and may enter such order as may be justified by the evidence, which shall be final unless the accused petitions for a review thereof. Within thirty days from the date of any such order upon a showing of good cause for failing to appear, the board may reopen the proceedings and may permit the accused to submit evidence in his or her behalf;

(4) At any hearing the accused may appear in person and by counsel, may produce evidence and witnesses on his or her own behalf, and may cross-examine such witnesses as may appear against him. A partnership may be represented before the board by counsel or by a partner. A corporation may be represented before the board by counsel or by a shareholder. The accused shall be entitled on application to the board to the issuance of subpoenas to compel the attendance of witnesses and the production of evidence on his or her behalf;

(5) The board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with or upon hearing under this chapter. To compel obedience to a subpoena the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence;

(6) The board shall not be bound by technical rules of evidence;

~~((7))~~ (7) The decision of the board shall be by majority vote;

~~((8))~~ (8) Any person adversely affected by any action of the board may obtain a review thereof by filing a written petition for review in the superior court of the county in which he resides within thirty days after the entry of such order. A copy of the petition shall be served upon any member of the board and thereupon the board shall certify and file in the court a transcript of the record upon which the order complained of was entered. The court will hear the matter de novo, and may sustain, modify, or set aside the board's order in whole or in part, or may remand the matter to the board for further action, and may, in its discretion, stay the effect of the board's order pending its determination of the case. The court's decision has the force and effect of a decree in equity; and

~~((9))~~ (9) On rendering a decision to: (a) Revoke or suspend a certificate issued under RCW 18.04.105; (b) revoke or suspend a registration issued under RCW 18.04.195; or (c) revoke, suspend, refuse to renew, or censure the holder of a permit to practice under RCW 18.04.215, the board shall examine its records to determine whether the accused holds a certificate, a registration, or a permit or annual limited permit to practice in any other state. If the board determines that the accused holds a certificate, or a registration in any other state, the board shall notify the board of accountancy of the other state of its decision by mail within thirty days of rendering the decision."

Signed by Senators Warnke, Moore, McDonald; Representatives Belcher, O'Brien.

MOTION

Mr. Wang moved that the House adopt the report of the Free Conference Committee on Engrossed Senate Bill No. 4725.

Representatives Wang, O'Brien, Silver, Taylor and May spoke against the motion, and Representative B. Williams spoke in favor of it.

The motion was lost.

MOTION

On motion of Mr. Wang, the rules were suspended and Engrossed Senate Bill No. 4725 was returned to second reading for the purpose of amendment.

The bill was read the second time.

On motion of Mr. Wang, the following amendments were adopted:

Strike everything after the enacting clause and insert the following:

*Sec. 1, Section 3, chapter 234, Laws of 1983 and RCW 18.04.025 are each amended to read as follows:

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

(1) 'Board' means the board of accountancy created by RCW 18.04.035.

(2) 'Certified public accountant' or 'CPA' means a person holding a certified public accountant certificate issued under this chapter or the accountancy act of any state.

(3) 'State' includes the states of the United States, the District of Columbia, Puerto Rico, Guam, and the United States Virgin Islands.

(4) 'Opinions on financial statements' are any reports prepared by certified public accountants, based on examinations in accordance with generally accepted auditing standards as to whether the presentation of information used for guidance in financial transactions or for accounting for or assessing the status or performance of commercial and noncommercial enterprises, whether public, private, or governmental, conforms with generally accepted accounting principles or other comprehensive bases of accounting.

(5) The 'practice of public accounting' means performing services as one skilled in the knowledge and practice of public accounting and preparing reports designated as 'audit reports,' 'review reports,' and 'compilation reports.'

(6) 'Firm' means a sole proprietorship, a corporation, or a partnership.

(7) 'CPE' means continuing professional education.

(8) 'Certificate' means a certificate as a certified public accountant issued under this chapter, or a corresponding certificate issued by another state.

(9) 'Licensee' means the holder of a certificate who also holds a valid license issued under this chapter.

(10) 'License' means a biennial license issued to an individual or firm under this chapter.

(11) 'Quality assurance review' means a study, appraisal, or review of one or more aspects of the professional work of a person or firm in the practice of public accountancy, by a person or persons who hold certificates and who are not affiliated with the person or firm being reviewed.

(12) 'Rule' means any rule adopted by the board under authority of this chapter.

Sec. 2, Section 4, chapter 234, Laws of 1983 and RCW 18.04.035 are each amended to read as follows:

(1) There is created a board of accountancy for the state of Washington to be known as the Washington board of accountancy. The board shall consist of five members appointed by the governor. Members of the board shall include four persons who hold certified public accountant certificates and have been in public practice as certified public accountants in this state continuously for the previous ten years. The fifth member shall be the public member and shall be a person who is qualified to judge whether the qualifications, activities, and professional practice of those regulated under this chapter conform with standards to protect the public interest.

(2) The members of the board of accountancy ~~((existing immediately prior to July 1, 1983, shall serve out their existing terms as members of the board created under this act. Thereafter, each member of the board))~~ shall be appointed by the governor to a term of three years. ~~((Their successors shall be appointed for terms of three years.))~~ Vacancies occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of a member's term of office, the member shall continue to serve until a successor has been appointed and has assumed office. The governor shall remove from the board any member whose certificate or ~~((permit))~~ license to practice has been revoked or suspended and may, after hearing, remove any member of the board for neglect of duty or other just cause. No person who has served two successive complete terms is eligible for reappointment. Appointment to fill an unexpired term is not considered a complete term.

Sec. 3. Section 5, chapter 234, Laws of 1983 and RCW 18.04.045 are each amended to read as follows:

(1) The board shall annually elect a chairman, a vice chairman, and a secretary from its members.

(2) The board may adopt and amend rules under chapter 34.04 RCW for the orderly conduct of its affairs and for the administration of this chapter.

(3) A majority of the board constitutes a quorum for the transaction of business.

(4) The board shall have a seal which shall be judicially noticed.

(5) The board shall keep records of its proceedings, and of any proceeding in court arising from or founded upon this chapter. Copies of these records certified as correct under the seal of the board are admissible in evidence as tending to prove the content of the records.

(6) The board may employ personnel and arrange for assistance as it requires to perform its duties. Individuals or committees assisting the board under this subsection (6) constitute volunteers for purposes of chapter 4.92 RCW.

~~((2))~~ (7) Each member of the board shall receive compensation as provided under RCW 18.04.080.

~~((3))~~ (8) The board shall file an annual report of its activities with the governor. The report shall include, but not be limited to, a statement of all receipts and disbursements ~~((and a listing of all certified public accountants who are registered, or who have offices registered, or permits to practice issued under this chapter))~~. Upon request, the board shall mail a copy of each annual report ~~((to any person, office, partnership, or corporation listed, or))~~ to any member of the public.

Sec. 4. Section 6, chapter 234, Laws of 1983 and RCW 18.04.055 are each amended to read as follows:

The board shall prescribe rules consistent with this chapter as necessary to implement this chapter. Included may be:

(1) Rules of procedure to govern the conduct of matters before the board;

(2) Rules of professional conduct to establish and maintain high standards of competence and integrity in the profession;

(3) Educational requirements to set for an examination or for the issuance of the certificate or license of certified public accountant;

(4) Rules designed to ensure that certified public accountants' 'opinions on financial statements' meet the definitional requirements for that term as specified in RCW 18.04.025;

(5) Requirements for continuing professional education to maintain or improve the professional competence of ~~((permit))~~ certificate and license holders ~~((to practice under RCW 18.04.215))~~ as a condition to maintaining their ~~((continuing in the practice of public accounting))~~ certificate or license to practice under RCW 18.04.215;

(6) Regulations governing sole proprietors, partnerships, and corporations practicing public accounting including, but not limited to, rules concerning their style, name, title, and affiliation with any other organization, and establishing reasonable practice standards to protect the public interest;~~((and))~~

(7) The board may by rule implement a quality assurance review program as a means to monitor licensees' quality of practice and compliance with professional standards. The board may exempt from such program, licensees who undergo periodic peer reviews in programs of the American Institute of Certified Public Accountants, National Association of State Boards of Accountancy, or other programs recognized and approved by the board by rule.

(8) The board may by rule require firms to obtain professional liability insurance if in the board's discretion such insurance provides additional and necessary protection for the public; and

(9) Any other rule which the board finds necessary or appropriate to implement this chapter.

Sec. 5. Section 24, chapter 234, Laws of 1983 and RCW 18.04.065 are each amended to read as follows:

The board shall set its fees at a level adequate to pay the costs of administering this chapter. All fees shall be deposited into an account in the state treasury known as the certified public accountants' account.

Sec. 6. Section 7, chapter 234, Laws of 1983 as amended by section 3, chapter 57, Laws of 1985 and RCW 18.04.105 are each amended to read as follows:

(1) The certificate of 'certified public accountant' shall be granted by the board to any person:

(a) Who is of good character. Good character, for purposes of this section, means lack of a history of dishonest or felonious acts. The board may refuse to grant a certificate on the ground of failure to satisfy this requirement only if there is a substantial connection between the lack of good character of the applicant and the professional responsibilities of a licensee and if the finding by the board of lack of good character is supported by a preponderance of evidence. When an applicant is found to be unqualified for a certificate because of a lack of good character, the board shall furnish the applicant a statement containing the findings of the board and a notice of the applicant's right of appeal:

(b) Who has ~~((a baccalaureate degree conferred by a college or university recognized by the board, and whose educational program included an accounting concentration or its equivalent, and related subjects)) met such educational standards established by rule as the board determines to be appropriate; and~~

(c) Who has passed a written examination in accounting, auditing, and related subjects the board determines to be appropriate.

~~(2) ((The board may, in its discretion, waive the educational requirement for any person if it is satisfied, by appropriate means of evaluation, that the person's educational qualifications are an acceptable substitute for the requirements of subsection (1)(b) of this section.~~

~~(3)) The examination described in subsection (1)(c) of this section shall be held by the board and shall take place as often as the board determines to be desirable, but at least once a year. The board may use all or any part of the examination ((and)) or grading service of the American Institute of Certified Public Accountants or National Association of State Boards of Accountancy to assist it in performing its duties under this chapter.~~

~~((4) A person who has met the educational requirements of subsection (1)(b) of this section, or who expects to meet it within one hundred twenty days following the examination, or with respect to whom it has been waived under subsection (2) of this section, is eligible to take the examination if the person also meets the requirements of subsection (1)(a) of this section. If a person is admitted to the examination on the expectation that he or she will complete the educational requirement within one hundred twenty days, no certificate may be issued, nor credit for the examination or any part of it be given, unless this requirement is in fact completed within that time or within such time as the board in its discretion may determine upon application.~~

~~(5)) (3) The board may, by rule, provide for granting credit to a person for satisfactory completion of a written examination in any one or more of the subjects specified in subsection (1)(c) of this section given by the licensing authority in any other state. These rules shall include requirements the board determines to be appropriate in order that any examination approved as a basis for any credit shall, in the judgment of the board, be at least as thorough as the most recent examination given by the board at the time credit is granted.~~

(4) The board may, by rule, prescribe the terms and conditions under which a person who passes the examination in one or more of the subjects indicated in subsection (1)(c) of this section may be reexamined in only the remaining subjects, giving credit for the subjects previously passed. It may also provide by rule for a reasonable waiting period for a person's reexamination in a subject he or she has failed. A person is entitled to any number of reexaminations, subject to this subsection and any other rules adopted by the board.

(5) A person passing the examination in any one or more subjects specified in subsection (1)(c) of this section shall meet the educational requirements of subsection (1)(b) of this section in effect on the date the person successfully completes the requirements of subsection (1)(c) of this section. The board may provide, by rule, for exceptions to prevent what it determines to be undue hardship to applicants.

(6) The board shall charge each applicant an examination fee for the initial examination under subsection (1) of this section, or for reexamination under subsection ~~((5)) (4) of this section for each subject in which the applicant is reexamined ((or for evaluation of a person's educational qualifications under subsection (2) of this section))~~. The applicable fee shall be paid by the person at the time he or she applies for examination, reexamination, or evaluation of educational qualifications. Fees for examination, reexamination, or evaluation of educational qualifications shall be determined by the board under chapter 18.04 RCW. There is established in the state treasury an account to be known as the certified public accountants' ~~((examination))~~ account. All fees received from candidates to take any or all sections of the certified public accountant examination ~~((shall be deposited by the board into this account, and funds appropriated from the account))~~ shall be used only for costs ~~((directly))~~ related to the examination. All earnings of investments of balances in the certified public accountants' ~~((examination))~~ account shall be credited to the general fund.

(7) Persons who on ~~((July 1, 1983)) June 30, 1986~~, held certified public accountant certificates previously issued under the laws of this state shall not be required to obtain additional certificates under this chapter, but shall otherwise be subject to this chapter. Certificates previously issued shall, for all purposes, be considered certificates issued under this chapter and subject to its provisions.

(8) ~~((a) Persons who on July 1, 1983, hold registrations as licensed public accountants and annual permits to practice previously issued under the laws of this state shall be entitled to practice public accounting and be known as certified public accountants and to use the designation 'CPA' provided that these persons continue to hold permits to practice under this chapter.~~

~~(b))~~ Persons who held qualifications as licensed public accountants but who do not hold annual permits to practice on July 1, 1983, are not entitled to engage in the practice of public accounting under this chapter ~~((unless they meet the requirements imposed by this chapter for certified public accountants))~~. ~~((These))~~ No person(s) shall ~~((not))~~ use the term 'licensed public accountant(s)' or the designation 'LPA.'

(9) A certificate of a 'certified public accountant' under this chapter is issued on a biennial basis with renewal subject to requirements of continuing professional education and payment of fees, prescribed by the board.

(10) The board shall adopt rules providing for continuing professional education for certified public accountants. The rules shall:

(a) Provide that a certified public accountant holding a certificate on the effective date of this act shall verify to the board that he or she has completed at least ten days or an accumulation of eighty hours of continuing professional education during the last two-year period to maintain the certificate;

(b) Establish continuing professional education requirements;

(c) Establish when newly certificated public accountants shall verify that they have completed the required continuing professional education; and

(d) Establish proceedings for revocation, suspension, and reinstatement of certificates for failure to meet the continuing professional education requirement.

(11) Failure to furnish verification of the completion of the continuing professional education requirement constitutes grounds for revocation, suspension, or failure to renew the certificate, unless the board determines that the failure was due to reasonable cause or excusable neglect.

Sec. 7. Section 8, chapter 234, Laws of 1983 and RCW 18.04.185 are each amended to read as follows:

(1) Application for certification as certified public accountants by persons who are not residents of this state constitutes appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicants arising from any transaction, activity, or operation connected with or incidental to the practice of public accounting in this state by nonresident holders of certified public accountant certificates.

(2) Application for a biennial ~~((permit))~~ license to practice public accounting in this state by a certified public accountant or CPA firm who holds a license or permit to practice issued by another state constitutes the appointment of the secretary of state as an agent for service of process in any action or proceeding against the applicant arising from any transaction or operation connected with or incidental to the practice of public accounting in this state by the holder of the biennial ~~((permit))~~ license to practice.

Sec. 8. Section 9, chapter 234, Laws of 1983 and RCW 18.04.195 are each amended to read as follows:

(1) A sole proprietorship engaged in this state in the practice of public accounting shall license biennially with the board as a firm.

(a) The principal purpose and business of the firm shall be to furnish services to the public which are consistent with this chapter and the rules of the board.

(b) The person shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(c) Each resident licensee in charge of an office of the sole proprietorship engaged in this state in the practice of public accounting shall be a certified public accountant holding a license to practice under RCW 18.04.215.

(2) A partnership engaged in this state in the practice of public accounting shall ~~((register))~~ license biennially with the board as a partnership of certified public accountants, and shall meet the following requirements:

(a) The principal purpose and business of the partnership shall be to furnish services to the public which are consistent with this chapter and the rules of the board;

(b) At least one general partner of the partnership shall be a certified public accountant holding a ~~((permit))~~ license to practice under RCW 18.04.215;

(c) Each resident ~~((manager))~~ licensee in charge of an office of the partnership in this state and each resident partner personally engaged within this state in the practice of public accounting ~~((as a member in the office))~~ shall be a certified public accountant holding a ~~((permit))~~ license to practice under RCW 18.04.215.

~~((2))~~ (3) A corporation organized for the practice of public accounting and engaged in this state in the practice of public accounting shall ~~((register))~~ license biennially with the board as a corporation of certified public accountants and shall meet the following requirements:

(a) The principal purpose and business of the corporation shall be to furnish services to the public which are consistent with this chapter and the rules of the board; and

(b) Each shareholder of the corporation shall be a certified public accountant of some state holding a ~~((permit))~~ license to practice and shall be principally employed by the corporation or actively engaged in its business. No other person may have any interest in the stock of the corporation. The principal officer of the corporation and any officer or director having authority over the practice of public accounting by the corporation shall be a certified public accountant of some state holding a ~~((permit))~~ license to practice;

(c) At least one shareholder of the corporation shall be a certified public accountant holding a ~~((permit))~~ license to practice under RCW 18.04.215;

(d) Each resident ~~((manager))~~ licensee in charge of an office of the corporation in this state and each shareholder or director personally engaged within this state in the practice of public

accounting shall be a certified public accountant holding a ~~((permit))~~ license to practice under RCW 18.04.215:

(e) A written agreement shall bind the corporation or its shareholders to purchase any shares offered for sale by, or not under the ownership or effective control of, a qualified shareholder, and bind any holder not a qualified shareholder to sell the shares to the corporation or its qualified shareholders. The agreement shall be noted on each certificate of corporate stock. The corporation may purchase any amount of its stock for this purpose, notwithstanding any impairment of capital, as long as one share remains outstanding; and

(f) The corporation shall comply with any other rules pertaining to corporations practicing public accounting in this state as the board may prescribe.

~~((3))~~ (4) Application for ~~((registration of))~~ a license as a ~~((partnership or corporation))~~ firm shall be made upon the affidavit of ~~((a general))~~ the proprietor or person designated as managing partner or shareholder ~~((who is))~~ for Washington. This person shall be a certified public accountant holding a ~~((permit))~~ license to practice under RCW 18.04.215. The board shall determine in each case whether the applicant is eligible for ~~((registration))~~ a license. A partnership or corporation which is ~~((so registered and which holds a permit))~~ licensed to practice under RCW 18.04.215 may use the designation 'certified public accountants' or 'CPAs' in connection with its partnership or corporate name. The board shall be given notification within ~~((thirty))~~ ninety days after the admission or withdrawal of a partner or shareholder engaged in this state in the practice of public accounting from any partnership or corporation so ~~((registered))~~ licensed.

~~((4))~~ (5) Fees for the ~~((registration of partnerships or corporations))~~ license as a firm and for notification of the board of the admission or withdrawal of a partner or shareholder shall be determined by the board. Fees shall be paid by the ~~((applicant))~~ firm at the time the ~~((registration))~~ license application form or notice of admission or withdrawal of a partner or shareholder is filed with the board.

Sec. 9. Section 10, chapter 234, Laws of 1983 and RCW 18.04.205 are each amended to read as follows:

(1) Each office established or maintained in this state for the practice of public accounting in this state by a certified public accountant, or a partnership or corporation of certified public accountants, shall register with the board under this chapter biennially.

(2) Each office shall be under the direct supervision of a resident ~~((manager))~~ licensee holding a ~~((permit))~~ license to practice under RCW 18.04.215 who may be ~~((either))~~ a sole proprietor, partner, principal shareholder, or a staff employee.

~~((2))~~ (3) The board shall by rule prescribe the procedure to be followed to register and maintain offices established in this state for the practice of public accounting.

~~((3))~~ (4) Fees for the registration of offices shall be determined by the board. Fees shall be paid by the applicant at the time the registration form is filed with the board.

Sec. 10. Section 11, chapter 234, Laws of 1983 and RCW 18.04.215 are each amended to read as follows:

(1) Biennial ~~((permits))~~ licenses to engage in the practice of public accounting in this state shall be issued by the board:

(a) To holders of certificates as certified public accountants who have demonstrated, in accordance with rules issued by the board, one year of public accounting experience, or such other experience or employment which the board in its discretion regards as substantially equivalent;

(b) To ~~((partnerships and corporations registered))~~ firms under RCW 18.04.195, if all offices of the ~~((partnerships and corporations))~~ firm in this state are maintained and registered as required under RCW 18.04.205.

(2) All ~~((permits))~~ licenses to practice ~~((for))~~ issued to persons born in an even-numbered year expire on the last day of June ~~((1984 shall be for one year and may be renewed for a period of two years))~~ of each even-numbered year. All ~~((permits))~~ licenses to practice ~~((for))~~ issued to persons born in an odd-numbered year expire on the last day of June ~~((1985 shall be for two years and may be renewed for a period of two years))~~ of each odd-numbered year. Renewals of ~~((permits))~~ licenses to practice issued to individuals under subsection (1) (a) ~~((or b))~~ of this section shall be issued in accordance with subsection ~~((3))~~ (4) of this section. Applicants for issuance or renewal of ~~((permits))~~ licenses shall, at the time of filing their applications, list with the board all states in which they hold or have applied for permits or licenses to practice.

~~((2))~~ (3) A certified public accountant who holds a permit or license issued by another state, and applies for a ~~((permit))~~ license in this state, may practice ~~((accounting))~~ in this state from the date of filing a completed application with the board, until the board has acted upon the application.

~~((3))~~ (4) As a prerequisite to renewal of a ~~((permit))~~ license, a person practicing public accounting shall submit to the ~~((Washington state))~~ board ~~((of accountancy))~~ satisfactory proof of having completed ten days or an accumulation of eighty hours of continuing education recognized and approved by the board during the preceding two years. Failure to furnish this evidence as required constitutes grounds for revocation, suspension, or refusal to renew the

~~((permit)) license~~ in a proceeding under RCW 18.04.295, unless the board determines the failure to have been due to reasonable cause or excusable neglect.

The board~~(:)~~ in its discretion~~(:)~~ may renew a biennial ~~((permit)) license~~ to practice despite failure to furnish evidence of compliance with requirements of continuing professional education upon condition that the applicant follow a particular program of continuing professional education. In issuing rules and individual orders with respect to continuing professional education requirements, the board, among other considerations, may rely upon guidelines and pronouncements of recognized educational and professional associations, may prescribe course content, duration, and organization, and ~~((shall)) may~~ take into account the accessibility of continuing education to applicants and instances of individual hardship.

~~((4)) (5) Fees for biennial ((permits)) licenses to engage in the practice of public accounting in this state shall be determined by the board under chapter 18.04 RCW. Fees shall be paid by the applicant at the time the ((registration)) application form is filed with the board. The board, by rule, may provide for proration of fees for licenses issued between normal renewal dates.~~

Sec. 11. Section 12, chapter 234, Laws of 1983 and RCW 18.04.295 are each amended to read as follows:

~~((After notice and hearing as provided in RCW 18.04.320, the board may revoke or suspend any certificate issued under RCW 18.04.105, or may revoke, suspend, or refuse to renew any permit to practice, or may censure the holder of a permit for one or a combination)) The board of accountancy shall have the power to revoke, suspend, or refuse to renew the license of any certified public accountant for any of the following causes:~~

(1) Fraud or deceit in obtaining a certificate as a certified public accountant, ~~((or in obtaining registration under this act))~~ or in obtaining a ~~((permit)) license~~ to practice public accounting under RCW 18.04.215;

(2) Dishonesty, fraud, or ~~((gross)) negligence~~ in the practice of public accounting;

(3) A violation of any provision of this ~~((act)) chapter~~;

(4) A violation of a rule of professional conduct promulgated by the board under the authority granted by this ~~((act)) chapter~~;

(5) Conviction of a crime or an act constituting a crime under:

(a) The laws of this state;

(b) The laws of another state, and which, if committed within this state, would have constituted a crime under the laws of this state; or

(c) Federal law;

(6) Cancellation, revocation, suspension, or refusal to renew the authority to practice as a certified public accountant by any other state for any cause other than failure to pay a fee or to meet the requirements of continuing education in the other state;

(7) Suspension or revocation of the right to practice before any state or federal agency~~((or))~~.

Sec. 12. Section 13, chapter 234, Laws of 1983 and RCW 18.04.305 are each amended to read as follows:

~~((After notice and hearing under RCW 18.04.320, the board shall revoke the registration issued to a partnership or corporation under RCW 18.04.195 and permit to practice issued to a partnership or corporation under RCW 18.04.215 if at any time the partnership or corporation does not have all the qualifications prescribed under this chapter for registration. After notice and hearing as provided in RCW 18.04.320, the board may revoke or suspend the registration of a partnership or corporation, may revoke, suspend, or refuse to renew its permit to practice)) The board of accountancy may revoke, suspend, or refuse to renew the license issued to a firm if at any time the firm does not meet the requirements of this chapter for licensing, or for any of the causes enumerated in RCW 18.04.295, or for any of the following additional causes:~~

(1) The revocation or suspension of the certificate as a certified public accountant or the revocation or suspension or refusal to renew the ~~((permit)) license~~ of any partner or shareholder; or

(2) The ~~((cancellation))~~ revocation, suspension, or refusal to renew the ~~((authority)) license or permit~~ of the ~~((partnership or corporation)) firm~~, or any partner or shareholder thereof, to practice public accounting in any other state for any cause other than failure to pay a fee or to meet the requirements of continuing professional education in the other state.

Sec. 13. Section 31, chapter 226, Laws of 1949 as amended by section 14, chapter 234, Laws of 1983 and RCW 18.04.320 are each amended to read as follows:

~~((1) Proceedings for)) In the case of the refusal, revocation, or suspension of ((the certificate, permit, or registration of any person, partnership, or corporation may be initiated)) a certificate or a license by the board ((on its own motion, on the complaint of any person, or on receiving notification from another state board of accountancy of its decision to:~~

(a) Revoke or suspend practice privileges granted in that state to a holder of a certified public accountant certificate or a public accountant registrant of that state; or

(b) Revoke, suspend, refuse to renew, or censure the holder of a permit to practice in that state who holds a permit to practice under RCW 18.04.215;

(2) Unless the charge or charges are dismissed by the board as unfounded or trivial, the board shall set a date for hearing not later than ninety days after formal charges are filed. A copy of the charge or charges, together with a notice of the time and place of hearing before the board shall be served not less than thirty days prior to the date set for hearing on the accused either personally or by mailing a copy thereof by registered mail to the address of the accused last known to the board;

(3) If after having been so served with a notice of hearing, the accused fails to appear at the hearing, the board may proceed to hear evidence against him and may enter such order as may be justified by the evidence, which shall be final unless the accused petitions for a review thereof. Within thirty days from the date of any such order upon a showing of good cause for failing to appear, the board may reopen the proceedings and may permit the accused to submit evidence in his or her behalf;

(4) At any hearing the accused may appear in person and by counsel, may produce evidence and witnesses on his or her own behalf, and may cross-examine such witnesses as may appear against him. A partnership may be represented before the board by counsel or by a partner. A corporation may be represented before the board by counsel or by a shareholder. The accused shall be entitled on application to the board to the issuance of subpoenas to compel the attendance of witnesses and the production of evidence on his or her behalf;

(5) The board, or any member thereof, may issue subpoenas to compel the attendance of witnesses and the production of documents, and may administer oaths, take testimony, hear proofs, and receive exhibits in evidence in connection with or upon hearing under this chapter. To compel obedience to a subpoena the board may invoke the aid of any court of this state in requiring the attendance and testimony of witnesses and the production of documentary evidence;

(6) The board shall not be bound by technical rules of evidence;

(7) The decision of the board shall be by majority vote;

(10) Any person adversely affected by any action of the board may obtain a review thereof by filing a written petition for review in the superior court of the county in which he resides within thirty days after the entry of such order. A copy of the petition shall be served upon any member of the board and thereupon the board shall certify and file in the court a transcript of the record upon which the order complained of was entered. The court will hear the matter de novo, and may sustain, modify, or set aside the board's order in whole or in part, or may remand the matter to the board for further action, and may, in its discretion, stay the effect of the board's order pending its determination of the case. The court's decision has the force and effect of a decree in equity; and

(11) On rendering a decision to: (a) Revoke or suspend a certificate issued under RCW 18.04.105; (b) revoke or suspend a registration issued under RCW 18.04.195; or (c) revoke, suspend, refuse to renew, or censure the holder of a permit to practice under RCW 18.04.215, the board shall examine its records to determine whether the accused holds a certificate, a registration, or a permit or annual limited permit to practice in any other state. If the board determines that the accused holds a certificate, or a registration in any other state, the board shall notify the board of accountancy of the other state of its decision by mail within thirty days of rendering the decision)) under the provisions of this chapter, such proceedings and any appeal therefrom shall be taken in accordance with the administrative procedure act, chapter 34.04 RCW.

Sec. 14. Section 15, chapter 234, Laws of 1983 and RCW 18.04.335 are each amended to read as follows:

Upon application in writing and after hearing pursuant to notice, the board may:

(1) Reissue a certificate to a certified public accountant whose certificate has been revoked or suspended; or

(2) Modify the suspension of or reissue any ((permit)) license to practice which has been revoked, suspended, or which the board has refused to renew.

Sec. 15. Section 16, chapter 234, Laws of 1983 and RCW 18.04.345 are each amended to read as follows:

(1) No person may hold himself or herself out to the public, or assume or use the designation 'certified public accountant' or 'CPA' or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the person is a certified public accountant or CPA unless the person has received a certificate as a certified public accountant, holds a valid ((permit)) license to practice under RCW 18.04.215, and all of the person's offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(2) No ((partnership or corporation)) firm may hold itself out to the public, or assume or use the designation 'certified public accountant' or 'CPA' or any other title, designation, words, letters, abbreviation, sign, card, or device tending to indicate that the ((partnership or corporation)) firm is composed of certified public accountants or CPAs, unless the ((partnership or corporation)) firm is ((registered as a partnership or corporation of certified public accountants)) licensed under RCW 18.04.195, holds a valid ((permit)) license to practice under RCW 18.04.215, and all offices of the ((partnership or corporation)) firm in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(3) No person, partnership, or corporation may hold himself, herself, or itself out to the public, or assume or use along, or in connection with his, hers, or its name, or any other name the title or designation 'certified accountant,' 'chartered accountant,' (~~'enrolled accountant,')~~ 'licensed accountant,' (~~'registered accountant,' 'accredited accountant,')~~ 'public accountant,' or any other title or designation likely to be confused with 'certified public accountant' or any of the abbreviations 'CA,' (~~'EA,' 'RA,')~~ 'LA,' (~~'AA,')~~ or 'PA,' or similar abbreviations likely to be confused with 'CPA.' However, nothing in this chapter prohibits use of the title 'accountant' by any person regardless of whether the person has been granted a certificate or holds a (~~'permit')~~ license under this chapter.

(4) No person may sign, affix, or associate his or her name or any trade or assumed name used by the person in his or her business to any report designated as an 'audit,' 'review,' or 'compilation,' unless the person holds a biennial (~~'permit')~~ license to practice under RCW 18.04.215 and all of the person's offices in this state for the practice of public accounting are maintained and (~~'registered')~~ licensed under RCW 18.04.205.

(5) No person may sign, affix, or associate a (~~'partnership or corporate')~~ firm name to any report designated as an 'audit,' 'review,' or 'compilation,' unless the (~~'partnership or corporation')~~ firm is (~~'registered')~~ licensed under RCW 18.04.195 (~~'holds a permit to practice under RCW')~~ and 18.04.215, and all of its offices in this state for the practice of public accounting are maintained and registered under RCW 18.04.205.

(6) No person, partnership, or corporation not holding a (~~'permit')~~ license to practice under RCW 18.04.215 may hold himself, herself, or itself out to the public as an 'auditor' with or without any other description or designation by use of such word on any sign, card, letterhead, or in any advertisement or directory.

(7) Nothing contained in this chapter prohibits any person who is the holder of a valid certified public accountant certificate from assuming or using the designation 'certified public accountant' or 'CPA' or any other title, designation, words, letters, sign, card, or device tending to indicate that the person is a certified public accountant.

(8) No person may assume or use the designation 'certified public accountant' or 'CPA' in conjunction with names indicating or implying that there is a partnership or corporation, (~~'or in conjunction with the designation "and Company" or "and Co." or a similar designation,')~~ if there is in fact no bona fide partnership or corporation registered under RCW 18.04.195.

(9) No person, partnership, or corporation holding a (~~'permit')~~ license under RCW 18.04.215 may hold himself, herself, or itself out to the public in conjunction with the designation 'and Associates' or 'and Assoc.' unless he or she has in fact a partner or employee who holds a (~~'permit')~~ license under RCW 18.04.215.

(10) No person, partnership, or corporation may hold himself, herself, or itself out to the public for the practice of public accounting unless the person, partnership, or corporation holds a (~~'permit')~~ license to practice under RCW 18.04.215 and all of his or its offices in this state are maintained and registered under RCW 18.04.205.

Sec. 16. Section 34, chapter 226, Laws of 1949 as last amended by section 17, chapter 234, Laws of 1983 and RCW 18.04.350 are each amended to read as follows:

(1) Nothing in this chapter prohibits any person not a certified public accountant from serving as an employee of, or as assistant to, a certified public accountant or partnership composed of certified public accountants or corporation of certified public accountants holding a valid (~~'permit')~~ license under RCW 18.04.215. However, the employee or assistant shall not issue any accounting or financial statement over his or her name.

(2) Nothing in this chapter prohibits a certified public accountant registered in another state, or any accountant of a foreign country holding a certificate, degree or license which permits him to practice therein from temporarily practicing in this state on professional business incident to his regular practice.

(3) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to other certified public accountants, peer review teams, partnerships, or corporations of public accountants engaged in conducting peer reviews, or any one of their employees in connection with peer reviews of that accountant's accounting and auditing practice conducted under the auspices of recognized professional associations.

(4) Nothing in this chapter prohibits a certified public accountant, a partnership, or corporation of certified public accountants, or any of their employees from disclosing any data in confidence to any employee, representative, officer, or committee member of a recognized professional association, or to the board of accountancy, or any of its employees or committees in connection with a professional (~~'ethics')~~ investigation held under the auspices of recognized professional associations or the board of accountancy.

(5) Nothing in this chapter prohibits any officer, employee, partner, or principal of any organization:

(a) From affixing his or her signature to any statement or report in reference to the affairs of the organization with any wording designating the position, title, or office which he or she holds in the organization; or

(b) From describing himself or herself by the position, title, or office he or she holds in such organization.

(6) Nothing in this chapter prohibits any person, or partnership or corporation composed of persons not holding a ~~((permit))~~ license under RCW 18.04.215 from offering or rendering to the public bookkeeping, accounting, and tax services, including devising and installing systems, financial information or data, or preparing financial statements, written statements describing how such financial statements were prepared, or similar services, provided that persons, partnerships, or corporations not holding a ~~((permit))~~ license under RCW 18.04.215 who offer or render these services do not designate any written statement as an 'audit report,' 'review report,' or 'compilation report,' do not issue any written statement which purports to express or disclaim an opinion on financial statements which have been audited, and do not issue any written statement which expresses assurance on financial statements which have been reviewed.

(7) Nothing in this chapter prohibits any act of or the use of any words by a public official or a public employee in the performance of his or her duties.

Sec. 17. Section 37, chapter 226, Laws of 1949 as amended by section 20, chapter 234, Laws of 1983 and RCW 18.04.380 are each amended to read as follows:

The display or presentation by a person of a card, sign, advertisement, or other printed, engraved or written instrument or device, bearing a person's name in conjunction with the words 'certified public accountant' or any abbreviation thereof, or 'licensed public accountant' or any abbreviation thereof, or 'public accountant' or any abbreviation thereof, shall be prima facie evidence in any action brought under this chapter that the person whose name is so displayed, caused or procured the display or presentation of the card, sign, advertisement, or other printed, engraved, or written instrument or device, and that the person is holding himself or herself out to be a certified public accountant or a public accountant holding a ~~((permit))~~ license to practice under this chapter. In any such action, evidence of the commission of a single act prohibited by this chapter is sufficient to justify an injunction or a conviction without evidence of a general course of conduct.

Sec. 18. Section 38, chapter 226, Laws of 1949 as amended by section 21, chapter 234, Laws of 1983 and RCW 18.04.390 are each amended to read as follows:

(1) In the absence of an express agreement between the certified public accountant and the client to the contrary, all statements, records, schedules, working papers, and memoranda made by a certified public accountant incident to or in the course of professional service to clients, except reports submitted by a certified public accountant to a client, are the property of the certified public accountant.

(2) No statement, record, schedule, working paper, or memorandum may be sold, transferred, or bequeathed without the consent of the client or his or her personal representative or assignee, to anyone other than one or more surviving partners, shareholders, or new partners or new shareholders of the accountant or corporation, or any combined or merged partnership or corporation, or successor in interest ~~((to the partnership or corporation))~~.

(3) A licensee shall furnish to his or her client or former client, upon request and reasonable notice:

(a) A copy of the licensee's working papers, to the extent that such working papers include records that would ordinarily constitute part of the client's records and are not otherwise available to the client; and

(b) Any accounting or other records belonging to, or obtained from or on behalf of, the client that the licensee removed from the client's premises or received for the client's account; the licensee may make and retain copies of such documents of the client when they form the basis for work done by him or her.

Sec. 19. Section 23, chapter 234, Laws of 1983 and RCW 18.04.405 are each amended to read as follows:

(1) A certified public accountant, a partnership or corporation of certified public accountants, or any of their employees shall not disclose any confidential information obtained in the course of a professional transaction except with the consent of the client or former client or as disclosure may be required by law, legal process, the standards of the profession, or as disclosure of confidential information is permitted by RCW 18.04.350 ~~((2))~~ (3) and ~~((3))~~ (4) in connection with peer reviews and ~~((ethics))~~ investigations.

(2) This section shall not be construed as limiting the authority of this state or of the United States or an agency of this state or of the United States to subpoena and use such information in connection with any investigation, public hearing, or other proceeding, nor shall this section be construed as prohibiting a certified public accountant whose professional competence has been challenged in a court of law or before an administrative agency from disclosing confidential information as a part of a defense to the court action or administrative proceeding.

Sec. 20. Section 34, chapter 234, Laws of 1983 and RCW 18.04.901 are each amended to read as follows:

If any provision of this ~~((act))~~ chapter or its application to any person or circumstance is held invalid, the remainder of the ~~((act))~~ chapter or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 21. The following acts or parts of acts are each repealed:

(1) Section 30, chapter 234, Laws of 1983 and RCW 43.131.311; and

(2) Section 31, chapter 234, Laws of 1983 and RCW 43.131.312.

Sec. 22. Section 1, chapter 234, Laws of 1983 and RCW 18.04.920 are each amended to read as follows:

This chapter may be cited as the public accountancy act (~~(of 1983)~~).

NEW SECTION. Sec. 23. RCW 18.04.930, 18.04.931, 18.04.932, 18.04.933, and 18.04.934 are each decodified.

NEW SECTION. Sec. 24. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect on July 1, 1986, except as provided in this section. Section 5 of this act shall not become effective if sections 90(1) and 4 of Engrossed Substitute House Bill No. 1758 become law."

On page 1, line 1 of the title, after "accountancy;" strike the remainder of the title and insert "amending RCW 18.04.025, 18.04.035, 18.04.045, 18.04.055, 18.04.065, 18.04.105, 18.04.185, 18.04.195, 18.04.205, 18.04.215, 18.04.295, 18.04.305, 18.04.320, 18.04.335, 18.04.345, 18.04.350, 18.04.380, 18.04.390, 18.04.405, 18.04.901, and 18.04.920; decodifying RCW 18.04.930, 18.04.931, 18.04.932, 18.04.933, and 18.04.934; repealing RCW 43.131.311 and 43.131.312; declaring an emergency; and providing an effective date."

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

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Senate Bill No. 4725 as amended by the House, and the bill passed the House by the following vote: Yeas, 87; nays, 11.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Scott, Silver, Smith C, Smitherman, Sommers, Sutherland, Tanner, Taylor, Tilly, Todd, Valle, van Dyke, Van Luvan, Vander Sloep, Vekich, Walk, Walker, Wang, West, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky - 87.

Voting nay: Representatives Belcher, Betrozoff, Locke, Peery, Schoon, Smith L, Thomas, Unsoeld, Williams B, Williams J, and Mr. Speaker - 11.

Engrossed Senate Bill No. 4725 as amended by the House, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Conference Committee on SUBSTITUTE SENATE BILL NO. 4814 and has granted said committee the powers of Free Conference.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 12, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred SUBSTITUTE SENATE BILL NO. 4814, relating to child abuse prevention, have had the same under consideration, and we recommend that the House Ways & Means Committee amendment as amended and adopted on March 7, 1986 be adopted, and that the bill as amended do pass.

Signed by Senators Talmadge, Gaspard, Bailey; Representatives Hargrove, Locke, West.

MOTION

Mr. Armstrong moved that the House adopt the report of the Free Conference Committee on Substitute Senate Bill No. 4814.

Representatives Locke and G. Nelson spoke in favor of the motion, and it was carried.

FINAL PASSAGE OF SENATE BILL
AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Substitute Senate Bill No. 4814 as amended by Free Conference Committee.

POINT OF INQUIRY

Mr. Armstrong yielded to question by Mr. Padden.

Mr. Padden: "Representative Armstrong, would the same question and answer that we had on this bill when it was before us previously still apply? I believe the remarks were between Representative Hargrove and Representative Dellwo."

Mr. Armstrong: "Yes."

ROLL CALL

The Clerk called the roll on the final passage of Substitute Senate Bill No. 4814 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 98.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J. King P., King R., Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D., Nelson G., Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C., Smith L., Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Waik, Waiker, Wang, West, Williams B., Williams J., Wilson K., Wilson S., Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Substitute Senate Bill No. 4814 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

	SUBSTITUTE HOUSE BILL NO.	131,
	HOUSE BILL NO.	134,
	SUBSTITUTE HOUSE BILL NO.	160,
	SUBSTITUTE HOUSE BILL NO.	378,
	SUBSTITUTE HOUSE BILL NO.	495,
	SUBSTITUTE HOUSE BILL NO.	803,
	HOUSE BILL NO.	1337,
	HOUSE BILL NO.	1386,
	SUBSTITUTE HOUSE BILL NO.	1447,
	HOUSE BILL NO.	1462,
	HOUSE BILL NO.	1499,
SECOND	SUBSTITUTE HOUSE BILL NO.	1505,
	SUBSTITUTE HOUSE BILL NO.	1587,
	SUBSTITUTE HOUSE BILL NO.	1593,
	HOUSE BILL NO.	1630,
	HOUSE BILL NO.	1631,
	HOUSE BILL NO.	1633,
	HOUSE BILL NO.	1647,
	HOUSE BILL NO.	1708,
	SUBSTITUTE HOUSE BILL NO.	1709,
	SUBSTITUTE HOUSE BILL NO.	1754,
	HOUSE BILL NO.	1795,
	SUBSTITUTE HOUSE BILL NO.	1804,
	SUBSTITUTE HOUSE BILL NO.	1827,
	SUBSTITUTE HOUSE BILL NO.	1829,
	HOUSE BILL NO.	1851,

SUBSTITUTE HOUSE BILL NO. 1870,
SUBSTITUTE HOUSE BILL NO. 2080,
HOUSE CONCURRENT RESOLUTION NO. 22.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-172, by Representatives Prince, Vander Stoep, Addison, Allen, Ballard, Barnes Barrett, Betzoff, Bond, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist May, Miller, Nealey, G. Nelson, Padden, Patrick, Sanders, Schmidt, Schoon, Silver, C. Smith, L. Smith, Taylor, Thomas, Tilly, van Dyke, Van Luven, Walker, West, B. Williams, J. Williams, Wilson and Winsley

WHEREAS, It is the policy of the Legislature of the State of Washington to recognize excellence in all fields of endeavor; and

WHEREAS, Mr. Wes Estes exhibited excellence in all areas in the eight years he served as a Senior Security Officer in the House of Representatives; and

WHEREAS, Wes well served the Thurston County community as a County Commissioner for four years; and

WHEREAS, Wes served the political system and his party faithfully as a precinct committeeman for ten of the last twenty-two years, as a State Committeeman for four years and as Chairman of the County Central Committee for four years; and

WHEREAS, Wes attended Washington State University and has since continued to educate himself in the ever-increasing important issues of the day; and

WHEREAS, Wes has participated in many other community groups and affairs such as Rotary, Elks, Olympia Lakelair, Washington Pioneer Association and St. John's Episcopal Church; and

WHEREAS, Wes is a devoted family man, a valued member of his community and a loyal citizen;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That Wes Estes be commended for his shining example of dedication and service to the Legislature and to the people of this state;

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives be directed to send a copy of this Resolution to Mr. Wes Estes and to Governor Booth Gardner.

On motion of Mr. Prince, the resolution was adopted.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, and has passed the bill as amended by the Free Conference Committee, and said report together with the bill is herewith transmitted.

Sidney R. Snyder, Secretary.

REPORT OF FREE CONFERENCE COMMITTEE

March 12, 1986

Mr. Speaker:

We, of your Free Conference Committee, to whom was referred ENGROSSED SUBSTITUTE HOUSE BILL NO. 2021, creating Washington health care project commission, have had the same under consideration and we recommend that the bill be amended as follows and the amended bill do pass:

Strike everything after the enacting clause and insert the following:

"NEW SECTION. Sec. 1. (1) The legislature finds that:

(a) Good health care for indigent persons is of importance to the state;

(b) To ensure the availability of a good level of health care, efforts must be made to encourage cost consciousness on the part of providers and consumers, while maintaining medical assistance recipients within the mainstream of health care delivery;

(c) Managed health care systems have been found to be effective in controlling costs while providing good health care services;

(d) By enrolling medical assistance recipients within managed health care systems, the state's goal is to ensure that medical assistance recipients receive at least the same quality of care they currently receive.

(2) It is the intent of the legislature to develop and implement new strategies that promote the use of managed health care systems for medical assistance recipients by establishing prepaid capitated programs for both in-patient and out-patient services.

NEW SECTION, Sec. 2. A new section is added to chapter 74.09 RCW to read as follows:

(1) For the purposes of this section, "managed health care system" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, health insuring organizations, or any combination thereof, that provides directly or by contract health care services covered under RCW 74.09.520 and rendered by licensed providers, on a prepaid capitated case management basis.

(2) No later than July 1, 1991, the department of social and health services shall enter into agreements with managed health care systems to provide health care services to recipients of aid to families with dependent children under the following conditions:

(a) Agreements shall be made within one class A county in the eastern part of the state for at least ten thousand recipients; and one class AA county for at least fifteen thousand recipients in the western part of the state; and one first class county of at least five thousand recipients in the western part of the state;

(b) At least one of the agreements shall include enrollment of all recipients of aid to families with dependent children residing in a defined geographical area;

(c) The department shall, to the extent possible, ensure that recipients have a choice of systems in which to enroll and, if necessary and medically appropriate treatment for a recipient is not available from or through a participating managed health care system, the department shall exempt the recipient from any requirement to receive some or all of their medical services from such a system;

(d) To the extent possible, the department shall ensure that participating managed health care systems do not enroll a disproportionate number of medical assistance recipients within the total numbers of persons served by the managed health care systems;

(e) Prior to negotiating with any managed health care system, the department shall estimate, on an actuarially sound basis, the expected cost of providing the health care services expressed in terms of upper and lower limits, and recognizing variations in the cost of providing the services through the various systems and in different project areas. In negotiating with managed health care systems the department shall adopt a uniform procedure that includes at least request for proposals, including standards regarding the quality of services to be provided; and financial integrity of the responding system. The department may negotiate with respondents to the extent necessary to refine any proposals;

(f) The department shall seek waivers from federal requirements as necessary to implement this chapter;

(g) The department shall, wherever possible, enter into prepaid capitation contracts that include inpatient care. However, if this is not possible or feasible, the department may enter into prepaid capitation contracts that do not include inpatient care;

(h) The department shall define those circumstances under which a managed health care system is responsible for out-of-system services and assure that recipients shall not be charged for such services; and

(i) Nothing in this section prevents the department from entering into similar agreements in additional counties or for other groups of people eligible to receive services under chapter 74.09 RCW.

The department shall seek to obtain a large number of contracts with providers of health services to medicaid recipients. The department shall ensure that publicly supported community health centers and providers in rural areas, who show serious intent and apparent capability to participate in the project as managed health care systems are seriously considered as providers in the project.

(3) The department shall work jointly with the state of Oregon and other states in this geographical region in order to develop recommendations to be presented to the appropriate federal agencies and the United States congress for improving health care of the poor, while controlling related costs.

NEW SECTION, Sec. 3. The department shall report to the legislature not later than January 1, 1987, on progress toward implementation of the requirements of this chapter, but shall not delay implementation on account of this reporting requirement.

The report shall also include an analysis of the possible expansion of the use of managed health care within other medical assistance programs, including making it available to certain recipients of general assistance and supplemental security income.

NEW SECTION, Sec. 4. There is created the Washington health care project commission composed of fifteen members; four members shall be state representatives, two from each political party appointed by the speaker of the house of representatives; four members shall be state senators, two from each political party appointed by the president of the senate.

The legislative members of the commission shall select seven public members, to serve on the commission, that are representative of health care professionals, health care providers, those directly involved in the purchase, provision, or delivery of health care services, industry, consumers, and those knowledgeable of the ethical issues involved with health care public policy.

The legislative members shall select from among the public members one to serve as chairman and from among the legislative members four to serve, together with the chairman, as an executive committee of the commission.

(1) The commission may hire staff or contract for professional assistance with funds made available for their activities. To the extent possible, the department of social and health services, the house of representatives, and the senate shall provide staff support. The commission may apply for and receive and accept grants, gifts, and other payments, including property and services, from any governmental or other public or private entity or person, and may make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to health care costs or access to health care.

The public members of the commission shall receive no compensation for their service as members, but shall be reimbursed for their expenses while attending any meetings of the commission in the same manner as legislators engaged in interim committee business as specified in RCW 44.04.120.

The commission may establish ad hoc technical advisory committees to assist it with any particular matters deemed necessary and any person serving in such capacity may be reimbursed for their expenses while attending any meetings of such committee or the commission in the same manner as public members of the commission.

(2) The commission shall have the following responsibilities:

(a) To review and estimate the following information about persons in the state of Washington who do not have health care coverage:

- (i) The numbers of such persons;
- (ii) Their age and geographic distribution;
- (iii) Their employment status;
- (iv) Their family size;
- (v) Their economic status; and
- (vi) Such other information as the commission deems relevant.

(b) To define basic health care coverage, using the following guidelines:

(i) The schedule of services shall emphasize preventive primary health care, including necessary physician services, and inpatient and outpatient hospital services;

(ii) The schedule of services shall include all services necessary for prenatal, postnatal, and well-child care;

(iii) The schedule of services shall include a separate schedule of basic health care services for children eighteen years of age and younger, for those who might choose to secure basic coverage only for their dependent children;

(iv) In designing the schedule of services, the commission shall consider the guidelines for assessing health services under the mandated benefits act of 1984, RCW 48.42.080; and

(v) The schedule of services shall be based upon an estimated cost not exceeding fifty dollars per month per person enrolled. The commission may develop alternative schedules of services based on higher or lower monthly costs as it deems appropriate.

(c) After establishing at least a tentative schedule of basic health care services, obtain the following information about persons identified in (a) of this subsection:

(i) An estimate of demand for basic health coverage expressed in terms of numbers of potential enrollees if such a program were made available to them, including the basis upon which such an offering should be made; and

(ii) The characteristics of likely enrollees including demographic and economic data, likely utilization and such other actuarial information as needed to estimate the likely cost of the benefit schedule defined by the commission.

(3) The commission shall then use the information obtained pursuant to this section to develop plans that includes:

(a) Methods of delivery for the schedule of basic health care services by managed health care systems;

(b) Methods of soliciting and accepting application for participation in the program to deliver such basic health care services on a demonstration basis from managed health care systems, including payment methods, rates, and any risk sharing provisions;

(c) Methods whereby the delivery of such services could be integrated with the managed health care systems that may be participating in the medical assistance program of the department of social and health services;

(d) A structure of periodic payments, based upon gross family income, that would be the responsibility of any person or subscriber within the identified groups, or that might be made the responsibility of another private party;

(e) Establishing necessary eligibility standards and guidelines for person seeking such health care coverage, and whatever administrative structure may be needed to enroll such persons;

(f) Methods of monitoring the provision of services to enrollees and the quality of care provided; and

(g) Methods of funding the reasonably anticipated costs of such plans, collectively or individually.

(4) For the purposes of this section, "managed health care systems" means any health care organization, including health care providers, insurers, health care service contractors, health maintenance organizations, or any combination thereof, that provides directly or by contract the schedule of services by duly licensed providers, on a prepaid capitated basis.

(5) The commission shall submit a final report to the legislature no later than December 1, 1986. The report shall include plans that address the needs for such a basic health care program for any identified groups of persons and an analysis of any alternatives considered, but not adopted.

(6) The commission shall terminate upon the submission of their final report.

NEW SECTION. Sec. 5. The sum of one hundred fifty thousand dollars, of which ninety thousand is from the general fund—state and sixty thousand is from the general fund—federal, or so much thereof as may be necessary, is appropriated to the department of social and health services for the biennium ending June 30, 1987, for the purposes identified in sections 2 and 3 of this act.

The sum of one hundred twenty-five thousand dollars, or as much thereof as may be necessary, is appropriated for the biennium ending June 30, 1987, from the general fund to the Washington health care project commission for the purposes identified in this act: PROVIDED, That the house executive rules committee and senate facilities and operations committee may jointly authorize expenditures for necessary expenses directly related to commission activities or studies on health care issues conducted by any legislative committee during 1986 or 1987.

NEW SECTION. Sec. 6. The following state agencies are directed to cooperate with the office of financial management in order to establish appropriate health care information systems in their programs: The department of social and health services, the department of labor and industries, the state employees' insurance board, the department of veterans affairs, and the department of corrections.

The office of financial management, in conjunction with such agencies, shall determine:

- (1) Definitions of health care services;
- (2) Health care data elements common to all agencies;
- (3) Health care data elements unique to each agency;
- (4) A mechanism for program and budget review of health care data; and
- (5) Executive review of health care data.

NEW SECTION. Sec. 7. Each of the agencies listed in section 6 of this act, with the exception of the department of labor and industries, which expends more than five hundred thousand dollars annually of state funds for purchase of health care shall identify the availability and costs of nonfee for service providers of health care, including preferred provider organizations, health maintenance organizations, managed health care or case management systems, or other nonfee for service alternatives. In each case where feasible in which an alternative health care provider arrangement, of similar scope and quality, is available at lower cost than fee for service providers, such state agencies shall make the services of the alternative provider available to clients, consumers, or employees for whom state dollars are spent to purchase health care. As consistent with other state and federal law, requirements for copayments, deductibles, the scope of available services, or other incentives shall be used to encourage clients, consumers, or employees to use the lowest cost providers, except that copayments or deductibles shall not be required where they might have the impact of denying access to necessary health care in a timely manner.

NEW SECTION. Sec. 8. Plans for establishing or improving utilization review procedures for purchased health care services shall be developed by each agency listed in section 6 of this act. The plans shall specifically address such utilization review procedures as prior authorization of services, hospital inpatient length of stay review, requirements for use of outpatient surgeries and the obtaining of second opinions for surgeries, review of invoices or claims submitted by service providers, and performance audit of providers.

NEW SECTION. Sec. 9. The state agencies listed in section 6 of this act shall review the feasibility of establishing prospective payment approaches within their health care programs. Work plans or timetables shall be prepared for the development of prospective rates. The agencies shall identify legislative actions that may be necessary to facilitate the adoption of prospective rate setting methods.

NEW SECTION. Sec. 10. (1) Each agency listed in section 6 of this act shall individually or in cooperation with other agencies take any necessary actions to control costs without reducing the quality of care when reimbursing for or purchasing drugs. To accomplish this purpose, each agency shall investigate the feasibility of and may establish a drug formulary designating which drugs may be paid for through their health care programs. For purposes of this

section, a drug formulary means a list of drugs, either inclusive or exclusive, that defines which drugs are eligible for reimbursement by the agency.

(2) In developing the drug formulary authorized by this section, agencies:

(a) Shall prohibit reimbursement for drugs that are determined to be ineffective by the United States food and drug administration;

(b) Shall adopt rules in order to ensure that less expensive generic drugs will be substituted for brand name drugs in those instances where the quality of care is not diminished;

(c) Where possible, may authorize reimbursement for drugs only in economical quantities;

(d) May limit the prices paid for drugs by such means as central purchasing, volume contracting, or setting maximum prices to be paid;

(e) Shall consider the approval of drugs with lower abuse potential in substitution for drugs with significant abuse potential; and

(f) May take other necessary measures to control costs of drugs without reducing the quality of care.

(3) Agencies may provide for reasonable exceptions to the drug formulary required by this section.

(4) Agencies may establish medical advisory committees, or utilize committees already established, to assist in the development of the drug formulary required by this section.

NEW SECTION. Sec. 11. A new section is added to chapter 43.41 RCW to read as follows:

(1) It is the purpose of this section to ensure implementation and coordination of chapter 70.-- RCW (sections 6 through 10 of this act) as well as other legislative and executive policies designed to contain the cost of health care that is purchased or provided by the state. In order to achieve that purpose, the director may:

(a) Establish within the office of financial management a health care cost containment program in cooperation with all state agencies;

(b) Implement lawful health care cost containment policies that have been adopted by the legislature or the governor, including appropriation provisos;

(c) Coordinate the activities of all state agencies with respect to health care cost containment policies;

(d) Study and make recommendations on health care cost containment policies;

(e) Monitor and report on the implementation of health care cost containment policies;

(f) Appoint a health care cost containment technical advisory committee that represents state agencies that are involved in the direct purchase, funding, or provision of health care; and

(g) Engage in other activities necessary to achieve the purposes of this section.

(2) All state agencies shall cooperate with the director in carrying out the purpose of this section.

(3) By December 15 of each even-numbered year, the office of financial management shall submit to the ways and means committees of the senate and house of representatives a report covering total expenditures over the past two years for the purchase or provision of health care services, together with an estimate of such future expenditures during the ensuing four years. The reports, together with any suitable recommendations, shall be consistent with the provisions of section 17, chapter 288, Laws of 1984 (uncodified).

NEW SECTION. Sec. 12. Not later than January 1, 1988, the superintendent of public instruction shall report to the legislature on proposed methods of controlling school employee health care costs consistent with the policies and goals of this act.

NEW SECTION. Sec. 13. Sections 6 through 10 of this act shall constitute a new chapter in Title 70 RCW.

NEW SECTION. Sec. 14. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately."

On page 1, line 1 of the title, after "health care," strike the remainder of the title and insert "adding a new section to chapter 74.09 RCW; adding a new section to chapter 43.41 RCW; adding a new chapter to Title 70 RCW; creating new sections; making appropriations; and declaring an emergency."

Signed by Senators McDermott, Talmadge; Representatives J. King, Ballard.

MOTION

On motion of Mr. J. King, the House adopted the report of the Free Conference Committee on Engrossed Substitute House Bill No. 2021.

FINAL PASSAGE OF HOUSE BILL AS AMENDED BY FREE CONFERENCE COMMITTEE

The Speaker stated the question before the House to be the final passage of Engrossed Substitute House Bill No. 2021 as amended by Free Conference Committee.

Representatives J. King and Brooks spoke in favor of passage of the bill.

ROLL CALL

The Clerk called the roll on the final passage of Engrossed Substitute House Bill No. 2021 as amended by Free Conference Committee, and the bill passed the House by the following vote: Yeas, 98.

Voting yeas: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Bond, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King P, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McMullen, Miller, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Tilly, Todd, Unsoeld, Valle, van Dyke, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 98.

Engrossed Substitute House Bill No. 2021 as amended by Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGES FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate receded from its amendments to SUBSTITUTE HOUSE BILL NO. 1765 and failed to pass the bill.

Sidney R. Snyder, Secretary.

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4639, and passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

March 12, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to ENGROSSED SENATE BILL NO. 4725 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 12, 1986

Mr. Speaker:

The Senate has concurred in the House amendments to SUBSTITUTE SENATE BILL NO. 4779 and passed the bill as amended by the House.

Sidney R. Snyder, Secretary.

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE JOINT RESOLUTION NO. 138 and passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

INTERIM COMMITTEE APPOINTMENT

The Speaker appointed Representative Patrick to replace Representative Barrett on the Washington State Gambling Commission.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-171, by Representatives Lux, Sanders, Ballard, Hastings, Schoon, West, Lundquist and S. Wilson

WHEREAS, Rotary Clubs of Washington for the past several years have sponsored a student exchange program whereby students are given the opportunity to live in, study and experience the culture of countries other than those of their birth; and

WHEREAS, During the exchange period students not only add to their knowledge of the country in which they are in residence, but they also serve as ambassadors of their homeland; and

WHEREAS, In the number of years the program has existed, it has involved students and countries world wide; and

WHEREAS, Students in the program live with three or more families during their stay in the country of exchange. In this manner, they are able to observe a broader, cross-sectional view of family life, develop a greater number of relationships in the host country and increase their effectiveness as ambassadors of their home countries; and

WHEREAS, The family ties established during the students' stay in host countries endure over time and are a lasting symbol of affection and friendship; and

WHEREAS, Upon returning to their home countries, students share their knowledge and experiences with parents and peers. This sharing of new experiences and information has the potential to influence and assist other students in the making of educational decisions; and

WHEREAS, That collectively and individually, Rotarians are commended for their efforts in promoting a program that can only lead to a better understanding between nations and enhance the prospects of lasting peace; NOW, THEREFORE, BE IT RESOLVED, That the members of the House of Representatives of the 49th session of the Washington State Legislature recognize and acknowledge participating Rotary Clubs of Washington for their sponsorship of the Student Exchange Program.

Mr. Bond moved adoption of the resolution.

Representatives Bond, Lux, Schoon, Hine, May and West spoke in favor of the resolution and it was adopted.

MESSAGES FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted the report of the Free Conference Committee on SUBSTITUTE SENATE BILL NO. 4814 and passed the bill as amended by the Free Conference Committee.

Sidney R. Snyder, Secretary.

March 12, 1986

Mr. Speaker:

The President has signed:

SENATE BILL NO. 3397,
SENATE BILL NO. 4463,
SUBSTITUTE SENATE BILL NO. 4531,
SUBSTITUTE SENATE BILL NO. 4639,
SENATE BILL NO. 4725,
SUBSTITUTE SENATE BILL NO. 4779,
SUBSTITUTE SENATE BILL NO. 4814,
SUBSTITUTE SENATE BILL NO. 4917,

SUBSTITUTE SENATE JOINT RESOLUTION NO. 138,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 1134,
SUBSTITUTE HOUSE BILL NO. 1331,
HOUSE BILL NO. 1399,
SUBSTITUTE HOUSE BILL NO. 1598,
HOUSE BILL NO. 1614,
HOUSE BILL NO. 1825,
SUBSTITUTE HOUSE BILL NO. 2021,
SUBSTITUTE HOUSE JOINT RESOLUTION NO. 49,
SENATE BILL NO. 3397,
SENATE BILL NO. 4463,

SUBSTITUTE SENATE BILL NO. 4531,
 SUBSTITUTE SENATE BILL NO. 4639,
 SENATE BILL NO. 4725,
 SUBSTITUTE SENATE BILL NO. 4779,
 SUBSTITUTE SENATE BILL NO. 4814,
 SUBSTITUTE SENATE BILL NO. 4917,
 SUBSTITUTE SENATE JOINT RESOLUTION NO. 138.

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 131,
 HOUSE BILL NO. 134,
 SUBSTITUTE HOUSE BILL NO. 160,
 SUBSTITUTE HOUSE BILL NO. 495,
 HOUSE BILL NO. 1134,
 SUBSTITUTE HOUSE BILL NO. 1331,
 HOUSE BILL NO. 1337,
 HOUSE BILL NO. 1399,
 SUBSTITUTE HOUSE BILL NO. 1593,
 SUBSTITUTE HOUSE BILL NO. 1598,
 HOUSE BILL NO. 1614,
 HOUSE BILL NO. 1631,
 HOUSE BILL NO. 1633,
 SUBSTITUTE HOUSE BILL NO. 1709,
 SUBSTITUTE HOUSE BILL NO. 1754,
 HOUSE BILL NO. 1795,
 HOUSE BILL NO. 1825,
 SUBSTITUTE HOUSE BILL NO. 1827,
 SUBSTITUTE HOUSE BILL NO. 1829,
 SUBSTITUTE HOUSE BILL NO. 2021,
 SUBSTITUTE HOUSE JOINT RESOLUTION NO. 49,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

POINT OF PERSONAL PRIVILEGE

Mr. G. Nelson: "Mr. Speaker, I didn't get a chance to join with the others the night before last during the floor resolution honoring you, and so I thought during this wind-down evening on the last day you are presiding, I thought that we would, perhaps, reminisce a little bit. I want to share with everybody that I know we have dealt with a lot of issues over the years and you've given a good deal of your time to make this a responsive body even when things are wild. I'm sure everyone here feels that you've passed along some straight thinking advice to be effective legislators in this full House. It has come to my attention that since this is the last evening of your presiding, and I know that my rule book, Reed's, is getting dog-eared and kind of battered, so I would hope that you would put yours aside because I would like to have you now take on other rules that would be enjoyable.

"This is a new rule book that I hope you enjoy; this is not Rules by Reed, this is Rules by Hoyle, and I would hope that it comes in handy. I know that with recent experiences that you have had, things have been getting tougher and I often thought maybe it was your glasses that needed some redoing, but on second thought, I knew it wasn't your glasses; it was just something that perhaps happens when you do get a little older. So I am providing to you a new set of tools that should be used frequently, but not here. I don't know how many of the folks here realize that for the last five years I've had your name on my IRS Form 1040. You've become a legitimate deduction for me on occasion, whether it happens to be at lunch hour or on certain evenings. In fact, I was thinking, with some of the bills that passed out of the chambers during the course of this session, that the acronym 'DOE' in these chambers won't stand for Department of Ecology or Department of

Energy, but it's really 'Deal Out Ehlers.' We'll probably have a bill dealing with the new DOE.

"In closing, we've had a lot of fun over the last fourteen years together and I suppose there will be times when we miss you. I'm really looking forward to the fact that you will be able to spend more time with Patricia, really, because those late evenings that you were spending away, staying down here to enjoy our company, certainly were not too profitable from our standpoint. This last evening, in saying good-bye to your official status as Speaker, I was hoping to have the colleagues behind me stand and give you the best hand you've ever had."

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The President has signed:

SUBSTITUTE HOUSE BILL NO. 378,
 SUBSTITUTE HOUSE BILL NO. 803,
 HOUSE BILL NO. 1386,
 SUBSTITUTE HOUSE BILL NO. 1447,
 HOUSE BILL NO. 1462,
 HOUSE BILL NO. 1499,
 SECOND SUBSTITUTE HOUSE BILL NO. 1505,
 SUBSTITUTE HOUSE BILL NO. 1587,
 HOUSE BILL NO. 1630,
 HOUSE BILL NO. 1647,
 HOUSE BILL NO. 1708,
 SUBSTITUTE HOUSE BILL NO. 1804,
 HOUSE BILL NO. 1851,
 SUBSTITUTE HOUSE BILL NO. 1870,
 SUBSTITUTE HOUSE BILL NO. 2080,
 HOUSE CONCURRENT RESOLUTION NO. 22.

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

The House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

HCR 28 by Representatives J. King and Barrett

Notifying the Governor that the legislature is ready to adjourn.

On motion of Mr. J. King, the rules were suspended, and the resolution was placed on second reading and read the second time in full.

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

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has adopted HOUSE CONCURRENT RESOLUTION NO. 28, and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 28.

The House advanced to the eighth order of business.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-148, by Representatives J. King and Barrett

BE IT RESOLVED, That a committee of three members be appointed by the Speaker to notify the Senate that the House of Representatives is ready to adjourn sine die.

On motion of Mr. J. King, the resolution was adopted.

APPOINTMENT OF COMMITTEE

The Speaker appointed Representatives Kremen, Braddock and West to notify the Senate that the House was ready to adjourn sine die.

COMMITTEE FROM SENATE

A committee from the Senate, consisting of Senators DeJarnatt, Owen and Bluechel, appeared at the bar of the House and notified the House that the Senate was ready to adjourn sine die.

The message was received and the committee returned to the Senate.

REPORT OF COMMITTEE

The committee appointed under the terms of House Resolution No. 148 appeared at the bar of the House and reported that they had notified the Senate that the House was ready to adjourn sine die.

The report was received and the committee was discharged.

APPOINTMENT OF COMMITTEE

Under the terms of House Concurrent Resolution No. 28, the Speaker appointed Representatives Zellinsky, D. Nelson and Barrett to notify the Governor that the Legislature was about to adjourn sine die.

RESOLUTIONS

HOUSE RESOLUTION NO. 86-169, by Representatives J. King and Barrett

BE IT RESOLVED, By the House of Representatives of the State of Washington, that all bills, memorials, joint resolutions and concurrent resolutions in possession of the Chief Clerk of the House of Representatives be indefinitely postponed.

On motion of Mr. J. King, the resolution was adopted.

HOUSE FLOOR RESOLUTION NO. 86-145, by Representatives J. King and S. Wilson

WHEREAS, The 1986 Regular Session of the Forty-ninth Legislature is drawing to a close; and

WHEREAS, It is necessary to provide for the completion of the work of the House after its adjournment and during the interim period before the next session;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That there is created the Executive Rules Committee, which shall consist of the Speaker and four additional members who shall be appointed by the Speaker from the Rules Committee. The Chief Clerk of the House shall be the nonvoting secretary of the Committee; and

BE IT FURTHER RESOLVED, That the Executive Rules Committee is authorized to assign subject matters and bills, memorials, and resolutions to authorized committees for study during the interim, and the Speaker is authorized to create special and select committees as may be necessary to carry out the functions, including interim studies, of the House in an orderly manner and appoint members thereto with the approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That during the interim the Executive Rules Committee shall authorize schedules and locations for meetings of any authorized committee or subcommittee, and such committees or subcommittees may conduct hearings and scheduling without a quorum being present; and

BE IT FURTHER RESOLVED, That during the interim, authorized committees have the power of subpoena, the power to administer oaths, and the power to issue commissions for the examination of witnesses in accordance with the provisions of chapter 44.16 RCW if and when specifically authorized by the Executive Rules Committee for specific purposes and specific subjects; and

BE IT FURTHER RESOLVED, That the Chief Clerk of the House of Representatives is directed to complete the work of the 1986 Regular Session of the Forty-ninth Legislature, and all details that arise therefrom, including the editing, indexing, and publishing of the journal of the House; and

BE IT FURTHER RESOLVED, That the Sergeant-at-Arms is directed to complete the necessary work of the 1986 Regular Session of the Forty-ninth Legislature, to see that the House Chamber, adjoining rooms, members' offices, furniture, and equipment are clean and in good order, and to make the necessary inventory of furnishings, fixtures, and supplies; and

BE IT FURTHER RESOLVED, That the Speaker and the Chief Clerk are authorized and directed to retain such additional employees as may be necessary to continue the interim work of the Legislature and to fix their compensation therefor; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized and directed to make out the necessary vouchers upon which warrants shall be drawn for the final payment of all expenses in connection with the closing business and for any other business of the House of Representatives; and

BE IT FURTHER RESOLVED, That neither the Speaker nor the Chief Clerk may approve or sign any personal service contract without the express approval of the Executive Rules Committee; and

BE IT FURTHER RESOLVED, That the State Treasurer is directed to draw warrants for the payment of salaries, per diems, in lieu payments, and reimbursements of and to the members of the House of Representatives, and the elected officers of the House of Representatives, and the retained employees each month upon vouchers signed by the members, officers, or employees and approved by the Chief Clerk of the House of Representatives, and he is authorized to deliver the warrants to the Chief Clerk of the House of Representatives for delivery or mailing to those entitled thereto; and

WHEREAS, New developments in legislative processes and administration are constantly occurring; and

WHEREAS, The substantive matters requiring legislative action are becoming increasingly complex; and

WHEREAS, The Council of State Governments, the National Conference of State Legislatures, and other organizations are offering a variety of training and continuing education courses and meetings on such subjects; and

WHEREAS, The participation in those activities by members of the House and legislative staff will benefit the House in furthering the efficiency and economy of its operation;

NOW, THEREFORE, BE IT RESOLVED, That the Speaker and the Chief Clerk may authorize the attendance of members and staff members at such courses or meetings as may be deemed pertinent and may authorize the expenditure of registration or tuition fees and reimbursement for subsistence and travel for such purpose; and

BE IT FURTHER RESOLVED, That members of the Legislature be reimbursed for expenses incurred in attending such conferences, meetings, and continuing education courses at the rate prescribed by RCW 44.04.120, plus mileage to and from the conferences, meetings, and courses at the rate established by law, except that if travel was by means of common carrier then only actual fare may be claimed, which reimbursements shall be paid on their vouchers from any appropriation made to the House of Representatives for legislative expense; and

BE IT FURTHER RESOLVED, That employees of the Legislature be reimbursed for expenses incurred in attending such conferences, meetings, and continuing education courses at the rate prescribed by RCW 43.03.050, plus mileage to and from the conferences, meetings, and courses at the rate established by law, except that if travel was by means of common carrier then only actual fare may be claimed, which reimbursement shall be paid on their vouchers out of funds appropriated for legislative expenses; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized to approve vouchers of the members of the House, covering expenses incurred during the interim for official business of the Legislature or in preparation for the sessions of the Legislature and organizational duties in connection therewith, at the per diem rate provided by RCW 44.04.120, for each day or major portion thereof, plus mileage at the rate established by law; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized and directed, during the interim, and as authorized by the Speaker and the Employment Committee, to hire any necessary employees, to order necessary supplies, equipment, and

printing to enable the House to carry out its work promptly and efficiently, and to accept committee reports, committee bills, prefiled bills, memorials, and resolutions as directed by the Rules of the House and by Joint Rules of the Legislature; and

BE IT FURTHER RESOLVED, That after the adjournment of the 1986 Regular Session of the Forty-ninth Legislature the use of the House Chamber, any of its committee rooms, members' offices, or any of the furniture or furnishings therein, shall not be granted to anyone without the permission of the Speaker and the Chief Clerk of the House of Representatives; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized to express the sympathy of the House by sending flowers in the event of a bereavement in a Representative's or Senator's family; and

BE IT FURTHER RESOLVED, That the Chief Clerk is authorized to make out the necessary vouchers upon which warrants for the foregoing expenses and expenditures shall be drawn.

On motion of Mr. J. King, the resolution was adopted.

REPORT OF SPECIAL COMMITTEE

The committee appointed to notify the Governor that the Legislature was about to adjourn sine die appeared at the bar of the House and reported that they had notified the Governor and he had returned with them to the House.

The report was received and the committee was discharged.

The Speaker invited Governor Gardner to the rostrum.

Governor Gardner: "As all of you know, Wayne and I have been personal friends for a number of years. I wanted to come, Wayne, and thank you for your four years of service as Speaker and to let you know, sincerely, on behalf of the people of the state, your leadership is going to be missed. You are another in a long line of distinguished Speakers, another of whom we have here on the podium tonight. I don't think there's a person in the Legislature that doesn't appreciate the leadership you have provided and the wisdom you have brought to this body and the fact that the House of Representatives did a sterling job this time, in a year when people thought it wouldn't be as strong because of your 'lame duck' status. In fact, you did a tremendous job, Wayne, and I want to say personally, from the bottom of my heart, I'll miss you and God bless."

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The Senate has passed:

SENATE CONCURRENT RESOLUTION NO. 136,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

The House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

SCR 136 by Senators Bottiger, Fleming, Hayner and Sellar

Adjournment Sine Die of the 1986 Regular Session of the 49th Legislature.

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

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

MESSAGE FROM THE SENATE

March 12, 1986

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 28,
SENATE CONCURRENT RESOLUTION NO. 136,

and the same are herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

SENATE CONCURRENT RESOLUTION NO. 136.

MOTION

On motion of Mr. J. King, the 1986 Regular Session of the 49th Legislature was adjourned sine die.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

FIRST SPECIAL SESSION

FIRST DAY

MORNING SESSION

House Chamber, Olympia, Wash., Friday, August 1, 1986

The House was called to order at 10:00 a.m. by the Speaker. The Clerk called the roll and all members were present except Representatives Bond, P. King, Locke, Miller and van Dyke, who were excused.

The flag was escorted to the rostrum by a Sergeant at Arms Color Guard, Pages Renee Cormier and Chrissy Ott. Prayer was offered by Reverend James Blundell, Minister of St. John's Episcopal Church of Olympia.

MESSAGE FROM SECRETARY OF STATE

The Honorable,
Speaker of the House of Representatives
The Legislature of the State of Washington
Olympia, Washington
Mr. Speaker:

I, Ralph Munro, do hereby certify that the attached is a full, true and correct copy of the Proclamation of the Governor calling a special session of the State Legislature, which Proclamation was signed and attested to on the twenty-fifth day of July, 1986.

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the Seal of the State of Washington at Olympia, this first day of August, 1986.

(Seal)

RALPH MUNRO,
Secretary of State

PROCLAMATION BY THE GOVERNOR

Under the terms of the Nuclear Waste Policy Act, Public Law 97-425, Congress and the United States Department of Energy are required to follow certain processes in making the selection of a site for a high level nuclear waste repository. On May 28, 1986, the U.S. Department of Energy announced the selection of three sites, including one on the Hanford Reservation, for further study. It is my belief that the people of this state should have the opportunity to express their opinion about the process used to select sites. In order to accomplish this, it is necessary for the Legislature to meet solely for the purpose of taking action to place a referendum before the people.

NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the authority vested in me by Article II, Section 12 (Amendment 68), and Article III, Section 7 of the State Constitution, do hereby convene the Legislature of the State of Washington on Friday, August 1, 1986, at 10:00 a.m. in Special Session in the Capitol at Olympia for a period of no more than twenty-four hours for the sole purpose of considering legislation to place a referendum before the people pertaining to the process for selecting the State of Washington as a potential high level nuclear waste repository site.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia at 2:00 p.m., this 25th day of July, A.D., nineteen hundred and eighty-six.

(Seal)

BOOTH GARDNER,
Governor

POINT OF PARLIAMENTARY INQUIRY

Mr. Padden: "Mr. Speaker, does the Governor have the legal authority to limit the agenda of a Special Session to one item, and further, to limit the time of this legislature to meet to twenty-four hours?"

SPEAKER'S RULING

The Speaker: "Article II, Section 12 of the State Constitution provides that 'Special legislative sessions may be convened for a period of not more than thirty consecutive days by proclamation of the governor....' This section of the Constitution also provides that any specification of purpose for which the special session is called by the Governor '...shall be considered by the legislature but shall not be mandatory.' In answer to your point of parliamentary inquiry, consistent with the prior rulings of both Speaker Polk and Speaker O'Brien, the Speaker would rule that in accordance with the State Constitution, the Governor may not limit the subject this body may consider and may not restrict the legislature's time to act to less than thirty days."

The House advanced to the eighth order of business.

MOTION

On motion of Mr. J. King, the rules were suspended to allow consideration of House Floor Resolution No. 86-175.

RESOLUTION

HOUSE FLOOR RESOLUTION NO. 86-175, by Representatives J. King and S. Wilson

BE IT RESOLVED, That the Permanent Rules of the House of Representatives, Forty-Ninth Legislature, as set forth in House Floor Resolution No. 86-94, be amended by adding a new subsection to Rule 11 to read as follows:

"(F) Concurrent Resolutions. Reading of concurrent resolutions may be advanced by majority vote."

On motion of Mr. J. King, the resolution was adopted.

MESSAGE FROM THE SENATE

August 1, 1986

Mr. Speaker:

The Senate has adopted:

SENATE CONCURRENT RESOLUTION NO. 137,

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

The House reverted to the fourth order of business.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 137, by Senators Bottiger and Fleming

Limiting subject matter and time of Special Session.

On motion of Mr. J. King, the rules were suspended, and Senate Concurrent Resolution No. 137 was advanced to second reading and read the second time in full.

Mr. Ballard moved adoption of the following amendment:

On page 1, line 14, following "site" insert "and measures dealing with mandatory prison sentences for drug pushers"

Mr. Ballard spoke in favor of the amendment and Mr. J. King opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Ballard to Senate Concurrent Resolution No. 137, and the amendment was not adopted by the following vote: Yeas, 41; nays, 52; excused, 5.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Baugher, Betzoff, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, McLean, Nealey, Nelson G, Padden, Patrick, Prince, Rayburn, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Van Luven, Vander Stoep, Walker, West, Williams B, Wilson S - 41.

Voting nay: Representatives Appelwick, Armstrong, Basich, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Jacobsen, King J, King R, Kremen, Leonard, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 52.

Excused: Representatives Bond, King P, Locke, Miller, van Dyke - 5.

Mr. Lundquist moved adoption of the following amendment by Representatives Lundquist and May:

On page 1, line 14, following "site" insert "and measures dealing with waivers from secondary treatment"

Representatives Lundquist and May spoke in favor of the amendment, and Mr. J. King opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representatives Lundquist and May to Senate Concurrent Resolution No. 137, and the amendment was not adopted by the following vote: Yeas, 38; nays, 55; excused, 5.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, McLean, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Van Luven, Vander Stoep, Walker, Williams B, Wilson S - 38.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hankins, Hargrove, Haugen, Hine, Jacobsen, King J, King R, Kremen, Leonard, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, West, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 55.

Excused: Representatives Bond, King P, Locke, Miller, van Dyke - 5.

Mr. G. Nelson moved adoption of the following amendment:

On page 1, line 14 following "site" insert "and measures dealing with the establishment of a carrier task force at Everett"

Mr. G. Nelson spoke in favor of the amendment, and Mr. J. King opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative G. Nelson to Senate Concurrent Resolution No. 137, and the amendment was not adopted by the following vote: Yeas, 40; nays, 53; excused, 5.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, McLean, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Van Luven, Vander Stoep, Walker, West, Williams B, Wilson S - 40.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King R, Kremen, Leonard, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Williams J, Wilson K, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 53.

Excused: Representatives Bond, King P, Locke, Miller, van Dyke - 5.

Mr. S. Wilson moved adoption of the following amendment:

On page 1, line 14, following "site" insert "and measures dealing with memorials to Congress regarding nuclear waste"

Mr. S. Wilson spoke in favor of the amendment, and Mr. J. King opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative S. Wilson to Senate Concurrent Resolution No. 137, and the amendment was not adopted by the following vote: Yeas, 42; nays, 51; excused, 5.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, McLean, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King R, Kremen, Leonard, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 51.

Excused: Representatives Bond, King P, Locke, Miller, van Dyke - 5.

On motion of Mr. J. King, the rules were suspended, the second reading considered the third, and Senate Concurrent Resolution No. 137 was placed on final passage.

Mr. J. King spoke in favor of passage of the resolution.

ROLL CALL

The Clerk called the roll on adoption of Senate Concurrent Resolution No. 137, and the resolution was adopted by the following vote: Yeas, 93; excused, 5.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hankins, Hargrove, Hastings, Haugen, Hine, Holland, Isaacson, Jacobsen, King J, King R, Kremen, Leonard, Lewis, Long, Lundquist, Lux, Madsen, May, McLean, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 93.

Excused: Representatives Bond, King P, Locke, Miller, van Dyke - 5.

Senate Concurrent Resolution No. 137, having received the constitutional majority, was declared adopted.

Representative Locke appeared at the bar of the House.

INTRODUCTION AND FIRST READING

HB 2130 by Representatives Todd, S. Wilson, D. Nelson, Taylor, Appelwick, Long, Schoon, Silver, McMullen, Jacobsen, Gallagher, Grimm, Unsoeld, Peery, Sutherland, Fisch, Tanner, Dellwo, Fisher, Ebersole, Scott, Nutley, Basich, Rust, Valle, Wang, Belcher, Armstrong, Smitherman, Lux, Sayan, Leonard, K. Wilson, R. King, O'Brien, Hine, Day, Cole, Braddock, Zellinsky, Kremen, Ballard, Bristow, Vekich, Schmidt, Holland, Miller, Allen, Barrett, Patrick, Betzoff, B. Williams, Wineberry, Walker, J. King, Crane, Niemi, Hargrove, Haugen, Van Luven, May, Brough, Rayburn, Winsley, Thomas and J. Williams; by Governor request

AN ACT Relating to the site selection process for a high-level nuclear waste repository; adding a new chapter to Title 29 RCW; adding a new chapter to Title 43 RCW; creating a new section; and providing for submission of this act to a vote of the people.

On motion of Mr. J. King, the rules were suspended and House Bill No. 2130 was advanced to second reading and read the second time in full.

Mr. Barrett moved adoption of the following amendment:

On page 4, line 15 following "at" strike "the next succeeding general" and insert "a special election to be held in conjunction with the next succeeding primary"

Representatives Barrett, Taylor, Hastings, Long, May, L. Smith and Barnes spoke in favor of the amendment, and Representatives Hine and D. Nelson opposed it.

A division was called.

ROLL CALL

The Clerk called the roll on adoption of the amendment by Representative Barrett to House Bill No. 2130, and the amendment was not adopted by the following vote: Yeas, 42; nays, 52; excused, 4.

Voting yea: Representatives Addison, Allen, Ballard, Barnes, Barrett, Betzoff, Brooks, Brough, Chandler, Dobbs, Doty, Fuhrman, Hankins, Hastings, Holland, Isaacson, Lewis, Long, Lundquist, May, McLean, Nealey, Nelson G, Padden, Patrick, Prince, Sanders, Schmidt, Schoon, Silver, Smith C, Smith L, Taylor, Thomas, Van Luven, Vander Stoep, Walker, West, Williams B, Williams J, Wilson S, Winsley - 42.

Voting nay: Representatives Appelwick, Armstrong, Basich, Baugher, Belcher, Braddock, Brekke, Bristow, Cole, Crane, Day, Dellwo, Ebersole, Fisch, Fisher, Gallagher, Grimm, Hargrove, Haugen, Hine, Jacobsen, King J, King R, Kremen, Leonard, Locke, Lux, Madsen, McMullen, Nelson D, Niemi, Nutley, O'Brien, Peery, Rayburn, Rust, Sayan, Scott, Smitherman, Sommers, Sutherland, Tanner, Todd, Unsoeld, Valle, Vekich, Walk, Wang, Wilson K, Wineberry, Zellinsky, and Mr. Speaker - 52.

Excused: Representatives Bond, King P, Miller, van Dyke - 4.

Mr. Barnes moved adoption of the following amendment by Representatives Barnes and Sanders:

On page 4, line 21 following "site?" insert "The secretary of state shall cause the balloting on this measure to be split so that the votes in favor or against sections 1 and 2 will be recorded separately from the votes for or against the balance of the bill."

Mr. Barnes spoke in favor of the amendment and Mr. Todd opposed it.

Mr. Barnes spoke again in favor of the amendment.

The amendment was not adopted.

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

Mr. Todd spoke in favor of passage of the bill, and Ms. Hankins opposed it.

POINT OF INQUIRY

Mr. D. Nelson yielded to question by Mr. Dellwo.

Mr. Dellwo: "In section 2, subsection (5), the Governor, legislature and state officials would be directed to '...pursue alliances with other states and interested parties, particularly with Pacific Northwest governors, legislatures, and other parties...' affected by a repository at Hanford. Is 'other parties' intended to include affected Indian tribes?"

Mr. D. Nelson: "Yes. The Nuclear Waste Policy Act of 1982 clearly specifies that affected Indian tribes have an active role in the repository site selection process. This state has worked closely with the Yakima and Nez Perce Indian nations and the Confederated Umatilla tribes on this issue. This subsection urges that those activities continue and that alliances be pursued with any other affected Indian tribes that may be identified."

Representatives D. Nelson, Unsoeld, Valle, Taylor, Long, Sanders, West, Wineberry and Schmidt spoke in favor of passage of the bill, and Representative Isaacson spoke against it.

ROLL CALL

The Clerk called the roll on the final passage of House Bill No. 2130, and the bill passed the House by the following vote: Yeas, 91; nays, 3; excused, 4.

Voting yea: Representatives Addison, Allen, Appelwick, Armstrong, Ballard, Barnes, Barrett, Basich, Baugher, Belcher, Betzoff, Braddock, Brekke, Bristow, Brooks, Brough, Chandler, Cole, Crane, Day, Dellwo, Dobbs, Doty, Ebersole, Fisch, Fisher, Fuhrman, Gallagher, Grimm, Hargrove, Haugen, Hine, Holland, Jacobsen, King J, King R, Kremen, Leonard, Lewis, Locke, Long, Lundquist, Lux, Madsen, May, McLean, McMullen, Nealey, Nelson D, Nelson G, Niemi, Nutley, O'Brien, Padden, Patrick, Peery, Prince, Rayburn, Rust, Sanders, Sayan, Schmidt, Schoon, Scott, Silver, Smith C, Smith L, Smitherman, Sommers, Sutherland, Tanner, Taylor, Thomas, Todd, Unsoeld, Valle, Van Luven, Vander Stoep, Vekich, Walk, Walker, Wang, West, Williams B, Williams J, Wilson K, Wilson S, Wineberry, Winsley, Zellinsky, and Mr. Speaker - 91.

Voting nay: Representatives Hankins, Hastings, Isaacson - 3.

Excused: Representatives Bond, King P, Miller, van Dyke - 4.

House Bill No. 2130, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

On motion of Mr. J. King, House Bill No. 2130 was ordered immediately transmitted to the Senate.

INTRODUCTIONS AND FIRST READING

HB 2131 by Representatives Lundquist, May, C. Smith, Chandler, S. Wilson, Schoon, Barrett, Betrozoff, B. Williams, Sanders, Walker, Dobbs, Padden, Hargrove and Fisch

AN ACT Relating to the secondary sewerage treatment of wastewater; and amending RCW 70.146.050.

Referred to Committee on Environmental Affairs.

HB 2132 by Representatives Thomas, S. Wilson, Hankins, Schoon, Barrett, Patrick, B. Williams, Sanders, Walker, Dobbs, Isaacson and Doty

AN ACT Relating to poisons; amending RCW 16.52.193; adding a new chapter to Title 69 RCW; and prescribing penalties.

Referred to Committee on Social & Health Services.

HB 2133 by Representatives G. Nelson, C. Smith, Chandler, S. Wilson, Hankins, Allen, Barrett, B. Williams, Sanders, Dobbs, Lundquist, Isaacson, Doty and May

AN ACT Relating to the establishment of a United States Navy Carrier Battle Group in Puget Sound at Everett; creating a new section; and providing for submission of this act to a vote of the people.

Referred to Committee on Trade & Economic Development.

HB 2134 by Representatives Ballard, C. Smith, Chandler, Hankins, Schoon, Silver, Tanner, Barrett, Patrick, Betrozoff, B. Williams, Sanders, Walker, Dobbs, Lundquist, Nealey, McLean, Isaacson, Haugen, Doty and May

AN ACT Relating to controlled substances; amending RCW 9.94A.080, 9.94A.150, 9.94A.370, 9.94A.450, and 69.50.401; reenacting and amending RCW 9.94A.120; adding new sections to chapter 9.94A RCW; prescribing penalties; and providing for submission of this act to a vote of the people.

Referred to Committee on Judiciary.

HJM 41 by Representatives S. Wilson, C. Smith, Chandler, Long, Schoon, Silver, Cole, Miller, Allen, Barrett, Patrick, Betrozoff, Walker, Lundquist, Nealey, Padden, Van Luven, May, Brough and Thomas

Requesting compliance with the Nuclear Waste Policy Act.

Referred to Committee on Energy & Utilities.

The Speaker declared the House to be at ease.

The Speaker called the House to order.

MESSAGES FROM THE SENATE

August 1, 1986

Mr. Speaker:

The President has signed:

SENATE CONCURRENT RESOLUTION NO. 137.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

August 1, 1986

Mr. Speaker:

The Senate has passed:

HOUSE BILL NO. 2130.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE BILL NO. 2130.

SENATE CONCURRENT RESOLUTION NO. 137.

INTRODUCTION AND FIRST READING

HCR 30 by Representatives J. King, Grimm, Armstrong, R. King, Cole and Hargrove

Adjournment Sine Die of the 1986 First Special Session of the 49th Legislature.

On motion of Mr. J. King, the rules were suspended and House Concurrent Resolution No. 30 was advanced to second reading and read the second time in full.

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

The resolution was adopted.

On motion of Mr. J. King, House Concurrent Resolution No. 30 was ordered immediately transmitted to the Senate.

MESSAGES FROM THE SENATE

August 1, 1986

Mr. Speaker:

The President has signed:

HOUSE BILL NO. 2130.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

August 1, 1986

Mr. Speaker:

The Senate has adopted:

HOUSE CONCURRENT RESOLUTION NO. 30.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

SIGNED BY THE SPEAKER

The Speaker announced he was signing:

HOUSE CONCURRENT RESOLUTION NO. 30.

MESSAGE FROM THE SENATE

August 1, 1986

Mr. Speaker:

The President has signed:

HOUSE CONCURRENT RESOLUTION NO. 30.

and the same is herewith transmitted.

Sidney R. Snyder, Secretary.

MOTIONS

On motion of Mr. J. King, the Journal of the First Day of the 1986 First Special Session of the 49th Legislature was ordered to stand approved.

On motion of Mr. J. King, the 1986 First Special Session of the 49th Legislature was adjourned sine die.

WAYNE EHLERS, Speaker

DENNIS L. HECK, Chief Clerk

HOUSE LEGISLATIVE LEADERS

1986

DEMOCRATIC LEADERSHIP

Speaker	Wayne Ehlers
Speaker Pro Tempore	John L. O'Brien
Majority Leader	Joseph E. King
Assistant Majority Leader	Marlin Appelwick
Democratic Caucus Chair	Lorraine A. Hine
Democratic Caucus Vice Chair/Secretary	Paul King
Majority Whip	Dennis Dellwo
Assistant Majority Whip	Margaret Rayburn
Assistant Majority Whip	James Hargrove

REPUBLICAN LEADERSHIP

Minority Leader	Sim Wilson
Minority Floor Leader	Dick Barrett
Minority Whip	Curt Smith
Republican Caucus Chair	Clyde Ballard
Assistant Minority Floor Leader	Jean Silver
Assistant Minority Floor Leader	Mike Padden
Assistant Minority Whip	Joe Williams
Assistant Minority Whip	Louise Miller
Assistant Minority Whip	Steve Fuhrman
Republican Caucus Vice Chair/Secretary	Katie Allen

1986 — HOUSE ROSTER
 FORTY-NINTH LEGISLATURE

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Addison, Bruce	34	R	King, part	4509 SW Holgate Seattle 98116
Allen, Katherine	21	R	Snohomish, part	21712 - 85th Place W. Edmonds 98020
Appelwick, Marlin J.	46	D	King, part	14025 - 26th Avenue NE Seattle 98125
Armstrong, Seth	36	D	King, part	1715 Bigelow N. Seattle 98109
Ballard, Clyde	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	1790 N. Baker Street East Wenatchee 98801
Barnes, Richard O.	33	R	King, part	18118 - 6th Avenue SW Seattle 98166
Barrett, Richard H.	5	R	Spokane, part	N. 9819 Nez Perce Court Spokane 99208
Basich, Bob	19B	D	Pacific Grays Harbor, part Wahkiakum, part	510 Sumner Aberdeen 98520
Baughner, Forrest	15	D	Benton, part Yakima, part	Box 92 Parker 98939
Belcher, Jennifer	22	D	Thurston, part	6015 Hansen Road SE Olympia 98503
Betrozoff, John W.	45	R	King, part	11818 156th Avenue NE Redmond 98052
Bond, R.M. "Dick"	6	R	Spokane, part	S. 4226 Crestline Spokane 99203
Braddock, Dennis	42	D	Whatcom, part	1800 Broadway Bellingham 98225
Brekke, Joanne	32	D	King, part	6525 Sycamore NW Seattle 98117
Bristow, Tom	7	D	Ferry Lincoln Pend Oreille Stevens Okanogan, part Spokane, part	P.O. Box 124 Inchelium 99138
Brooks, Peter T.	16	R	Walla Walla Benton, part Franklin, part	2491 Country Club Rd. Walla Walla 99362
Brough, Jean Marie	30	R	King, part Pierce, part	1118 S. 287th Place Federal Way 98003

Age	Birthplace	Occupation	Previous Sessions Served
32	Oregon	Associate Realtor	1979-1985
60	Colorado	Legislator/ Homemaker	1983-1985
32	Minnesota	Attorney	1983-1985
43	California	Attorney	1981-1985
49	Arkansas	Ballard Services, Owner	1983-1985
63	Iowa	Systems Analyst Boeing	1974 Ex.-1985
54	Washington	Marketing Consultant	1981-1985
58	Washington	Retired teacher	1985
50	Washington	Electrician	1985
41	West Virginia	Management Consultant	1983-1985
50	Washington	Property Manager	1983-1985
61	Spokane	Gas Company President	1975-1985
40	Washington	Planning consultant	1983-1985
50	Washington	Real Estate	1977 Ex.-1985
39	California	Farmer	1985
69	Maine	Retired	1985
43	Washington, D.C.	Legislator/ Homemaker	1983-1985

Name of Member	District	Politics	County	Mailing Address
Chandler, Glyn	13	R	Adams, part Grant, part Kittitas, part Yakima, part	1816 Dunn Street Moses Lake 98837
Cole, Grace	1	D	King, part Snohomish, part	3026 163rd Street NE Seattle 98155
Crane, Ernest F.	31	D	King, part Pierce, part	220 1st Street NE Auburn 98002
Day, Bill	3	D	Spokane, part	P.O. Box 9161 Spokane 99205
Dellwo, Dennis A.	3	D	Spokane, part	424 Old National Bank Bldg. Spokane 99201
Dobbs, Glenn	20	R	Lewis Thurston, part	143 Brian Drive Chehalis 98532
Doty, Shirley L.	14	R	Yakima, part	4902 Englewood Yakima 98908
Ebersole, Brian	29	D	Pierce, part	4029 S. "G" St. Tacoma 98408
Ehlers, Wayne	2	D	Pierce, part Thurston, part	P.O. Box 798 Auburn 98071
Fisch, Richard E.	24	D	Clallam Jefferson Grays Harbor, part	620 W. 9th Street Port Angeles 98362
Fisher, Ruth	27	D	Pierce, part	1922 N. Prospect #9 Tacoma 98406
Fuhrman, Steve	7	R	Ferry Lincoln Pend Oreille Stevens Okanagon, part Spokane, part	Route 1 Box 320 Kettle Falls 99141
Gallagher, P. J. (Jim)	29	D	Pierce, part	125 South 72nd Tacoma 98408
Grimm, Daniel K	25	D	Pierce, part	P.O. Box 1046 Puyallup 98371
Hankins, Shirley	8	R	Benton, part	2120 Duportail #8 Richland 99352
Hargrove, James E.	24	D	Clallam Jefferson Grays Harbor, part	Route 3, Box 896 Hoquiam 98550
Hastings, Richard 'Doc'	16	R	Walla Walla Benton, part Franklin, part	5505 West Sylvester Pasco 99301

Age	Birthplace	Occupation	Previous Sessions Served
59	Arkansas	Farm Equipment Dealer	1983-1985
59	Idaho	Home economist	Appt. 1982, 1985
63	Iowa	Attorney	1983-1985
30	Washington	General Manager	1985
39	Washington, D.C.	Attorney	1983-1985
42	Texas	Real Estate Office Operator	1985
55	Alaska	Teacher Rancher	1985
37	Maryland	Education administrator	1983-1985
46	Washington	Educator	1973-1985
51	Washington	Community College Instructor	1983-1985
60	Washington	Retired	1983-1985
39	Washington	Grain Elevator Farm Supply	1983-1985
69	Washington	Retired	1961-1985
35	Washington	Self-Employed, Housing Industry	1977-1985
53	Kansas	Program Analyst, Nuclear Industry	1981-1985
32	Oregon	Forrester	1985
43	Washington	Businessman Inst/Janitorial Supplies	1979-1985

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Haugen, Mary Margaret	10	D	Island Skagit, part Snohomish, part	1268 W. Olsen Road Camano Island 98292
Hine, Lorraine A.	33	D	King, part	1834 South 229th Des Moines 98198
Holland, J. Bruce	47	R	King, part	16216 133rd Place SE Renton 98055
Isaacson, Ray	8	R	Benton, part	2106 Lee Boulevard Richland 99352
Jacobsen, Ken	46	D	King, part	7307 40th NE Seattle 98115
King, Joseph E.	49	D	Clark, part	113 West 1st Vancouver 98663
King, Paul H.	44	D	King, part Snohomish, part	22804 57th Avenue W. Mountlake Terrace 9804
King, Richard	38	D	Snohomish, part	309 77th Place SW Everett 98203
Kremen, Pete	42	D	Whatcom, part	3283 Northshore Road Bellingham 98226
Leonard, June	11	D	King, part	12444 Beacon Avenue S. Seattle 98178
Lewis, Jim	14	R	Yakima, part	P.O. Box 2869 Yakima 98907
Locke, Gary F.	37	D	King, part	5150 S. Wildwood Lane Seattle 98118
Long, Jeanine H.	44	R	King, part Snohomish, part	14730 24th Avenue SE Mill Creek 98012
Lundquist, Homer	40	R	San Juan Skagit, part Whatcom, part	670 HiLynn Drive P.O. Box 545 Burlington 98233
Lux, Eugene V.	11	D	King, part	5537 South 119th Seattle 98178
Madsen, Ken	2	D	Pierce, part Thurston, part	P.O. Box 370 Roy 98580
May, Fred O.	41	R	King, part	15 Brook Bay Lane Mercer Island 98040
McLean, Alex M.	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	P.O. Box 246 Mansfield 98830
McMullen, Patrick R.	40	D	San Juan Skagit, part Whatcom, part	P.O. Box 152 Sedro Woolley 98284

Age	Birthplace	Occupation	Previous Sessions Served
44	Washington	School Director	1983-1985
54	South Dakota	State Representative	1981-1985
33	Washington	Financial Controls Manager, Boeing	1983-1985
56	Arizona	Sr. Engr. Advisor Hanford	1979-1985
40	Nebraska	Business Representative	1983-1985
39	Texas	Owner Insurance Agency	1981-1985
35	Washington	Attorney	1983-1985
50	Washington	College Teacher	1965-1985
35	New York	News Director	1985
59	Washington	Director Renton Area Youth Services	1985
41	California	Owner, Public Relations Agency	1981-1985
34	Washington	Attorney	1983-1985
56	Utah	Legislator/ Homemaker	1983-1985
64	Washington	Logger, General Contractor	1981-1982, 1985
58	Nebraska	Building Contractor	1975-1985
46	Idaho	Consultant	1985
66	California	Retired	1985
50	Washington	Farmer	Appt. 4/22/86
40	Washington	Attorney	1983-1985

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Miller, Louise	45	R	King, part	17005 - 191st Avenue NE Woodinville 98072
Nealey, Darwin R.	9	R	Asotin Columbia Garfield Whitman Adams, part Franklin, part	Box 365 LaCrosse 99143
Nelson, Dick	32	D	King, part	122 NW 50th St. Seattle 98107
Nelson, Gary A.	21	R	Snohomish, part	9710 Wharf Street Edmonds 98020
Niemi, Janice	43	D	King, part	226 Summit Avenue E. Seattle 98102
Nutley, Busse	49	D	Clark, part	409 West 37th Street Vancouver 98660
O'Brien, John L.	37	D	King, part	1305 Joseph Vance Bldg. Seattle 98101
Padden, Mike	4	R	Spokane, part	E. 13021-9th Avenue Spokane 99216
Patrick, Michael E.	47	R	King, part	13232 SE 192nd Renton 98055
Peery, W. Kim	17	D	Klickitat Skamania Clarke, part	1245 NE 6th Avenue Camas 98607
Prince, Eugene A.	9	R	Asotin Columbia Garfield Whitman Adams, part Franklin, part	P.O. Box 69 Thornton 99176
Rayburn, Margaret	15	D	Benton, part Yakima, part	Route 3, Box 3799 Grandview 98930
Rust, Nancy S.	1	D	King, part Snohomish, part	18747 Ridgefield Rd. NW Seattle 98177
Sanders, Paul	48	R	King, part	2680-169th SE Bellevue 98008
Sayan, Doug	35	D	Mason Grays Harbor, part Kitsap, part Thurston, part	E. 211 Shore Drive Grapeview 98546
Schmidt, Karen	23	R	Kitsap, part	10805 Bill Point View Bainbridge Island 98110
Schoon, Dick	30	R	King, part Pierce, part	2669 S. 300th Street Federal Way 98003

Age	Birthplace	Occupation	Previous Sessions Served
47	California	Private Music Teacher	1983-1985
66	Washington	Farmer	1983-1985
48	Washington	Energy Consultant	1977-1985
48	Washington	Staff Manager Private Utility	1973-1985
56	Michigan	Attorney	1983-1985
36	Washington	Land Use Planning Consultant	1985
73	Washington	C.P.A.	1941-1945; 1949-1985
38	Oregon	Attorney	1981-1985
44	Washington	Seattle Police Officer	1981-1985
36	Washington	Insurance Agency	Appt. 1985
54	Washington	Farmer	1981-1985
58	Oregon	Retired Teacher	1985
56	Iowa City, Iowa	State Representative	1981-1985
57	Maine	Boeing Executive	1976 2nd Ex.- 1985
56	Washington	Retired	1983-1985
39	California	Travel Agency, Owner	1981-1985
52	Indiana	Purchasing agent Weyerhaeuser	1983-1985

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Scott, Pat	38	D	Snohomish, part	7706 Rainier Drive Everett 98201
Silver, B. Jean	5	R	Spokane, part	N. 7102 Audubon Drive Spokane 99208
Smith, Curtis P.	13	R	Adams, part Grant, part Kittitas, part Yakima, part	Route 2 - 875 I NW Ephrata 98823
Smith, Linda A.	18	R	Clark, part Cowlitz, part	10009 Ridgecrest Ave. NE Vancouver 98665
Smitherman, Bill	26	D	Kitsap, part Pierce, part	3408 N. Vassault Street Tacoma 98407
Sommers, Helen	36	D	King, part	2832 West Elmore Place Seattle 98199
Sutherland, Dean A.	17	D	Klickitat Skamania Clark, part	23503 NE 108th Street Vancouver 98662
Tanner, Joe	18	D	Clark, part Cowlitz, part	16121 NE 35th Avenue Ridgefield 98642
Taylor, Ren	4	R	Spokane, part	North 4710 Ella Road Spokane 99212
Thomas, Linda Craig	26	R	Kitsap, part Pierce, part	3407 60th Ave. NW Gig Harbor 98335
Tilly, Earl F.	12	R	Chelan Douglas Grant, part Kittitas, part Okanogan, part	1509 Jefferson Wenatchee 98801
Todd, Mike	31	D	King, part Pierce, part	P.O. Box 1776 Auburn 98071
Unsoeld, Jolene	22	D	Thurston, part	6110 Buckthorn NW Olympia 98502
Valle, Georgette	34	D	King, part	1434 SW 137th Street Seattle 98166
van Dyke, Dick	39B	R	Snohomish, part	4732-156th Street SE Bothell 98012
Van Luven, Steve	48	R	King, part	1923 - 167th SE Bellevue 98008
Vander Stoep, J.	20	R	Lewis Thurston, part	727 SW 16th Street Chehalis 98532

Age	Birthplace	Occupation	Previous Sessions Served
46	Minnesota	Admin. Secretary to Everett Police Chief	Appt. 1/4/84 -1985
59	Washington	C.P.A.	1983-1985
68	Nebraska	Farmer	1979-1985
34	Colorado	Tax Consultant	Appt. 11/8/83-1985
42	Oklahoma	Mgmt-Planning Consultant	1983-1985
52	New Jersey	Economist	1973-1985
31	Minnesota	Electrician; Apiary Owner	1983-1985
38	Texas	Pres., Columbia Eco. Dev. Council	1983-1985
60	Washington	Retired School District Superintendent	1979-1985
41	Washington	Accountant	1985
50	Oregon	Investments	1973-1985, Resigned 3/24/86
37	Oregon	Director, Heating Contractor	1983-1985
53	Oregon	State Legislator	1985
61	Minnesota	Occupational Therapist	1965-1967, 1972-1982 1985
54	New York	Business/Technical Consultant	1985
38	Washington	President/Owner Exchange Broker	Appt. 11/7/83-1985
27	Washington	Securities Broker	1981-1985

Name of Member	Dis- trict	Poli- tics	County	Mailing Address
Vekich, Max	35	D	Mason Grays Harbor, part Kitsap, part Thurston, part	200 Holly Lane P.O. Box E Cosmopolis 98537
Walk, George W.	25	D	Pierce, part	11607-98th Avenue East Puyallup 98373
Walker, Sally W.	28	R	Pierce, part	4617 Bellview St. West Tacoma 98466
Wang, Art	27	D	Pierce, part	3319 N. Union Tacoma 98407
West, James E.	6	R	Spokane, part	E. 3613 Congress Spokane 99203
Williams, Bob	19A	R	Cowlitz, part Wahkiakum, part	111 Victoria Street Longview 98632
Williams, Joseph L.	41	R	King, part	4 Lindley Road Mercer Island 98040
Wilson, Karla	39A	D	Snohomish, part	11406-17th Place NE Lake Stevens 98258
Wilson, Simeon R. "Sim"	10	R	Island Skagit, part Snohomish, part	P.O. Box 145 Marysville 98270
Wineberry, Jesse	43	D	King, part	1812 E. Madison Suite 10 Seattle 98122
Winsley, Shirley J.	28	R	Pierce, part	539 Buena Vista Avenue Tacoma 98466
Zellinsky, Sr., Paul	23	D	Kitsap, part	7476 Woodridge Lane NW Bremerton 98310
Heck, Dennis L.		D	Chief Clerk	1518 Columbia St. Olympia 98501
Case, Sharon		D	Assistant Chief Clerk	7225 Bayview Drive NE Olympia 98506
Young, Ross		D	Sergeant at Arms	1381 Linwood Ave. Tumwater 98502

Age	Birthplace	Occupation	Previous Sessions Served
31	Washington	Longshoreman	1983-1985
35	Washington	Teacher	1977-1985
56	Illinois	State Legislator	1985
35	Massachusetts	Law Student	1981-1985
35	Oregon	Licensed Realtor	1983-1985
42	Pennsylvania	C.P.A.	1979-1985
53	California	Construction Consultant	1983-1985
51	Washington	Teacher	1985
57	Oregon	Newspaper Publisher	1973-1985
30	Washington	Law Student	1985
51	Minnesota	State Legislator	1974 ex., 1977-81, 1985
52	Washington	Owner-Car Dealership	1983-1985
33	Washington	Chief Clerk	Member: 1976-1984 Chief Clerk: 1985
39	Washington	Assistant Chief Clerk	1983-1985
56	Washington	Retired USAF	1975-1980; 1983-1985

**HOUSE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Forty-Ninth Legislature
1986 Regular Session
1986 First Special Session

House No.	Relating to:	Chapter No.	Effective Date
S	37 Recycling used oil	37	6/11/86
S	131 Health related professions	259	6/11/86
	134 Automatic dialing device; use	281	6/11/86
2S	136 Dangerous wastes; household	210	6/11/86
S	160 Preadmission screening fee	166	6/11/86
S	205 Securities act; limited exempt	90	7/01/86
	244 State medal of merit	92	6/11/86
S	308 Municipal incorp. & elections	234	4/03/86
S	355 WSP retirement credit; cadets	154	3/31/86
S	378 Retirement; cost of living fund	306	7/01/86
S	495 Indian land; jurisdiction	PV 267	6/11/86
	507 Freeway traffic flow	93	6/11/86
S	573 Property improvement claims	PV 314	6/11/86
S	588 Retirement contribution rates	PV 268	6/11/86
S	594 Institution industry; revenue	94	6/11/86
S	614 Higher ed.; fees expenditure	91	6/11/86
S	686 Disability comp reduction	75	6/11/86
S	803 Criminal mistreatment; penalties	250	6/11/86
	1058 Emergency calls; recording	38	6/11/86
S	1134 DSHS; screen employees	PV 269	6/11/86
S	1148 Strip searches; regulation	88	6/11/86
S	1177 Hazardous waste; records	82	6/01/86
S	1182 Safety belts; MV; mandatory	152	6/11/86
S	1218 Local govt. financing; streets	252	6/11/86
S	1270 Property tax levies; local	107	6/11/86
S	1331 Elected state officials; salaries	155	*1/01/87
	*Pending voter approval of SHJR 49		
S	1332 Generic drugs; consumer choice	52	6/11/86
S	1333 State agencies; termination	PV 270	4/03/86
S	1335 Personal services contracts	33	6/11/86
	1337 Development loan fund; exempt	204	6/11/86
	1339 Children; school attendance	132	6/11/86
	1345 LIS/legislative systems committee	61	*7/01/86
	*Sections 1-10 and 12		3/12/86
S	1349 Elections procedures	167	6/11/86
	1350 Higher ed. tuition fees	42	6/11/86
	1353 Irrigation dist; plat approval	39	6/11/86
S	1355 Horse market program; WA-bred	PV 202	6/11/86
S	1356 Arbitration/support-maintenance	95	6/11/86
	1362 Fisheries; marketing plan	62	6/11/86
S	1363 Vehicles; debris escape	89	6/11/86
S	1368 Driving records; abstracts	74	6/11/86
	1371 School bus drivers	32	6/11/86
	1374 Lessees improvement; tax value	251	6/11/86
S	1382 Off-road vehicle funds	206	6/30/86
S	1385 Water-sewer district elections	41	6/11/86

HOUSE BILLS PASSED BY BOTH HOUSES

1667

House No.	Relating to:	Chapter No.	Effective Date
	1386 Annexation; petition or election	253	6/11/86
S	1388 Fire agencies; annexations	254	*4/03/86
	*Sections 1 - 3		7/01/87
S	1391 Hearing aids; tax exempt	255	7/01/86
	1393 Mason/Thurston judicial; add	76	1/01/87
	1398 Interest rate; state register	60	6/11/86
S	1399 Adult felons; sentencing	257	*6/11/86
	*Sections 17 - 35		7/01/86
S	1400 Indeterminate sentencing; review	PV 224	*6/11/86
	*Sections 1 - 13		7/01/86
S	1401 Economic forecasts; provisions	112	6/11/86
S	1403 Forest protection statutes	100	6/11/86
	1407 Sewer/water districts; annex info	258	6/11/86
S	1408 Water dist.; territory withdrawal	109	6/11/86
S	1413 Revenue bonds; local govt	168	6/11/86
	1415 Civil rights redress; FEO 9066	225	6/11/86
	1419 Levy lid; 106%; limited waiver	169	6/11/86
	1424 Estate tax apportionment	63	6/11/86
S	1433 Lottery winners; state claims	83	9/01/86
	1441 Unclaimed property; provisions	84	6/11/86
	1442 Oil/gas leases; state land	34	3/10/86
S	1447 Public works; contracts	282	6/11/86
	1450 MV equip; performance standards	113	6/11/86
S	1451 Commercial code; Article 8	35	6/11/86
S	1458 Water supply systems; violations	PV 271	6/11/86
	1459 Breathalyzer test refusal	64	6/11/86
S	1460 Liquor licenses; class P	40	6/11/86
	1462 Nursing home insurance policies	170	*6/11/86
	*Section 6		11/1/86
	1463 Controlled substances	124	6/11/86
S	1479 Methadone treatment services	53	3/12/86
S	1480 Vending machines; sales tax	36	3/10/86
	1482 Boat titles; replacement	71	6/11/86
	1483 License plates; special	108	6/11/86
	1486 Fairs commission; sunset term	171	6/11/86
	1490 Industrial insurance payments	54	6/11/86
S	1493 Motorist services; signs	114	6/11/86
S	1495 Health care assistants	115	6/11/86
S	1496 Horse racing commission; funds	43	6/11/86
	1499 Alcohol breath testing	153	6/11/86
	1504 Moorage; transient vessels	260	6/11/86
2S	1505 Employment/hard to employ	172	6/11/86
	1511 State warrants; provisions	99	6/11/86
	1517 Estate taxation; provisions	44	6/11/86
	1518 Implied consent law; drivers	101	6/11/86
	1519 Motorcycle drivers training	80	6/11/86
S	1540 Solid waste; standards	81	6/11/86
S	1545 Hydraulic permits; fish life	173	6/11/86
	1563 Winter recreational facility	47	6/11/86
S	1564 Improvement districts; protests	256	6/11/86
	1572 UTC; practices	49	6/11/86
S	1580 Criminal statutes; limits	85	6/11/86
S	1581 Industrial insurance; claims	55	*6/11/86
	*Section 1		7/01/86
S	1587 International trade expanded	PV 276	6/11/86
S	1593 Health care facilities	205	6/11/86

House No.	Relating to:	Chapter No.	Effective Date
S 1598	Sex offender treatment program	PV 301	*4/04/86
	*Section 4		7/01/87
1599	Snowmobile regs; revisions	16	6/11/86
1602	Timber sales; tax advise	65	6/11/86
1614	Vehicle license; prerequisites	174	1/01/90
S 1622	Flood control management plan	46	6/11/86
S 1624	School levies; time period	133	*12/15/86
	*Pending voter approval of HJR 55		
1630	Health care services; contracts	PV 223	4/02/86
1631	Nursing home cost reimbursement	175	6/11/86
1633	Timber tax; public entities	PV 315	*6/11/86
	*Section 8		4/04/86
1635	Day care; state employees	134	6/11/86
1637	Emergency info services; access	45	6/11/86
1647	PDC sunset termination; repeal	PV 272	6/11/86
1652	Retirement; disability benefits	176	4/01/86
S 1654	Local govt; debt computations	50	6/11/86
1656	Day care; state employees	135	6/11/86
S 1669	Pilotage commission; regulations	121	6/11/86
S 1678	Telephone solicitation regs	PV 277	6/11/86
1686	Quasi-community property	72	6/11/86
S 1687	Vocational schools; private	PV 299	7/01/86
S 1688	Institutions; degree granting	136	7/01/86
1702	Developmentally disabled; funds	13	3/08/86
1703	Comparable worth; implementation	1	2/18/86
1708	Liquor control board; terms	105	6/11/86
S 1709	Community dev; add agencies	PV 266	6/11/86
1711	Environmental ed. coord. cmte	51	6/11/86
1720	Boilers/unfired pressure vessels	97	6/11/86
1721	Pension fund; payments	56	6/11/86
1725	Learning objectives; review	137	6/11/86
S 1726	Charitable solicitations; regs	230	1/01/87
1743	Use tax collection	48	7/01/86
S 1754	Unemployed recipients; hire	PV 116	6/11/86
S 1762	Vessel pilot regulations	122	6/11/86
1763	Vehicle inspection law	123	6/11/86
1776	Medical program directors	68	3/12/86
S 1783	Self-insured employers	57	6/11/86
1795	Child support orders; info	138	6/11/86
S 1802	Marginal labor force	106	3/21/86
S 1804	Port commission formation	262	6/11/86
S 1815	Nursing home vehicles; parking	96	6/11/86
1825	Tourism; hotel/motel tax	308	6/11/86
S 1827	Vessels; property tax	229	6/11/86
S 1829	Educational services; study	139	6/11/86
S 1831	Teacher evaluation; study	73	6/11/86
S 1838	Campaign financing disclosure	228	4/03/86
S 1839	Nat. resources board; county rep	227	6/11/86
S 1846	B&O tax; warehouse operations	226	7/01/86
1851	Excise tax; processing	231	4/03/86
S 1865	Electricians; provisions	156	6/11/86
S 1866	Ferry system funding	66	7/01/87
1868	Centennial logos; use	157	6/11/86
S 1869	Crime victims compensation	98	*6/11/86
	*Section 4		5/01/86
S 1870	Charter operators; escrow	283	1/01/87

House No.	Relating to:	Chapter No.	Effective Date
S 1873	Injured workers; benefits *Sections 2 and 3	58	*6/11/86 7/01/86
S 1875	Ind. ins.; retired workers *Section 3 *Section 5	59	*6/11/86 6/30/89 7/01/86
S 1892	Telecommunications; tax *Sections 1, 2, 4 and 5	70	*6/11/86 1/01/87
1899	State land bank	284	6/11/86
1900	Cattle running	177	6/11/86
S 1950	Medical discipline board	PV 300	6/11/86
1954	Lodging; local tax	104	4/01/86
1962	Engineers & surveyors	102	6/11/86
S 1967	State land leases	307	6/11/86
S 1972	Insurance; entities self-insure	PV 302	6/11/86
S 1976	Involuntary treatment	67	6/11/86
S 1986	Insurance; adopted children	140	1/01/87
S 2011	Insurance agents trust accounts	69	1/01/87
S 2014	Agriculture commission	178	6/11/86
S 2021	Health care project	PV 303	4/04/86
2055	Bonded indebtedness	103	6/11/86
S 2080	Day care insurance	141	3/31/86
S 2083	Day care; insurance plans	142	3/31/86
2130	High-level waste repository *Pending passage of referendum	*Ref. #40	

**HOUSE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE**

Forty-Ninth Legislature

1986 Regular and First Special Session

No. Subject:

HOUSE JOINT MEMORIALS

26 Verifiable test ban treaty

HOUSE JOINT RESOLUTIONS

S 49 Elected officials salaries
55 School construction levies

HOUSE CONCURRENT RESOLUTIONS

16 Joint Session; Governors message
17 Notifying Governor, legislature organized
19 Oil spills, DOE report
S 21 Joint select committee; industrial insurance
22 Joint select cmte; disability employ, econ. participation
28 Governor notified, sine die
29 DNR/Timber report
30 Sine die; First Special Session

**SENATE BILLS PASSED BY BOTH HOUSE AND SENATE
SHOWING THE ACTION BY THE GOVERNOR THEREON**

Forty-Ninth Legislature
1986 Regular & First Special Session

Senate No.	Relating to:	Chapter No.	Effective Date
	3018 Life-cycle cost; public bldgs	127	6/11/86
2S	3110 Amusement devices; B&O	Vetoed	
S	3160 School employee suggestion award	143	8/01/86
S	3182 Public employee; withdrawn retire	PV 317	4/04/86
	3193 Occupational disease retirement	207	6/11/86
	3278 Foreign student fee waiver	232	6/11/86
	3334 Private school bus maintenance	77	6/11/86
	3336 Hotels; liquor bottles	208	5/01/86
	3352 Education info; clearinghouse	180	6/11/86
	3397 Illegal hunting	PV 318	6/30/86
S	3416 Bad checks; NSF	128	6/11/86
S	3419 Plat approval	233	6/11/86
S	3453 Common law liens	181	6/11/86
S	3458 MV insurance; 55-plus safety course	235	6/11/86
2S	3487 Conservation savings return	PV 325	6/11/86
	3495 Amusement rides	86	6/11/86
S	3498 Water contact	236	6/11/86
	3527 K-3 teacher ratio	144	*6/11/86
	*Section 1		9/01/87
S	3532 Liquor licenses	5	6/11/86
2S	3574 Leasehold excise tax	285	4/04/86
S	3590 Public employ; no private benefit	4	6/11/86
	3636 Insurance; taxes; fees	PV 296	*7/01/86
	*Section 7		4/04/86
S	3847 Retired teachers pensions	237	6/11/86
S	3948 Log truck liens	179	6/11/86
S	3990 Securities	304	6/11/86
S	4128 Corrections standards board	118	6/11/86
S	4221 State toxicology lab funds	87	7/01/87
S	4305 Bail bonds	PV 322	6/11/86
S	4418 Irrigation	PV 316	4/04/86
S	4425 Livestock	182	6/11/86
	4443 Blind absentee voters	22	6/11/86
	4446 Fire hydrants; maintenance	119	6/11/86
	4450 Candidacy by mail	120	6/11/86
	4452 LBC oversight	158	6/11/86
S	4455 Organ donation	129	6/11/86
	4456 Veterans' park passes	6	6/11/86
S	4458 Forest land taxation	238	4/03/86
	4463 Promote Washington products	183	6/11/86
S	4465 Deadly force; use	209	6/11/86
	4470 Initiatives; public facilities use	239	6/11/86
S	4479 Industrial develop. revenue bonds	309	6/11/86
	4481 Child/adult abuse reports	145	6/11/86
S	4486 Counties civil violations	PV 278	6/11/86
	4490 Business corporations act	117	3/22/86
S	4491 Nonprofit corporations	240	6/11/86

Senate No.	Relating to:	Chapter No.	Effective Date
S 4497	Vehicle dealers regulated	241	*4/03/86
	*Section 9		7/01/86
	*Section 10		7/01/87
S 4503	Travel vehicles tax revised	211	6/11/86
4506	State board health; sunset repeal	PV 273	6/11/86
4512	Identocard expiration	15	6/11/86
S 4519	Water pollution financing	3	*2/21/86
	*Sections 12 - 15		4/01/86
4521	Forensic pathology fellowship	31	7/01/86
S 4525	Legal representation of legislature	PV 323	6/11/86
4527	Commodities & securities	14	10/01/86
4528	Public disclosure; reporting	12	6/11/86
4529	Nurses; privileged communication	212	6/11/86
S 4531	Mental health insurance	184	3/01/87
4535	Professional service corporations	261	6/11/86
S 4536	Vehicle; nonregistered penalty	186	6/11/86
4537	Expired license; court appearance	213	6/11/86
4538	Wine growers; license	214	6/11/86
4540	Insurance agreements; agents	286	6/11/86
S 4541	Insurance cancellation	287	6/11/86
S 4544	Abuse; vulnerable adults	187	6/11/86
S 4547	Crop liens	242	1/01/87
4551	Firefighters; assaults on	188	6/11/86
S 4553	Beef commission; promotion & research	190	6/11/86
4556	Hot tubs, spas, pools; safety	263	6/11/86
4569	Food/game fish; consolidate	164	6/11/86
S 4571	Rewards; criminal information	185	6/11/86
S 4572	Shoreline management	PV 292	6/11/86
S 4574	Chore services	222	4/02/86
4582	Health care insurance; fraud	243	6/11/86
4584	Library districts	189	4/01/86
S 4590	Local government investments	PV 294	6/11/86
4593	Public depositories	25	6/11/86
S 4596	Child; mental health services	PV 274	*6/11/86
	*Sections 1, 2, 3, 5 and 9		7/01/87
4601	Historic property	221	6/11/86
4609	County rail districts	26	3/10/86
4617	Driver's instruction permit	17	6/11/86
S 4618	International registration plan	18	1/01/87
4619	Land exchange; DNR/DSHS	7	3/07/86
4620	MV fuel; retail sales	PV 320	*6/30/86
	*Sections 20 and 21		4/04/86
2S 4626	Housing trust fund	PV 298	6/11/86
S 4627	Predatory cigarette pricing	PV 321	*6/11/86
	*Sections 1 and 4 - 14		7/01/91
4628	Community college board	130	6/11/86
S 4629	Psychology examining board	27	6/11/86
S 4630	Civil actions	305	*6/11/86
	*Section 904		4/04/86
S 4635	WUTC; questions of fact	11	6/11/86
S 4639	Elective office; vacancies	159	*12/15/86
	*Pending voter approval of SSJR 138		
4644	Unemployment comp; tips as wages	21	6/11/86
4645	Corporate officers; unemployment	110	7/01/86
4647	Employer experience rating	111	6/11/86
S 4658	Handicapped; alternative schools	146	6/11/86
S 4659	Medical care; eligibility standards	220	6/11/86

Senate No.	Relating to:	Chapter No.	Effective Date
S 4661	Housing finance commission	264	4/03/86
S 4664	Low-level waste insurance	191	6/11/86
S 4665	Public funds; deposit out-of-state	160	6/11/86
S 4674	Salary increase; state officials	161	*6/11/86
	*Section 1		1/01/87
	4675 License plate renewal	PV 280	6/11/86
S 4676	Right-to-know; fee	310	6/11/86
	4678 Job sight safety inspections	192	6/11/86
	4680 Institutional industries	162	6/11/86
	4681 Inmates work release	125	6/11/86
S 4682	Community service/offenders	193	6/11/86
S 4683	Death penalty	194	6/11/86
S 4684	Inmate restitution	19	6/11/86
	4691 Industrial insurance; child defined	PV 293	6/11/86
	4693 Risk management; OFM claims	126	6/11/86
S 4696	Ferry revenue expenditures	23	7/01/87
	4705 Sexual offenses; minors	PV 319	6/11/86
	4708 Competence of witnesses	195	6/11/86
S 4710	Fingerprint info system	196	6/11/86
	4712 Archivist; oral history	PV 275	6/11/86
	4713 Industrial insurance; appeals	10	6/11/86
S 4717	Water quality; joint develop. act	24	4/03/86
S 4720	Indust. insurance; coverage certificate	9	6/11/86
	4721 Industrial safety; health appeals	20	6/11/86
S 4722	Contractor infractions	197	4/01/86
	4723 Library grants	79	6/11/86
S 4724	Excellence in education award	147	6/11/86
	4725 Accountancy act	PV 295	7/01/86
	4738 Juvenile offenders	288	4/04/86
S 4741	Commercial fishing vessel; seize	198	6/11/86
	4747 Model traffic ordinance	24	3/10/86
	4749 Property/casualty insurance	148	6/11/86
S 4757	Indians; vehicle licensing	30	6/11/86
S 4758	Fuel tax; metered pump	29	6/11/86
S 4762	Supplemental budget	PV 312	4/04/86
S 4766	Winter heating; terminations	245	6/11/86
s 4769	Feed tax	265	6/11/86
	4770 Irrigation district employees	8	6/11/86
S 4779	Auctioneers	PV 324	7/01/86
	4781 Public disclosure; reports	28	6/11/86
S 4783	Controlled substances	246	6/11/86
S 4790	Sludge disposal	PV 297	6/11/86
S 4797	Underground storage tanks	289	6/11/86
S 4814	Child abuse prevention	149	6/11/86
S 4815	Public works projects	PV 291	4/04/86
S 4876	Low-level radioactive waste	2	*6/11/86
	*Sections 3 and 4		2/21/86
S 4888	Used cars; price display	165	6/11/86
	4891 MV dealers; requirements	199	6/11/86
	4894 Volunteer firemen; benefits	163	6/11/86
S 4897	Process servers; certification	219	6/11/86
S 4898	Wildfire; outside district	311	6/11/86
S 4905	Supplemental transportation budget	313	4/04/86
	4906 Highway bonds	290	6/11/86
S 4917	Banks & trust companies	PV 279	6/11/86
S 4923	Tax exempt bonds	247	4/03/86
S 4926	Fiscal data reporting	215	6/11/86

Senate No.	Relating to:	Chapter No.	Effective Date
	4927 Industrial injuries; workers	200	4/01/86
S	4933 Low-income housing	248	6/11/86
S	4949 Health care assistants	216	6/11/86
	4959 Pornography profiteering	78	6/11/86
	4968 Unemploy. insurance; fund transfer	249	4/03/86
	4982 Indecent liberties defined	131	6/11/86
S	4990 River running regs.	217	6/11/86
S	5005 Credit transactions; consumer protection	218	6/11/86
S	5026 Farmers; hazardous waste	201	6/11/86
	5033 Preschool accreditation	150	6/11/86
S	5037 Dropouts	151	6/11/86
S	5044 Agriculture commodity authority	PV 203	*6/11/86
	*Sections 21 and 22		4/01/86

**SENATE MEMORIALS AND RESOLUTIONS PASSED
BY BOTH HOUSE AND SENATE**

Forty-Ninth Legislature

1986 Regular and First Special Session

No. Subject:

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113	Small business administration
126	Disabled veterans
S 132	Missing in Indochina
133	Hawaii satellite
S 135	Customs inspectors
136	Veterans' cemetery
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125	Establishing cut-off dates
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137	Special session; limiting

**GOVERNOR'S MESSAGES ON HOUSE BILLS
VETOED AND PARTIALLY VETOED**

Forty-Ninth Legislature
1986 Regular and Special Session

April 3, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 5, Substitute House Bill No. 495, entitled:

"AN ACT Relating to the health, safety, and welfare of the confederated tribes of the Colville reservation; authorizing retrocession of jurisdiction over Indian lands; and adding new sections to Chapter 37.12 RCW."

This bill authorizes a procedure for the state to retrocede (return) partial criminal jurisdiction to the United States over the Colville Indian reservation. The primary purpose of this bill is to make possible the Colville Tribe's application for federal funds for law enforcement functions. Currently, sixteen other tribal reservations in Washington State are already under a partial state jurisdiction similar to what this bill will allow. However, section 5 requires the Colville tribe to express their desire for retrocession by a majority vote of its enrolled adult members during the next general tribal election. Through their legitimate, elected governing body, the Colville Business Council, the tribal members have already expressed their official support for retrocession. The elected Boards of Commissioners from both Ferry and Okanogan Counties have also officially endorsed retrocession. The strong tribal and local expressions of support for retrocession make the tribal election vote called for in Section 5 unnecessary and I have vetoed this section.

With the exception of section 5, Substitute House Bill No. 495 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 1, 2 and 3, Substitute House Bill No. 573, entitled:

"AN ACT Relating to claims arising from improvements upon real property."

Sections 1, 2 and 3 are identical to sections 701, 702 and 703 of Substitute Senate Bill No. 4630. Since I am signing Substitute Senate Bill No. 4630, sections 1, 2 and 3 of this bill are duplicative.

With the exception of sections 1, 2 and 3, Substitute House Bill No. 573 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 7, Substitute House Bill No. 588, entitled:

"AN ACT Relating to setting retirement system contribution rates."

Section 7 suspends the reclamation of pension benefits paid to a retiree who is still employed by the state. This section is nearly, but not exactly, identical to section 8 of Engrossed Substitute Senate Bill 3182. To avoid confusion in the law, I have vetoed section 7 of this bill.

With the exception of section 7, Substitute House Bill No. 588 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 4(9), Substitute House Bill No. 1134, entitled:

"AN ACT Relating to the Department of Social and Health Services."

Section 4(9) of this bill would permit Department of Social and Health Services employees injured by assault to receive retirement credit for their period of disability. Similar provisions are also contained in section 2 of Engrossed House Bill No. 1652. To avoid conflict between the two provisions, I have vetoed section 4(9).

With the exception of section 4(9), Substitute House Bill No. 1134 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 10(1) and (2) of Engrossed Substitute House Bill No. 1333, entitled:

"AN ACT Relating to the deferring or deleting of the proposed termination and repeal of agencies and programs."

Sections 10(1) and (2) would repeal the requirement that the Cemetery Board be subject to sunset review by the Legislature in 1987.

The Cemetery Board is an anomaly with respect to its organizational placement in state government. It is an independent state agency, whereas nearly every other business and occupational regulatory board is placed within a larger agency for administrative purposes. It is also a very small agency, with only one full-time employee.

I recently proposed to the Legislature that the Cemetery Board and two other similar boards be transferred to the Department of Licensing for administrative support. This consolidation proposal would have aligned the Cemetery Board with related regulatory programs such as pre-need sales, real estate, securities, and embalmers and funeral directors. In addition, the Cemetery Board could have taken advantage of the administrative support services offered by full-time personnel in the Department of Licensing.

The sunset review process will afford an excellent opportunity to review the organizational placement of the Cemetery Board. I, therefore, do not believe that this opportunity to systematically review the operations and organizational placement of the Board should be repealed.

With the exception of sections 10(1) and (2), Engrossed Substitute House Bill No. 1333 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 1, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to four sections, Substitute House Bill No. 1355, entitled:

"AN ACT Relating to the Department of Agriculture."

I am vetoing sections 3 and 4 because they duplicate language contained in Substitute Senate Bill No. 4769, sections 1 and 2.

I am vetoing sections 5 and 6 because they duplicate language contained in Substitute Senate Bill No. 4425 sections 1 and 2.

With the exception of Sections 3, 4, 5 and 6, the remainder of Substitute House Bill No. 1355 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 2, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3 in part of Substitute House Bill No. 1400, entitled:

"AN ACT Relating to indeterminate sentencing."

This bill makes a number of changes relative to the Board of Prison Terms and Paroles, including its redesignation as the Indeterminate Sentencing Review Board. I am supportive of the bill.

However, one sentence in section 3 appears to be an anomaly and reads as follows: "However, the Governor may request nominations of qualified persons when filling vacancies in the Board after July 1, 1987." I have vetoed this sentence out of section 3 of the bill because its meaning is not clear. At the present time I do request nominations of qualified people when filling vacancies on the Board and the direction to start doing this after July 1, 1987, does not make sense. Leaving this sentence in the statute could only lead to confusing interpretations if someone were to question the meaning of this section.

With the exception of section 3 in part, Substitute House Bill No. 1400 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 6, Substitute House Bill No. 1458, entitled:

"AN ACT Relating to local boards of health and the department of social and health services enforcing laws relating to public water supply systems."

Section 6 of this bill would significantly expand the authority of administrative law judges, turning them into a new arm of the judiciary. These judges now have the authority to issue a proposed decision. This section would give them authority to make a final decision which could be appealed only to the courts.

This new authority is not necessary or justified. Section 6 would also create a new appeals process outside the provisions of the state's Administrative Procedure Act. The Administrative Procedure Act has made agency actions more uniform and this uniformity is more understandable to the state's citizens. For these reasons, I have vetoed section 6.

With the exception of section 6, Substitute House Bill No. 1458 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to portions of section 4, Engrossed Substitute House Bill No. 1587, entitled:

"AN ACT Relating to port district sponsored trade expansion projects."

In passing the federal Export Trading Company Act of 1982, Congress recognized that "ETCs will periodically have to engage in importing, barter, third party trade, and related activities." (See: Conference Report to accompany S. 734, Rept. No. 97-924, 97th Cong. 2nd Session (1982).)

Given this recognition of Export Trading Company functioning, the section 4(7) prohibition on importation of goods or products for in-state sale in competition with Washington grown, mined or produced products could prove to be economically crippling to the newly-created companies and could violate the purposes of the federal act, even though an import activity was incidental to an export trading company's principal exporting objectives and activity.

In addition, this section may violate federal trade treaties to which the United States is a signatory, such as the General Agreement on Trade and Tariffs. The section furthermore may be unconstitutional as it delegates legislative power to state agencies without sufficiently specific legislative standards.

The section would also be costly and difficult to implement for the following reasons:

1) In order to identify goods that compete with Washington products, the agencies named must identify all goods currently grown, produced or mined in Washington. This is a potentially overwhelming task.

2) The departments must be knowledgeable of all goods imported into the state under this section. Currently, no state system exists for collection and evaluation of this information.

3) The departments would have to make evaluations about competitiveness of all goods imported versus all goods currently grown, produced or mined in Washington. I do not believe these judgments are practical or appropriate for state agencies to make, given the lack of information and specific statutory direction as to what would be competition and how great the protection would be. The potential for conflict and disagreement would be high.

Clearly, the legislation's specific intent is to increase exports of Washington products and enhance export trade -- it is not the purpose of the new law to create outside competition for Washington State businesses.

I commend the Legislature for its wisdom and leadership in enacting legislation to allow ports to take advantage of the Export Trading Company Act; such ventures have been successful in other regions of the country.

Section 4(1)(b) would authorize port districts to enter into contracts, joint ventures, brokerage or other agreements. This provision is redundant and would cause confusion in the interpretation of the provision. Section 3(1) of Engrossed Substitute House Bill No. 1587 provides the authority for port districts to establish export trading companies and to enter into contracts with other public and private organizations for the provision of services. Section 4(1)(b) of Engrossed Substitute House Bill No. 1587 restates the same authority.

With the exception of sections 4(1)(b) and 4(7), Engrossed Substitute House Bill No. 1587 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 3(7)(c), Engrossed Substitute House Bill No. 1598, entitled:

"AN ACT Relating to sexual offenders."

Section 3(7)(c) provides for post-prison community supervision for sex offenders if their crimes are committed after July 1, 1986, and their term of incarceration is at least one year. Violation of the terms of supervision would result in confinement to the county jail at state expense.

The determinate sentencing law, passed by the Legislature in 1981, was a clear departure from the system of indeterminate sentencing and long-term parole

or post-release supervision. It is important for that process to be more fully implemented so that the criminal justice system can stabilize prior to such a significant and costly change in direction as would be provided for in section 3(7)(c).

I do not believe that a limited amount of supervision for sexual offenders is sufficient to ensure public safety, particularly when it may provide a rationale for shorter sentences or early release from prison. In addition, there are no studies that have shown supervision to be an effective deterrent to reoffenses.

However, a short period of supervised transition for all offenders as they re-enter the community from prison was indicated in the original determinate sentencing bill and may be an issue worth revisiting. As this section would not have taken effect until July 1, 1987, it is appropriate that this issue is reviewed in the next budget cycle. However, there are a number of issues in the correctional area that also merit review, such as job training conducted in the institutions and alcohol and drug treatment. I have therefore vetoed section 3(7)(c) of Engrossed Substitute House Bill No. 1598.

With the exception of section 3(7)(c), Engrossed Substitute House Bill No. 1598 is approved.

Sincerely,
Booth Gardner, Governor

April 2, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 5 and 13, Engrossed House Bill No. 1630, entitled:

"AN ACT Relating to health care service contractors."

Sections 5 and 13 of this bill conflict with amendments to RCW 48.44.145 contained in Engrossed Senate Bill No. 3636. The amendments in Engrossed Senate Bill No. 3636 are part of a new method of funding the Office of the Insurance Commissioner and are thus the appropriate amendments to RCW 48.44.145.

With the exception of sections 5 and 13, Engrossed House Bill 1630 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to sections 4, 5, 6, and 7 of House Bill No. 1633, entitled:

"AN ACT Relating to taxation of timber harvested by public entities."

These sections of House Bill No. 1633 would give Christmas tree growers the tax status of farmers. Specifically, it would exempt Christmas tree plantations from the timber tax and exempt them from sales tax on seedlings, fertilizer, and other spray materials used in producing Christmas trees, as well as exempting them from the B & O tax.

In vetoing these sections, it is important to recognize that Washington already has a tax designed especially for the business of growing trees. Christmas trees are not food, and they are not used to build housing; they are luxury consumption items priced so that anyone can afford them.

The proponents of this measure argue that their tax status is a detriment to their competitive position in the interstate market, a market in which transportation costs are a dominant factor. While I believe that it is important for Washington to re-examine its tax structure in order to mitigate barriers to business development and to enhance the interstate and international competitiveness of our industries, I do not believe that tax policies are effective in offsetting primary business factors such as transportation costs. In addition, the competitive market for Christmas trees is not comparable to the "price taker" market faced by producers of agricultural products, in which suppliers of perishable products have greater difficulty in passing

on any portion of their tax burden. Furthermore, I do not believe it is appropriate to extend a preferential tax status designed for producers of food to the producers of non-food luxuries simply for the purpose of improving a competitive market position, especially when this measure shows no promise of producing additional jobs for Washington.

With the exception of sections 4 through 7, House Bill No. 1633 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to one section, House Bill No. 1647, entitled:

"AN ACT Relating to the sunset termination and repeal of the public disclosure commission, of the powers and duties of the commission, and of the programs administered or enforced by the commission."

Section 3 of this bill would have restricted registered lobbyists from serving as executive state officers as that term is defined by RCW 42.17.2401 in the Public Disclosure Act. I do not believe that there has been a demonstrated need for this legislation or that the far-reaching effects have been recognized. Leaving this provision in the legislation would exclude persons who are appointed to any of the many boards or commissions of this state. Most of these positions are part-time and only minimally compensated by expense reimbursement. In this regard, section 3 would unfairly restrict the activities of those who serve on the state's boards of regents, boards of trustees and the numerous other boards and commissions.

With the exception of section 3, House Bill No. 1647 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to a portion of Substitute House Bill No. 1678, entitled:

"AN ACT Relating to telephone solicitations."

The last sentence of Substitute House Bill No. 1678 section 2(5), page 3, lines one and two, which requires the Attorney General to take action on second and subsequent violations by a company, conflicts with the first sentence of the same subsection which is permissive.

The legislation sets forth a scheme for controlling telephone solicitations. It sets standards for commercial telephone solicitations and allows consumers to remove their names from lists used to make these telephone calls.

Section 2(5) of the legislation deals with enforcement and is intended to give the Attorney General the discretion needed to enforce violations of the law. However, the last sentence of section 2(5) conflicts with that intent by requiring the Attorney General to take action on second and subsequent violations. I believe this unnecessarily limits the Attorney General's ability to determine the proper cause of action under the bill.

With the exception of the last sentence of section 2(5), Substitute House Bill No. 1678 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 23, Engrossed Substitute House Bill No. 1687, entitled:

"AN ACT Relating to private vocational schools."

Section 23 of this bill would create an advisory committee whose members serve as advisors in implementing this bill and for other liaison purposes as the Commission for Vocational Education determines. Boards, commissions, committees, task forces and similar entities have proliferated in this state, now numbering over 400 bodies. While many of these existing entities were created to serve useful purposes, the needs of the state change over time. Since these entities are specified in statute, they often persist beyond their period of usefulness. Statutory entities lack the flexibility to adapt to changing conditions since an entity designed to serve one purpose cannot change to meet new or different needs without legislative approval.

I have also found that it is difficult to abolish statutory entities that have outlived their usefulness. State agencies, moreover, generally have the authority to create ad hoc advisory groups as the need arises. This authority makes it unnecessary to create advisory committees in statute. For these reasons, I have vetoed section 23.

A veto of the entire bill was considered because I have strong reservations about the assignment of this legislation to the Commission for Vocational Education. Additional duties should not be given to an agency that will begin the sunset process on June 30, 1986. My approval of this bill should not give the impression that I favor strengthening or expanding the duties of the Commission for Vocational Education. However, students attending proprietary schools need the protections and safeguards provided in the bill.

With the exception of section 23, Engrossed Substitute House Bill No. 1687 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 3, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to several sections, Substitute House Bill No. 1709, entitled:

"AN ACT Relating to consolidation of agencies into the department of community development."

This bill would consolidate the Office of Archaeology and Historic Preservation, the Department of Emergency Management, and the Fire Protection Board into the Department of Community Development. The original bill was introduced at my request in order to consolidate programs that deal with local government officials. I also encouraged this bill in order to reduce the number of executive agencies and to achieve better efficiencies by centralized support services. However, a number of partial vetoes are necessary to perfect the measure.

Sections 46 and 47 of Substitute House Bill No. 1709 would amend the Sunset Act provisions affecting the Office of Archaeology and Historic Preservation. Since I intend to sign the portion of Substitute House Bill 1333 that will repeal the same statute, I have vetoed sections 46 and 47 of Substitute House Bill 1709 to avoid a double amendment situation.

I have also vetoed portions of section 55 that would have put several officials on the State Fire Protection Policy Board as nonvoting ex-officio members. These members included the Governor, the Commissioner of Public Lands, the Insurance

Commissioner, the Chair of the Commission for Vocational Education and the Director of Fire Protection. The latter official will, in fact, serve as the primary staff person for the Board, so it is inappropriate that he/she serve as a voting member. I believe the other officials will monitor the Board's activities with appropriate staff. Also, having the officials on the Board as ex-officio members makes the Board unnecessarily large.

Finally, I have vetoed section 140 so that the transfer of the Office of Archaeology and Historic Preservation and the Department of Emergency Management to the Department of Community Development can take place in June 1986 rather than in January 1987. The departments indicate the change can be accomplished earlier and the delay is not necessary.

For these reasons, I have vetoed sections 46, 47, 55 in part, and 140. With the exception of these vetoes, Substitute House Bill No. 1709 has been approved.

Respectfully submitted,
Booth Gardner, Governor

March 22, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to one provision, Substitute House Bill No. 1754, entitled:

"AN ACT Relating to economic development."

I strongly support this bill's intent to strengthen the State's commitment to stimulating employment and job-creating private investment, particularly in economically distressed areas, as well as to encourage companies that receive State economic development assistance to hire job applicants from among the unemployed and welfare recipients.

This bill makes certain needed changes in existing legislation which provides for the deferral of sales tax on eligible investments in manufacturing facilities and equipment. The majority of these changes are reasonable and are supported by our experience to date with these programs.

However, I am vetoing that portion of Section 9(4) that would limit the sales tax deferral granted to firms making eligible investments in the state for the first time to a total amount not exceeding \$300,000 per new full-time employment position created. This proposed limitation is not a part of the existing sales tax deferral statute for eligible first-time investments by manufacturing and research and development firms. Although I believe that creating new jobs is one important policy objective for the State's sales tax deferral programs, I am concerned, that enactment of this particular limitation would conflict with another important program objective--namely, to enhance the Washington's competitiveness with other states in attracting certain industries for which this state possesses distinct strategic advantages. Washington is one of the few states that taxes capital expenditures and thereby significantly increases entry costs here compared to other states with whom this State competes for new investment.

Our experience with the program thus far has demonstrated that the limitation proposed in this bill would significantly reduce the number of industries that Washington could pursue to strategically diversify and expand our economic base. In particular, this limitation would make it more difficult to attract the more capital intensive, higher value-added, industries that tend to provide higher wage employment. Industries of this type are critical to raising Washington incomes and stimulating spin-off employment and growth in new industries.

Therefore, with the exception of that portion of Section 9(4) which I have vetoed, Substitute House Bill No. 1754 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to certain portions, Substitute House Bill No. 1950, entitled:

"AN ACT Relating to medical malpractice."

The last sentence of section 2 would require Assistant Attorneys General assigned to the Medical Disciplinary Board to be subject to Board approval and to work under the Board's control. Section 3 would require investigators to be assigned solely to the Board and to be subject to the Board's approval. Both provisions are being vetoed.

Designation and supervision of full-time staff is not the duty of a part-time board. It is better performed by the staff of the administrative agency, in this case the Department of Licensing. If staffing problems arise, the Board should be able to work them out with the support agency, as a number of other boards presently do. One of the benefits of having a part-time board staffed by a larger administrative agency is that the agency can adjust workloads and tasks so that employees are efficiently utilized. To assign attorneys and investigators to only one board could result in inefficiencies and would prevent pooling of valuable personnel resources.

For these reasons I have vetoed the last sentence of section 2 and all of section 3. The remainder of the bill is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 2, Substitute House Bill No. 1972, entitled:

"AN ACT Relating to self-insurance."

Groups of local governments are presently authorized to pool for self-insurance, or purchase insurance, for liability coverage. Section 1 of Substitute House Bill No. 1972 extends that authority to include property replacement insurance, which I strongly support.

Property insurance lines are stable and profitable. Inclusion of property coverage as a part of local government pools should help them to attract commercial insurance packages that include the more volatile liability insurance coverages as well. The state's insurance code provides for the effective regulation of local government insurance pools by the Office of the Insurance Commissioner.

However, section 2 of Substitute House Bill No. 1972 seeks to exempt from the state insurance code both "fraternal benefit societies" that organize to self-insure against property and liability claims, as well as "cooperatives" which organize to self-insure against officer and director liability claims. I strongly oppose these two proposed exemptions. Unlike the local government insurance pools referenced in section 1 of the bill, the proposed exemption of "fraternal benefit societies" and "cooperatives" would effectively authorize a class of self-insurers operating totally outside the purview of the insurance code. The insurance code contains safeguards such as requirements for capital reserves, reinsurance and guaranty association protection. These safeguards protect both the self-insurer and those members of the general public who deal with the self-insurer. Exempting groups from these requirements is unwarranted.

In contrast to the approach proposed in section 2 of Substitute House Bill No. 1972, the state insurance code already provides the means by which such groups

may form conventional insurance organizations with the appropriate financial and procedural safeguards.

With the exception of section 2, Substitute House Bill No. 1972 is approved.

Respectfully submitted,
Booth Gardner, Governor

April 4, 1986

To the Honorable, the House
of Representatives of the
State of Washington
Ladies and Gentlemen:

I am returning herewith, without my approval as to section 11(3), Engrossed Substitute House Bill No. 2021, entitled:

"AN ACT Relating to managed health care."

Section 11 of this bill permits the Director of Financial Management to establish within the Office of Financial Management a health care cost containment program. The section also authorizes the Director to take other actions to control the cost of health care purchased by state agencies. I support wholeheartedly this effort to control costs. The bill, however, does not provide any funds for the creation of the cost containment program. Most of section 11 is permissive, giving the Director of Financial Management the flexibility necessary to undertake those aspects of the program that can be accomplished without funding. Subsection (3), however, is a mandatory reporting requirement that involves significant amounts of staff time and other resources, which are not available. For this reason, I have vetoed section 11(3).

With the exception of section 11(3), Engrossed Substitute House Bill No. 2021 is approved.

Respectfully submitted,
Booth Gardner, Governor

HISTORY OF HOUSE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2. (Sub)				15		
6.		13	55	55	-	
22.				15		
32. (Sub)				72,73	72,1217- 1228,1384, 1441,1458	
37.		13	56			
37. (Sub)			56	56		Ch. 37
41. (Sub)		70			538	
43.		70	363	364		
102.				449		
131. (Sub)				16	1326-1367, 1473	Ch. 259
134.				181	1172, 1450	Ch. 281
136.		13	56			
136. (2nd Sub)			56	56, 1143	1141	Ch. 210
160.		107	151			
160. (Sub)			151	165, 1473	1171, 1473	Ch. 166
191.		145	236	236		
197. (Sub)			452-456	452,456		
205. (Sub)				51, 1144	1143	Ch. 90
243. (Sub)				51		
244.				240, 1144	1144	Ch. 92
289.		107,145, 285			538	
308.		93	125			

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
308. (Sub)			125	209		Ch. 234
338.		70				
343.			72			
343. (Sub)			72			
354.		241	411			
354. (Sub)			411	411		
355.		204	412			
355. (Sub)			412	412, 1165	1165	Ch. 154
376. (Sub)				449		
378. (Sub)				450, 1471	1170, 1470	Ch. 306
390.				16		
392.				51		
393. (Sub)				17		
458. (Sub)				450		
464.				52		
470. (Sub)			292	293	273	
483.		251	364	364		
488.		251	457			
488. (Sub)			457-459	459	484.539	
495. (Sub)				52, 1472	1270, 1471	PV Ch. 267
507.		204	293	293, 1182	1182	Ch. 93
508.		230,285	505			
508. (Sub)			505	506		
529.		241	348			
529. (Sub)			348	348		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
544.			292			
557.		81	125			
557. (Sub)			125	163		
573.		13	126			
573. (Sub)			126	163, 1272	1271	PV Ch. 314
588.		285	413			
588. (Sub)			413	413, 1263	1262	PV Ch. 268
594. (Sub)				53, 1145	1145	Ch. 94
614.		261	364			
614. (Sub)			364	365, 1147	1146	Ch. 91
621.		241,285	365			
621. (Sub)			365	365		
681.		39	72			
681. (Sub)			72	95		
686.		94	126			
686. (Sub)			126	164		Ch. 75
711.		183	349			
711. (Sub)			349	349		
712. (Sub)				17		
719.		13	57			
719. (Sub)			57	57		
764.			72	96		
771.		212	308			
771. (Sub)			308	346		
803.		251	460			

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803. (Sub)			460	460	1268, 1473	Ch. 250
879. (2nd Sub)				53		
905.		145	173			
905. (Sub)			173,174	217		
1058.		178	365	365		Ch. 38
1070.		183			228	
1077. (Sub)		107,286				
1096.		14	57			
1096. (Sub)			57	57		
1134. (Sub)				451, 1618	1389,1451, 1585,1616	PV Ch. 269
1148.		205	349			
1148. (Sub)			349	350		Ch. 88
1177. (Sub)		14	58,1147	1147		Ch. 82
1182. (Sub)				54,1263	1263	Ch. 152
1198.				97		
1218.		241	350		218	
1218. (Sub)			350	350		Ch. 252
1270.		242	423		228	
1270. (Sub)			423	424, 1161	1161	Ch. 107
1291.		191				
1331.	6	70	210			
1331. (Sub)			210	218, 1584	1306, 1584	Ch. 155
1332.	6	160	236			
1332. (Sub)			236	236		Ch. 52
1333.	6	183	414			

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1333. (Sub)			414	414	1183	PV Ch. 270
1334.	6	178				
1335.	6	94	127			
1335. (Sub)			127	164		Ch. 33
1336.	6					
1337.	6	191	366	366, 1575	1264,1443, 1568,1574	Ch. 204
1338.	6					
1339.	7	107	166-169	228, 1268	1265	Ch. 132
1340.	7					
1341.	7	81	174	234		
1342.	7	146	294			
1342. (Sub)			294-297	333		
1343.	7					
1344.	7					
1345.	7	82	298	334		Ch. 61
1346.	7					
1347.	7					
1348.	7	70	96			
1348. (Sub)			96	124		
1349.	8	230	366			
1349. (Sub)			366	366, 1190	1183	Ch. 167
1350.	8	39,82	74	234	108	Ch. 42
1351.	8	82	237			
1351. (Sub)			237	273		
1352.	8					

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1353.	8	39	72,74	98		Ch. 39
1354.	8					
1355.	8	178,252	460			
1355. (Sub)			460	460, 1149	1148	PV Ch. 202
1356.	8	230	367			
1356. (Sub)			367	367, 1180	1179	Ch. 95
1357.	8	252	516			
1357. (Sub)			516-518	518		
1358.	8	178	367	367		
1359.	9					
1360.	9					
1361.	9					
1362.	9	171	368	368		Ch. 62
1363.	9	146	237			
1363. (Sub)			237	237,1150	1150	Ch. 89
1364.	9					
1365.	9					
1366.	9	160				
1367.	9	252				
1368.	9	191	368			
1368. (Sub)			368	368		Ch. 74
1369.	9					
1370.	10					
1371.	10	108	151	165		Ch. 32
1372.	10	222				
1373.	10					

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1374.	10	222	369	369		Ch. 251
1375.	10	192				
1376.	10					
1377.	10	71	96	124		
1378.	10	71	96	124		
1379.	10	39				
1380.	11	71	97	149		
1381.	11					
1382.	11	230	461			
1382. (Sub)			461	461, 1190	1190	Ch. 206
1383.	11	205				
1384.	11					
1385.	11	94	151			
1385. (Sub)			151	405		Ch. 41
1386.	11	160	237	238	1169, 1452	Ch. 253
1387.	11	146				
1388.	11	94	127			
1388. (Sub)			127	164, 1154	1150	Ch. 254
1389.	11	252	518	519		
1390.	12	71				
1391.	12	108	369			
1391. (Sub)			369	369		Ch. 255
1392.	12	242	350	350		
1393.	12	242	461	462, 1155	1155	Ch. 76
1394.	12					

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1395.	12	213	462			
1395. (Sub)			462	462		
1396.	22	146			172	
1397.	22	123	172	172		
1398.	22	192	370, 380,421	370, 422	379	Ch. 60
1399.	22	147,286	309		202	
1399. (Sub)			309	309, 1613	1233- 1257,1261, 1441,1459, 1562,1590- 1613	Ch. 257
1400.	23	147,286	309		172	
1400. (Sub)			309	310, 1156	1155	PV Ch. 224
1401.	23	223	415			
1401. (Sub)			415	415		Ch. 112
1402.	23	123	172	235		
1403.	23	213	370			
1403. (Sub)			370	370		Ch. 100
1404.	23					
1405.	23					
1406.	23					
1407.	23	123	172	173		Ch. 258
1408.	24	147	273			
1408. (Sub)			273	273		Ch. 109
1409.	24	183	416			
1409. (Sub)			416	416		
1410.	24					
1411.	24					

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1412.	24					
1413.	24	213	371			
1413. (Sub)			371	371		Ch. 168
1414.	24					
1415.	24	230	417	417		Ch. 225
1416.	24					
1417.	25					
1418.	25					
1419.	25	71	97	149		Ch. 169
1420.	25					
1421.	25	261			538	
1422.	25	192			228	
1423.	25					
1424.	25	223	371	371		Ch. 63
1425.	25					
1426.	25					
1427.	26					
1428.	26					
1429.	26	94,286	520		172	
1429. (Sub)			520	520		
1430.	26					
1431.	26	192	294	294		
1432.	26	192	310			
1432. (Sub)			310	310		
1433.	26	205	354			
1433. (Sub)			354	354,1191	1191	Ch. 83
1434.	32	242				

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1435.	32					
1436.	32					
1437.	32					
1438.	33					
1439.	33					
1440.	33	242	371	372		
1441.	33	223	372	372		Ch. 84
1442.	33	147	175	235		Ch. 34
1443.	33					
1444.	33	243				
1445.	33					
1446.	33					
1447.	33	231	520			
1447. (Sub)			520	520, 1554	1228,1373, 1460,1549- 1554	Ch. 282
1448.	34					
1449.	34	147	304			
1449. (Sub)			304	305		
1450.	34	252	463	463		Ch. 113
1451.	34	261	372			
1451. (Sub)			372	372		Ch. 35
1452.	34					
1453.	34					
1454.	34					
1455.	34					
1456.	35					
1457.	35	160	299			

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1457. (Sub)			299	299		
1458.	35	147	175			
1458. (Sub)			175	175		PV Ch. 271
1459.	35	178	373	373		Ch. 64
1460.	35	243	310			
1460. (Sub)			310	311		Ch. 40
1461.	35					
1462.	35	82	274	334, 1474	1269, 1474	Ch. 170
1463.	35	161	274-276	276, 1270	1269	Ch. 124
1464.	35					
1465.	35					
1466.	36					
1467.	36					
1468.	36					
1469.	36					
1470.	36					
1471.	36					
1472.	36	95	150	150	1367,1442, 1460,1469	
1473.	36					
1474.	36					
1475.	36	243	311	346	127	
1476.	37					
1477.	37					
1478.	37					
1479.	37	231	343			

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1479. (Sub)			343	406, 1273	1272	Ch. 53
1480.	37	223	312			
1480. (Sub)			312	312		Ch. 36
1481.	37					
1482.	37	184	373	373		Ch. 71
1483.	37	205	417	417		Ch. 108
1484.	37	223	354			
1484. (Sub)			354	355		
1485.	37	184	374	374		
1486.	37	95	150	150, 1157	1156	Ch. 171
1487.	38					
1488.	38	184	300			
1488. (Sub)			300	300		
1489.	38	223				
1490.	38	82	321	321		Ch. 54
1491.	59					
1492.	59	243	418			
1492. (Sub)			418	418		
1493.	60	253	374			
1493. (Sub)			374	374		Ch. 114
1494.	60					
1495.	60	205	313			
1495. (Sub)			313	313, 1158	1157	Ch. 115
1496.	60	193,253	418			
1496. (Sub)			418	418		Ch. 43
1497.	60	161	277	406		

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1498.	60	206			238	
1499.	60	161	277	277, 1538	1191-1194, 1388,1537	Ch. 153
1500.	60					
1501.	60					
1502.	60					
1503.	61					
1504.	61	206	375	375		Ch. 260
1505.	61	193.287	313			
1505. (2nd Sub)			313	347, 1468	1274, 1468	Ch. 172
1506.	61	287			538	
1507.	61					
1508.	61					
1509.	61					
1510.	61	243	375	375		
1511.	61	244	375	376		Ch. 99
1512.	61					
1513.	62					
1514.	62					
1515.	62					
1516.	62	244	376	376	832	
1517.	62	224	376	376		Ch. 44
1518.	62	184	419	419		Ch. 101
1519.	62	184	377	377		Ch. 80
1520.	62	123	173	173		
1521.	62	244				
1522.	62					

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1523.	63	171	300	300		
1524.	63					
1525.	63					
1526.	63					
1527.	63	231	463			
1527. (Sub)			463	463		
1528.	63	253				
1529.	63	213				
1530.	63	253				
1531.	63	224			99	
1532.	63					
1533.	64					
1534.	64	253	313			
1534. (Sub)			313			
1535.	64	244				
1536.	64	206	377	377		
1537.	64	254				
1538.	64	254				
1539.	64	262	378	378		
1540.	64	254	378			
1540. (Sub)			378	378		Ch. 81
1541.	65	214				
1542.	65					
1543.	65					
1544.	65					
1545.	65	148	277			
1545. (Sub)			277-283	283, 1158	1158	Ch. 173

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1546.	65					
1547.	65					
1548.	65					
1549.	65	254	379			
1549. (Sub)			379	379		
1550.	65					
1551.	65					
1552.	65					
1553.	66					
1554.	66					
1555.	66	161	419			
1555. (Sub)			419-421	527		
1556.	66	231	306	306		
1557.	66					
1558.	66					
1559.	66					
1560.	66					
1561.	66	254	421	421		
1562.	66					
1563.	67	214	379	379		Ch. 47
1564.	67	224	301			
1564. (Sub)			301	301		Ch. 256
1565.	67	287	464	465		
1566.	67	214	313			
1566. (Sub)			313	314		
1567.	67	206	355	355		
1568.	67					

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1569.	67					
1570.	67					
1571.	67					
1572.	68	161	283	283		Ch. 49
1573.	68					
1574.	68					
1575.	68					
1576.	68					
1577.	68					
1578.	68					
1579.	68					
1580.	68	262	380			
1580. (Sub)			380	380		Ch. 85
1581.	76	255	323			
1581. (Sub)			323	323		Ch. 55
1582.	76	193				
1583.	76					
1584.	76					
1585.	76	185			538	
1586.	76	206	380			
1586. (Sub)			380	380		
1587.	77	214	301			
1587. (Sub)			301	359, 1467	1174,1261. 1373,1466	PV Ch. 276
1588.	77					
1589.	77					
1590.	77					
1591.	77					

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1592.	77					
1593.	77	244	314			
1593. (Sub)			314	314, 1537	1257, 1537	Ch. 205
1594.	77					
1595.	77					
1596.	78					
1597.	78					
1598.	78	262	422			
1598. (Sub)			422	423, 1582	1274-1281, 1374,1441, 1561,1581	PV Ch. 301
1599.	78	206	381	381		Ch. 16
1600.	78					
1601.	78					
1602.	78	148	175	175		Ch. 65
1603.	78					
1604.	78	193	381	381		
1605.	78					
1606.	79					
1607.	79	255	510	511		
1608.	79					
1609.	79	244,287	465			
1609. (Sub)			465	465		
1610.	79					
1611.	79	224			538	
1612.	79	161				
1613.	79	214	425			
1613. (Sub)			425	425		

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1614.	79	262	512	527, 1577	1230-1232, 1373,1461, 1577	Ch. 174
1615.	79	245			190	
1616.	80					
1617.	80					
1618.	80	207	302			
1618. (Sub)			302	358		
1619.	80	224	425			
1619. (Sub)			425	426		
1620.	80	207				
1621.	80	207	385			
1621. (Sub)			385	385		
1622.	80	263	385			
1622. (Sub)			385	386		Ch. 46
1623.	80					
1624.	80	245	386			
1624. (Sub)			386	386, 1159	1158	Ch. 133
1625.	80					
1626.	81	225				
1627.	81	225				
1628.	81					
1629.	86					
1630.	87	225	356	356, 1475	1474	PV Ch. 223
1631.	87	288	386	387, 1549	1281,1383, 1461,1546- 1548	Ch. 175
1632.	87					

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1633.	87	226	387	1282- 387, 1567	1285,1451, 1462,1564- 1567	PV Ch. 315
1634.	87	171			182	
1635.	87	148	284	359		Ch. 134
1636.	87					
1637.	87	207	466	466		Ch. 45
1638.	87					
1639.	88					
1640.	88					
1641.	88					
1642.	88					
1643.	88	193	387	387	1171, 1397	
1644.	88	263				
1645.	88					
1646.	88					
1647.	88	179	388	388, 1395	1393	PV Ch. 272
1648.	89					
1649.	89					
1650.	89					
1651.	89	207	466			
1651. (Sub)			466	466		
1652.	89	226	426-429	429, 1160	434, 1159	Ch. 176
1653.	89					
1654.	89	193	314			
1654. (Sub)			314	315		Ch. 50

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1655.	89	162	249			
1655. (Sub)			249	250		
1656.	89	148	284	360		Ch. 135
1657.	89					
1658.	90	215				
1659.	90				172	
1660.	90	208				
1661.	90	215	467			
1661. (Sub)			467	467		
1662.	90	226	303	303		
1663.	90					
1664.	90					
1665.	90					
1666.	91					
1667.	91					
1668.	91					
1669.	91	215	307			
1669. (Sub)			307	307		Ch. 121
1670.	91					
1671.	91					
1672.	91					
1673.	91	226	356			
1673. (Sub)			356	357		
1674.	91	215				
1675.	91	194	315			
1675. (Sub)			315	315		
1676.	92					

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1677.	92	179				
1678.	92	226	467			
1678. (Sub)			467,493	494		PV Ch. 277
1679.	92				93,107	
1680.	92	256	306		93,107	
1680. (Sub)			306	361		
1681.	92	263	343		93,107	
1681. (Sub)			343	407		
1682.	100	288				
1683.	100					
1684.	100	194				
1685.	100	256				
1686.	101	208	468	468		Ch. 72
1687.	101	231	429			
1687. (Sub)			429	429, 1201	1194	PV Ch. 299
1688.	101	232	430			
1688. (Sub)			430	430, 1396	1396	Ch. 136
1689.	101					
1690.	101					
1691.	101	245	315	316		
1692.	101					
1693.	101					
1694.	101					
1695.	101	256				
1696.	102					
1697.	102					

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1698.	102	288	388			
1698. (Sub)			388	388		
1699.	102	263	483	483		
1700.	102					
1701.	102					
1702.	102	208	303	303		Ch. 13
1703.	102	179	188	200		Ch. 1
1704.	102	245	468			
1704. (Sub)			468-470	470		
1705.	102					
1706.	103					
1707.	103					
1708.	103	162	303	304, 1468	1175, 1261,1467	Ch. 105
1709.	103	256	316			
1709. (Sub)			316	317, 1546	1285-1304, 1442,1462, 1545	PV Ch. 266
1710.	103					
1711.	104	194	389	389		Ch. 51
1712.	104					
1713.	104	256	430			
1713. (Sub)			430-434	434		
1714.	104					
1715.	104					
1716.	104					
1717.	104	245	515			
1717. (Sub)			515	515		
1718.	104					

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1719.	104					
1720.	104	179	470	470		Ch. 97
1721.	104	180	389	389		Ch. 56
1722.	104	257	389			
1722. (Sub)			389	390	1176, 1373,1510	
1723.	105	232	470			
1723. (Sub)			470	471		
1724.	105					
1725.	105	194	320	320, 1162	1161	Ch. 137
1726.	105	263	390			
1726. (Sub)			390	391, 1209	1201	Ch. 230
1727.	105					
1728.	105	257				
1729.	105	194	304	304		
1730.	106	257	471			
1730. (Sub)			471	472		
1731.	106	264	472		169	
1731. (Sub)			472-479	525		
1732.	106	180	305	305	127	
1733.	109				182	
1734.	109	257	391			
1734. (Sub)			391	391		
1735.	109					
1736.	109					
1737.	109					
1738.	109					

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1739.	109					
1740.	110					
1741.	110					
1742.	110					
1743.	110	246	391	391		Ch. 48
1744.	110					
1745.	110					
1746.	110					
1747.	110					
1748.	110					
1749.	110				250	
1750.	111					
1751.	111					
1752.	111					
1753.	111					
1754.	111	182,227	521			
1754. (Sub)			521	521, 1559	1232,1261, 1463,1555- 1559	PV Ch. 116
1755.	111					
1756.	111					
1757.	111					
1758.	111	185	331			
1758. (Sub)			331-333	382		
1759.	112					
1760.	112					
1761.	112					
1762.	112	215	307			

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1762. (Sub)			307	307,1211	1209	Ch. 122
1763.	112	162	284	284,1213	1211	Ch. 123
1764.	112	264	392	392		
1765.	112	288	392			
1765. (Sub)			392	392	1475, 1588,1636	
1766.	112					
1767.	112	257	393	393		
1768.	113	264	479			
1768. (Sub)			479			
1769.	113					
1770.	113					
1771.	113					
1772.	113					
1773.	113					
1774.	113				172	
1775.	113					
1776.	113	180	393	393		Ch. 68
1777.	113					
1778.	113					
1779.	113					
1780.	114					
1781.	114					
1782.	114					
1783.	114	232	322			
1783. (Sub)			322	323		Ch. 57
1784.	114	264	486-487, 488,490- 493,511	511		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1785.	114					
1786.	114	264	488	489		
1787.	114	258	435			
1787. (Sub)			435	435		
1788.	114					
1789.	114					
1790.	115					
1791.	115					
1792.	115	208	394			
1792. (Sub)			394	394		
1793.	115					
1794.	115					
1795.	115	148	292	292, 1538	1232, 1261,1538	Ch. 138
1796.	115					
1797.	115	195	394			
1797. (Sub)			394	394		
1798.	115					
1799.	115					
1800.	116	232	325	407		
1801.	116					
1802.	116	258	435			
1802. (Sub)			435	435		Ch. 106
1803.	116					
1804.	116	265	357			
1804. (Sub)			357	358	1233, 1453	Ch. 262
1805.	116	258	495	495		

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1806.	116					
1807.	116					
1808.	116					
1809.	116					
1810.	117					
1811.	117					
1812.	117					
1813.	117					
1814.	117					
1815.	117	258	395			
1815. (Sub)			395	395		Ch. 96
1816.	117					
1817.	117					
1818.	117					
1819.	117					
1820.	118					
1821.	118					
1822.	118	258				
1823.	118					
1824.	118	232	438			
1824. (Sub)			438			
1825.	118	180	522	523, 1588	1392,1451, 1567,1586	Ch. 308
1826.	118					
1827.	118	246	439			
1827. (Sub)			439	439	1304- 1306,1451	Ch. 229
1828.	118					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1829.	119	180,288	396			
1829. (Sub)			396	396, 1543	1172,1392, 1462,1541	Ch. 139
1830.	119	259,289	507			
1830. (Sub)			507-509	510		
1831.	119	181	396			
1831. (Sub)			396	396		Ch. 73
1832.	119					
1833.	119					
1834.	119					
1835.	119					
1836.	119					
1837.	119					
1838.	119	265	498			
1838. (Sub)			498	499, 1214	1213	Ch. 228
1839.	119	227	397			
1839. (Sub)			397	397		Ch. 227
1840.	120	265	397			
1840. (Sub)			397	397		
1841.	120					
1842.	120	265	523			
1842. (Sub)			523-525	525		
1843.	120					
1844.	120					
1845.	120					
1846.	120	289	398			
1846. (Sub)			398	398		Ch. 226

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1847.	120					
1848.	120					
1849.	120					
1850.	121					
1851.	121	246	525	525, 1544	1307,1442, 1464,1543	Ch. 231
1852.	121					
1853.	121					
1854.	121					
1855.	121	227	398	398		
1856.	121	259			538	
1857.	121	259			538	
1858.	121	259			538	
1859.	121	289			240	
1860.	122					
1861.	122					
1862.	122					
1863.	128					
1864.	128					
1865.	128	216	399			
1865. (Sub)			399	399		Ch. 156
1866.	128	246	306			
1866. (Sub)			306	361		Ch. 66
1867.	128					
1868.	129	216	399	399		Ch. 157
1869.	129	265	399			
1869. (Sub)			399	400, 1182	1181	Ch. 98

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1870.	129	182,266	326			
1870. (Sub)			326	326, 1545	1176,1261, 1464,1544	Ch. 283
1871.	129					
1872.	129	246				
1873.	129	233	321			
1873. (Sub)			321	321		Ch. 58
1874.	129					
1875.	129	233	320			
1875. (Sub)			320	321		Ch. 59
1876.	129					
1877.	129					
1878.	130					
1879.	130					
1880.	130					
1881.	130					
1882.	130					
1883.	130					
1884.	130					
1885.	130					
1886.	130					
1887.	130					
1888.	130					
1889.	130					
1890.	130					
1891.	131	247				
1892.	131	266	439			
1892. (Sub)			439	440		Ch. 70

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1893.	131					
1894.	131	247	400			
1894. (Sub)			400	400		
1895.	131	266	440			
1895. (Sub)			440	441		
1896.	131					
1897.	131					
1898.	131					
1899.	131	233	327	327,1164	1162	Ch. 284
1900.	131	247	499	499		Ch. 177
1901.	132					
1902.	132	247			228	
1903.	132					
1904.	132					
1905.	132					
1906.	132				172	
1907.	132					
1908.	132					
1909.	132					
1910.	132					
1911.	132	259				
1912.	133					
1913.	133					
1914.	133					
1915.	133	233				
1916.	133					
1917.	133					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1918.	133					
1919.	133	227	327	327		
1920.	133					
1921.	133					
1922.	133					
1923.	134					
1924.	134					
1925.	134	260				
1926.	134					
1927.	134					
1928.	134	216	308	308		
1929.	134	260			538	
1930.	134					
1931.	134	266				
1932.	134					
1933.	135					
1934.	135					
1935.	135					
1936.	135					
1937.	135	247	500			
1937. (Sub)			500	501		
1938.	135					
1939.	135					
1940.	135				160	
1941.	135					
1942.	135	260				
1943.	135					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1944.	136	260			172	
1945.	136					
1946.	136					
1947.	136					
1948.	136					
1949.	136					
1950.	136	267	328			
1950. (Sub)			328	328, 1372	1369	PV Ch. 300
1951.	136					
1952.	136					
1953.	136					
1954.	136	289	328	329, 1216	1215	Ch. 104
1955.	137					
1956.	137	267	505	505		
1957.	137					
1958.	137					
1959.	137					
1960.	137					
1961.	137					
1962.	137	181	329	329, 1166	1166	Ch. 102
1963.	137					
1964.	137	267				
1965.	137					
1966.	138					
1967.	138	267	501		169	

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1967. (Sub)			501	502. 1166	1166	Ch. 307
1968.	138	248	347			
1968. (Sub)			347	408		
1969.	138				160	
1970.	138					
1971.	138					
1972.	138	267	502			
1972. (Sub)			502	502. 1308	1307	PV Ch. 302
1973.	138					
1974.	138				250	
1975.	138					
1976.	138	267	400		169	
1976. (Sub)			400	401		Ch. 67
1977.	139					
1978.	139				169	
1979.	139					
1980.	139					
1981.	139	227	338			
1981. (Sub)			338	408		
1982.	139					
1983.	139					
1984.	139					
1985.	139					
1986.	139	195	329			
1986. (Sub)			329	330. 1168	1167	Ch. 140
1987.	139					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
1988.	140					
1989.	140					
1990.	140					
1991.	140					
1992.	140	290	339			
1992. (Sub)			339-341	382-384	1325, 1383,1560	
1993.	140					
1994.	140					
1995.	140					
1996.	140					
1997.	141					
1998.	141					
1999.	141					
2000.	141					
2001.	141					
2002.	141					
2003.	141					
2004.	141					
2005.	141					
2006.	141					
2007.	141					
2008.	142					
2009.	142	248			538	
2010.	142				202	
2011.	142	268	502			
2011. (Sub)			502	502		Ch. 69
2012.	142					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2013.	142					
2014.	142	268	401			
2014. (Sub)			401	401, 1314	1308	Ch. 178
2015.	142					
2016.	142					
2017.	142	268				
2018.	142	268				
2019.	143					
2020.	143					
2021.	143	208,290	503			
2021. (Sub)			503	503, 1635	1316- 1325,1383, 1539-1540, 1618,1631- 1635	PV Ch. 303
2022.	143					
2023.	143				169	
2024.	143					
2025.	143					
2026.	143					
2027.	143					
2028.	143					
2029.	143					
2030.	144					
2031.	144					
2032.	144					
2033.	151					
2034.	151	181,233				
2035.	152					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2036.	152					
2037.	152					
2038.	152					
2039.	152					
2040.	152					
2041.	152				238	
2042.	152					
2043.	152					
2044.	152					
2045.	152	268			240	
2046.	152					
2047.	152					
2048.	152					
2049.	152					
2050.	152					
2051.	152					
2052.	152					
2053.	152					
2054.	152					
2055.	153	496-498	498	495		Ch. 103
2056.	153					
2057.	153					
2058.	153					
2059.	153					
2060.	153					
2061.	153					
2062.	153					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2063.	153					
2064.	153					
2065.	153					
2066.	153					
2067.	153					
2068.	153					
2069.	153					
2070.	153					
2071.	153					
2072.	153					
2073.	153					
2074.	153					
2075.	153					
2076.	154					
2077.	154					
2078.	154					
2079.	154					
2080.	154	185,269	482			
2080. (Sub)			482	482	1315. 1453	Ch. 141
2081.	154					
2082.	154					
2083.	154	260	504		228	
2083. (Sub)			504	504. 1314	1314	Ch. 142
2084.	154					
2085.	154					
2086.	154					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2087.	154	185				
2088.	154	185,269	482			
2088. (Sub)			482	482		
2089.	154	185,248	483			
2089. (Sub)			483	483		
2090.	154				228	
2091.	154					
2092.	154					
2093.	154					
2094.	154					
2095.	154					
2096.	154					
2097.	154					
2098.	155					
2099.	155					
2100.	155				495, 527,538	
2101.	155					
2102.	155					
2103.	155					
2104.	155					
2105.	155					
2106.	155					
2107.	155					
2108.	155					
2109.	155					
2110.	155					
2111.	155					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
2112.	155	261			218	
2113.	155					
2114.	155					
2115.	155					
2116.	155					
2117.	155					
2118.	155					
2119.	155				228	
2120.	156					
2121.	156	185				
2122.	156					
2123.	156					
2124.	156					
2125.	156					
2126.	156					
2127.	156					
2128.	156					
2129.	156					
2130.	1647		1647	1648		Ref. #40
2131.	1649					
2132.	1649					
2133.	1649					
2134.	1649					

HISTORY OF HOUSE JOINT MEMORIALS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
17.				54		
26.			74	98,556	556	
29.	12	248	484	484		
30.	38					
31.	92	269	401			
31. (Sub)			401	401		
32.	122	216	308	308		
33.	122	162	297	297		
34.	122					
35.	122					
36.	122					
37.	144	248				
38.	144	269	504	505		
39.	144					
40.	144					
41.	1649					

HISTORY OF HOUSE JOINT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
25. (Sub)				55		
49.		14	209			
49. (Sub)			209	217,1316, 1583	1315, 1373,1583	
50.	12					
51.	12					
52.	12					
53.	38					
54.	68	269				
55.	81	249	402	402,1169	1169	
56.	93					
57.	122	209	456			
58.	122	261	341			
59.	144					
60.	144					

HISTORY OF HOUSE CONCURRENT RESOLUTIONS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
16.	2		3	3		
17.	2		2	2		
18.	26	71	151	151		
19.	93	216	342	343,1168	1168	
20.	106					
21.	145	234	324			
21. (Sub)			324	324		
22.	145	261	1540	1540	1540	
23.	145	682				
24.	145					
25.	145	270	1260	1260		
26.	335	409				
27.	1110					
28.	1639		1639	1639		
29.	1572		1572	1572		
30.	1650		1650	1650		

HISTORY OF HOUSE FLOOR RESOLUTIONS

NUMBER AND SUBJECT	Introduced	Other Action	Adopted
91 Senate notified/House organized	2		2
92 House Rules/amended		3	
93 Frank Feeley honored	1092		1093
94 House Rules/amended	40		50
95 Blaine HS/excellence award	83		84
97 Billy Joe Thomas/honored	83		83
98 Coulee-Hartline & Mansfield Rams	*Rules		2/6/R
99 Dr. Martin Luther King, Jr.	84		84
100 Shari Rusch/Learning disabilities	663		664
101 Charles Goldmark family/memorium	157		158
102 Shelton HS/Class AA football	219		219
103 Ophthalmologists/Eye Care Project	*Rules		1/29/R
104 Teachers/People's Rep of China	*Rules		1/29/R
105 Eatonville Cruisers/Cl. A football	219		219
106 Washington School for Deaf/100 yrs	203		204
107 Space Shuttle Challenger	201		202
108 WA State Cheetahs/soccer	487		488
109 FHA/HERO week	*Rules		2/6/R
110 Concrete HS/Class B football	220		220
111 South Whidbey HS football	220		221
112 Juanita HS Rebels/Cl. AAA football	219		220
113 Boy Scout Anniversary Week	271		272
114 Storytellers for Peace	239		240
115 Cypress Island/DNR (STUDY)	*Rules		2/6/R
116 Pro-peace marchers	272		273
117 Roslyn, WA/100th year	490		490
118 R. Swartz memorium/State Librarian	*Rules		2/12/R
119 Artists Unlimited/Diane Volk	884		884
122 McGruff symbol/safe home (runaways)	539		539
123 Merce Cunningham honored	542		544
124 George Washington/homage	486		486
126 Nihonga Art Exhibit	659		659
127 Harold Otto/cowboy poet	570		570
128 WA School for the Blind	539		540
129 Minoru Yamasaki/memorium	544		544
130 Henry M. Jackson Day/Foundation	545		545
131 WA Juvenile Code Task Frce (STUDY)	*Rules		3/1/R
132 US Navy/welcome to Everett	*Rules		2/21/R
133 Future Farmers of America	555		556
134 Pay 'n Pak men's fastpitch	662		663
135 Kasey Keller/Natl Soccer Team	659		660
136 British Columbia liquor levy	*Rules		2/25/R
137 President Aquino congratulations	626		626
138 Seattle Seafair best wishes	1014		1015
139 Washington State unique features	660		661
141 Hyogo/sister-state relations	*Rules		3/4/R
142 Welsh pioneers' recognition	*Rules		3/4/R
144 Al H. Bowles, Jr./recognition	884		885
145 Interim business	1640		1642
146 William O. Douglas/Yakima museum	977		978
148 Notify Senate/sine die	1639		1639
149 Prime Minister Palme/Sweden	1541		1541
150 Vela Luka dance company	1111		1112
153 UW/age discrim./salary enhancement	1582		Failed
154 George Irwin/Mayor of Aberdeen	1573		1573
155 Jerry Thomas/long-time service/DSHS	1554		1555

NUMBER AND SUBJECT	Introduced	Other Action	Adopted
157 Speaker Ehlers honored	1443		1448
158 Foster HS/girls' basketball	1575		1575
159 Hunters HS/girls' basketball	1571		1571
161 Intern program applauded	1466		1466
162 Staff recognition	1589		1589
163 Mason Bishop recognition	1570		1571
164 City of Olympia commendation	1573		1574
166 Family unit/SHS Committee (STUDY)	1575		1576
167 Dean Nicholson/CWU BB Coach	1572		1573
168 Paul Locke recognition	1588		1589
169 House bills indefinitely postponed	1640		1640
171 Rotary Clubs of Washington	1636		1637
172 Wes Estes commendation	1631		1631
175 Amending permanent rules	1645		1645

*Rules Committee adopted

HISTORY OF SENATE BILLS

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3011.	69					
3018.	38	629	820	820		Ch. 127
3020.	81					
3021.	81	700	965-968	968	1388,1563	
3030.	69					
3036. (Sub)	336					
3048. (Sub)	69					
3084.	528					
3093.	69					
3097. (Sub)	528					
3110. (2nd Sub)	351	833	968	968		Vetoed
3112. (Sub)	81					
3140.	106	588				
3157. (2nd Sub)	436					
3160. (Sub)	69	557	811	811		Ch. 143
3161. (Sub)	291					
3182. (Sub)	528	833	969-971, 973-975	975		PV Ch. 317
3188. (2nd Sub)	38	541			555	
3193.	212	701	971	971		Ch. 207
3228. (Sub)	106	557				
3231. (Sub)	535					
3255. (Sub)	38					
3259.	291					
3278.	106	589,833	1002	1002		Ch. 232
3287.	93	409				
3306. (Sub)	39					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3310. (Sub)	336					
3316. (Sub)	291					
3334.	351	590	972	972		Ch. 77
3336.	528	561	812	812		Ch. 208
3352.	93	683	1088	1088		Ch. 180
3355.	336					
3369. (Sub)	336					
3397.	81	590	821	821, 1517	1388, 1453,1517	PV Ch. 318
3416. (Sub)	69	701	928, 992-994	994	479	Ch. 128
3419. (Sub)	336	741	972	973		Ch. 233
3439. (Sub)	351	683				
3444.	177	702				
3453. (Sub)	204	664	926,985	926,986	962	Ch. 181
3458. (Sub)	336	702	994	994		Ch. 235
3487. (2nd Sub)	535	745	1003	1003		PV Ch. 325
3495.	479	630	973	973		Ch. 86
3498. (Sub)	69	703	1112	1113, 1483	1388, 1454,1483	Ch. 236
3517. (3rd Sub)	351	664			384	
3520. (Sub)	93					
3527.	351	683,913	1035	1035		Ch. 144
3532. (Sub)	352	547	586	586		Ch. 5
3541. (Sub)	177					
3555.	535	705				
3558. (Sub)	106					
3574. (2nd Sub)	403	665	927	927		Ch. 285

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
3587. (Sub)	123	705				
3590. (Sub)	93	541	571	571		Ch. 4
3595. (Sub)	69					
3636.	336	630	919-921, 961,1093	1107		PV Ch. 296
3718. (Sub)	239					
3796.	528	706				
3842. (Sub)	106	541			1108	
3847. (Sub)	529	706	975	975		Ch. 237
3878.	403					
3905. (Sub)	479	683,834				
3910.	93	746			1260	
3948. (Sub)	535	688	976	976	555	Ch. 179
3990. (Sub)	512	665	1033	1033		Ch. 304
4128. (Sub)	69	547	814	919, 1465	1383, 1465	Ch. 118
4165. (Sub)	512					
4221. (Sub)	336	913	1003	1003		Ch. 87
4234.	529					
4242. (2nd Sub)	479					
4262.	177					
4291.	69					
4305. (Sub)	177	747	997	997		PV Ch. 322
4315. (Sub)	93					
4320. (Sub)	69					
4418. (Sub)	529	665,834	995-997	997		PV Ch. 316
4425. (Sub)	529	562,835	1094	1094		Ch. 182

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4443.	177	345	812	812		Ch. 22
4446.	436	630	821	821		Ch. 119
4448.	352	666				
4450.	480	541	571	626		Ch. 120
4452.	336	630	1125	1126		Ch. 158
4453.	362	666				
4454.	535					
4455. (Sub)	403	562	813	813		Ch. 129
4456.	403	547	571	627		Ch. 6
4458. (Sub)	403	668	976	976		Ch. 238
4459. (Sub)	291					
4463.	535	688	977, 978	979, 1579	1383-1455, 1516,1571, 1578	Ch. 183
4465. (Sub)	512	748	1010	1011		Ch. 209
4467. (Sub)	403	749				
4470.	229	562	822	822		Ch. 239
4479. (Sub)	480	574	824	824		Ch. 309
4481.	318	706	1082	1082		Ch. 145
4483. (Sub)	529					
4486. (Sub)	229	590	921	923, 1507	1383, 1454,1484- 1506	PV Ch. 278
4490.	352	707	927	927		Ch. 117
4491. (Sub)	352	669	929	929		Ch. 240
4497. (Sub)	529	630,749	979	980		Ch. 241
4498. (2nd Sub)	529					
4500.	352	598				
4503. (Sub)	480	835	1109	1110		Ch. 211

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4505.	352	761				
4506.	362	669	1083	1083		PV Ch. 273
4507.	362					
4512.	512	564	813	813		Ch. 15
4513.	318					
4519. (Sub)	352	437	441-447	447-448	438	Ch. 3
4521.	352	599	822	822	409	Ch. 31
4525. (Sub)	403	707	929	930		PV Ch. 323
4526. (Sub)	403					
4527.	512	575	823	823		Ch. 14
4528.	436	575	823	823		Ch. 12
4529.	436	641	930	930	539	Ch. 212
4531. (Sub)	529	762	980	981, 1516	1393, 1454,1515	Ch. 184
4535.	480	707	981	982		Ch. 261
4536. (Sub)	318	575	1088	1088		Ch. 186
4537.	336	599	1089	1089		Ch. 213
4538.	352	564	925	926		Ch. 214
4539. (Sub)	204	763	962	962		
4540.	212	708	982	982		Ch. 286
4541. (Sub)	222	764	998	999, 1469	1384, 1469	Ch. 287
4544. (Sub)	535	767	1090	1091		Ch. 187
4546.	229	708				
4547. (Sub)	229	547	1107	1108		Ch. 242
4551.	513	767	983	983		Ch. 188
4552. (Sub)	319					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4553. (Sub)	229	599	1108	1108		Ch. 190
4556.	403	669	930	930		Ch. 263
4557. (Sub)	535	767			1108	
4559. (Sub)	529					
4560.	529	642			1260	
4561.	403					
4562.	535					
4563. (Sub)	336	708			384	
4564.	513	771			586	
4569.	362	599	825	825		Ch. 164
4571. (Sub)	513	708	931	931		Ch. 185
4572. (Sub)	337	600	964	965		PV Ch. 292
4574. (Sub)	529	642	1004	1004		Ch. 222
4575.	535	772				
4576. (Sub)	530					
4577. (Sub)	536					
4579. (Sub)	404					
4582.	404	576	932	932		Ch. 243
4584.	404	709	931	932		Ch. 189
4587.	530	576				
4590. (Sub)	404	604,836	1009	1010	1382, 1393	PV Ch. 294
4591.	404	669				
4592.	530	670				
4593.	530	564	825	825		Ch. 25
4596. (Sub)	319	670,838	984	984		PV Ch. 274
4599. (Sub)	362					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4601.	212	674	1004	1004		Ch. 221
4602. (Sub)	530					
4604.	352	542				
4608. (Sub)	530					
4609.	530	564	814	814	539	Ch. 26
4610. (Sub)	480	773				
4611. (Sub)	513	709	933,936			
4613. (Sub)	536	773				
4615.	530	674				
4616.	530	675				
4617.	530	565	815	816		Ch. 17
4618. (Sub)	531	565	816	816		Ch. 18
4619.	404	548	571	571		Ch. 7
4620.	536	688	1102	1105		PV Ch. 320
4624.	362	773				
4626. (2nd Sub)	404	774	983,987	987		PV Ch. 298
4627. (Sub)	513	576	816	817		PV Ch. 321
4628.	352	542	924	925, 1382	1382	Ch. 130
4629. (Sub)	436	565	817	817		Ch. 27
4630. (Sub)	480	711	1035- 1075	1075- 1082	884, 1451	Ch. 305
4633.	480	692				
4635. (Sub)	480	548	572	627		Ch. 11
4636.	480					
4637.	352	548				
4638.	513					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4639. (Sub)	480	642	826	826, 1580	1381,1570, 1579	Ch. 159
4640. (Sub)	536					
4641. (Sub)	353					
4644.	353	580	827	827		Ch. 21
4645.	436	580	934	934		Ch. 110
4647.	480	580	827	827		Ch. 111
4649.	481					
4657.	353					
4658. (Sub)	531	675	1083	1083		Ch. 146
4659. (Sub)	536	692	935	935	555	Ch. 220
4660.	481					
4661. (Sub)	404	643,838	987	987		Ch. 264
4662.	337	643	1034		1260	
4663. (Sub)	536	774				
4664. (Sub)	531	676	1100	1100		Ch. 191
4665. (Sub)	363	566	828	828		Ch. 160
4674. (Sub)	536	839	1106	1107		Ch. 161
4675.	531	647	935	936		PV Ch. 280
4676. (Sub)	436	676	988	989		Ch. 310
4678.	353	648	937	937		Ch. 192
4679.	531					
4680.	363	605	1005	1005	659	Ch. 162
4681.	363	605	1101	1101	659	Ch. 125
4682. (Sub)	513	606	1101	1101		Ch. 193
4683. (Sub)	513	606	1005	1005	546	Ch. 194
4684. (Sub)	271	542	828	828		Ch. 19

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4685. (Sub)	513	692			546	
4691.	337	648	938	938		PV Ch. 293
4693.	404	840	1084	1084		Ch. 126
4695.	536	778				
4696. (Sub)	531	648	829	829		Ch. 23
4701.	319					
4703.	319					
4704. (Sub)	337					
4705.	337	778	989	989	1453	PV Ch. 319
4706.	337					
4708.	319	677	1093	1093		Ch. 195
4710. (Sub)	481	843	1084	1084		Ch. 196
4711. (Sub)	337					
4712.	536	606,843	990	990		PV Ch. 275
4713.	436	548	572	572		Ch. 10
4717. (Sub)	353	606	990	991		Ch. 244
4719. (Sub)	353				539	
4720. (Sub)	481	548	572	572		Ch. 9
4721.	404	549	585	810		Ch. 20
4722. (Sub)	437	549	817	818		Ch. 197
4723.	337	677	991	991		Ch. 79
4724. (Sub)	191	566,913	1085	1085		Ch. 147
4725.	531	609	1115-1125, 1620-1629	1125, 1629	1381,1451, 1457,1619	PV Ch. 295
4729.	531					
4737. (Sub)	404					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4738.	536	779	1094- 1097	1097, 1515	1381,1456, 1511-1515	Ch. 288
4741. (Sub)	437	554	829	830, 1479	1381, 1455,1477	Ch. 198
4746.	481	619				
4747.	319	567	830	830		Ch. 24
4749.	513	678	992	992		Ch. 148
4757. (Sub)	531	567	818	818		Ch. 30
4758. (Sub)	405	649	831	831		Ch. 29
4759.	319					
4762. (Sub)	629	844	886-912	912, 1440	884, 1260,1397- 1439,1451	PV Ch. 312
4763. (Sub)	531					
4766. (Sub)	537	692	938	939		Ch. 245
4769. (Sub)	319	567,881	1085	1085		Ch. 265
4770.	537	555	585	585		Ch. 8
4773. (Sub)	337	678				
4777. (Sub)	532					
4779. (Sub)	405	619	939	940	1380, 1562	PV Ch. 324
4781.	514	581	818	818		Ch. 28
4782. (Sub)	514					
4783. (Sub)	537	882	1086	1086	586	Ch. 246
4784. (Sub)	514					
4790. (Sub)	537	679	941	942		PV Ch. 297
4792. (Sub)	437				479	
4793. (Sub)	514					
4797. (Sub)	337	555	585	811		Ch. 289

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4798. (Sub)	537					
4814. (Sub)	319	624,882	1126- 1131	1131, 1476,1630	1442,1476, 1585,1629	Ch. 149
4815. (Sub)	532	883	999	999		PV Ch. 291
4872. (Sub)	437	696	1131- 1139	1139, 1483	1380,1456, 1479-1482	
4875.	481	696	942-950	950		
4876. (Sub)	363	409	441	441		Ch. 2
4888. (Sub)	363	680	1006	1006		Ch. 165
4890.	337					
4891.	353	649	1097	1097		Ch. 199
4892. (Sub)	532					
4893.	537					
4894.	353	696	958	958		Ch. 163
4896. (Sub)	532					
4897. (Sub)	481	779	1006	1006		Ch. 219
4898. (Sub)	363	779	1086	1087		Ch. 311
4905. (Sub)	557	951	1027- 1032	1032, 1452	1380, 1451	Ch. 313
4906.	532	680	959	959		Ch. 290
4914.	537	697				
4917. (Sub)	514	718	1000	1000, 1570	1380,1477, 1569,1577	PV Ch. 279
4920. (Sub)	532	681				
4923. (Sub)	437	681	959	959		Ch. 247
4925.	437					
4926. (Sub)	537	697	1098	1098		Ch. 215
4927.	532	581	831	832		Ch. 200
4931. (Sub)	532					

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
4932.	537					
4933. (Sub)	405	781	1098	1098		Ch. 248
4936. (Sub)	514					
4938. (Sub)	437	781	1017- 1026	1027, 1536	1379, 1442,1457, 1517-1536	
4941. (2nd Sub)	437	624,915	1012	1012	1013,1260	
4948. (Sub)	481					
4949. (Sub)	532	649	959	960		Ch. 216
4951.	537					
4958.	481					
4959.	363	808	1000	1000		Ch. 78
4960.	537	737				
4968.	532	682	960	960		Ch. 249
4977.	405	740				
4978.	532					
4982.	363	808	1001	1001		Ch. 131
4990. (Sub)	437	567	819	820, 1510	1379,1456, 1507-1509	Ch. 217
5005. (Sub)	533	697	1099	1099, 1387,1459	1387, 1390,1458	Ch. 218
5026. (Sub)	538	649	1008	1008		Ch. 201
5033.	353	699	961	961	1393	Ch. 150
5034. (Sub)	533					
5037. (Sub)	533	649	1087	1087		Ch. 151
5038. (Sub)	533	700				
5044. (Sub)	533	650	1015	1016		PV Ch. 203
5068.	514	883	1099	1099	1387,1563	

HISTORY OF SENATE JOINT MEMORIALS IN THE HOUSE

NO.	Intro. & 1st Rdg.	Committee Report	2nd Rdg. Amend- ments	3rd Rdg. Final Passage	Other Action	Action by Gov.
112.	106	700				
113.	538	740	1100	1100		
126.	538	700	1111	1111		
132. (Sub)	319	809	1001	1001		
133.	538	741	1007	1007		
134.	538					
135. (Sub)	353	741	1007	1007	409	
136.	538	682	1002	1002		
140.	538	657				
141.	538	700				
143.	538	682	1111	1111		

SENATE JOINT RESOLUTIONS

136.	538	809	1113	1114		
138. (Sub)	514	657	826	826, 1615	1379, 1571,1614	

SENATE CONCURRENT RESOLUTIONS

124.	4		4	5		
125.	18		18-21	40		
126. (Sub)	93	181	185-188	196-200		
127.	958					
129.	964					
133. (Sub)	964					
134.	918					
136.	1642		1642	1642		
137.	1645		1645-1647	1647		

GENERAL INDEX**ABORTIONS**

Wrongful birth, wrongful life, tort actions prohibited: HB 1809

ABSENTEE BALLOTS (See ELECTIONS)**ACCIDENTS - MOTOR VEHICLE**

Reporting, provisions modified: SHB 1387

ACCOUNTANCY, BOARD OF

Provisions revised: HB 1657, *SB 4725, CH 295

ACCOUNTANTS

Licensure provisions revised: HB 1657, *SB 4725, CH 295

ACTS

Athletic trainers act: SSB 3316

Business corporations act revised: *SB 4490, CH 117

Children in need of supervision act: HB 1466

Colville Indian reservation criminal jurisdiction retrocession act: *SHB 495, CH 267

Credit reporting act, child support obligations: HB 1794

Credit services organizations act: *SSB 5005, CH 218

Dealer bill of rights act: SB 4620

Employee cooperative corporations act: SHB 1675

Endangered wildlife conservation act: SHB 1537

Fair utility competition act: HB 1978

Health care access and cost containment act of 1986: SSB 4777

Health care false claim act: *SB 4582, CH 243

Health care purchasing reform act, state costs: 2SHB 1077

Higher education improvement act of 1986: HB 1683

Long-term care corporations planning act of 1986: HB 1717

Long-term care insurance act: *HB 1462, CH 170

Medical injury recovery act, explicit process: HB 1949

Natural death act: SSB 3228

Omnibus credentialing act for counselors: SHB 470

Partnership for innovation act: SHB 1070

Plant protection act of 1986, endangered species: SHB 1538

Polygraph examiners act: HB 1887

Property rights act of 1986: HB 1907

Radiologic technologists certification act: SSB 3905

Uniform estate tax apportionment act: *HB 1424, CH 63

Washington award for excellence in education act: *SSB 4724, CH 147

Washington state agricultural irrigation cmsn act: SB 3286

Washington state patrol safety spot check program act: HB 1402

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Tax appeal board/under chief administrative law judge: HB 1886

ADMINISTRATIVE PROCEDURE ACT (See also CODE REVISER; STATE AGENCIES)

Revisions: HB 1676

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Insurance coverage, when does it begin: *SHB 1986, CH 140

Relinquishment procedures modified: HB 2032

ADULT, ABUSE (See also ELDERLY; NURSING HOMES)

Criminal mistreatment, child/dependent person: SB 4706, *SHB 803, CH 250

Neglect, fail to provide food/water/medical care, 3rd degree assault: HB 1879

Petition, protection order/vulnerable adult: HB 1531, *SSB 4544, CH 187

Vulnerable adults, abuse, report to DSHS: *SSB 4544, CH 187

ADVERTISING (See also CAMPAIGNS; CHARITABLE SOLICITATIONS; SIGNS)

Automatic dialing and announcing devices prohibited: *HB 134, CH 281

ADVERTISING—cont.

- Motorist service businesses, directional signs: HB 1552, SB 4958, *SHB 1493, CH 114
- Political advertising, earmarked funds: HB *SHB 1838, CH 228
- Tourist information panels: *SHB 1493, CH 114
- Travel promotion advertising regulated: *SHB 1870, CH 283

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- Higher education and state personnel system, protect goals: HB 1876
- Renouncing: HB 1924
- State contracts, submit affirmative action plans: SSB 3345

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- Funding limit provision repealed: SB 3084

AGRICULTURE (See also DAIRY PRODUCTS COMMISSION; HORSES; LIVE-STOCK; WEEDS)

- Agricultural irrigation cmsn, formation authorized: SB 3286
- Aquatic lands enhancement account, bldg bond redemption fund: HB 1634
- Bank, state land bank established: *HB 1899, CH 284
- Beef cmsn, promotion/research, levies authorized: *SSB 4553, CH 190
- Bulls, range areas: SSB 4552, *HB 1900, CH 177
- Commission merchants, bonds: *SHB 2014, CH 178
- Commodity inspection division: *SSB 5044, CH 203
- Commodity-related education, training: SB 3020
- Crop liens, major revisions: *SSB 4547, CH 242
- Dairy product standards, rules and definitions: SHB 1728
- Fair property, county legislative authority may lease: SSB 4563
- Feed, excise taxation revised: *SSB 4769, CH 265
- Fencing, stock-restricted areas, costs: HB 1714
- Game farms registered, agriculture department: HB 1653
- Hazardous wastes, farms, report: *SSB 5026, CH 201
- Horses, Washington-bred, marketing program: *SHB 1355, CH 202
- Hydraulic permit not required, stock, irrigation: *SHB 1545, CH 173
- Industrial insurance, agricultural labor exemption removed: HB 1377
- Instream flows, DOE study: SHB 1730
- Marketing of products at sites of production: HB 1472
- Natural resources market development board: SHB 1674
- Pest control consultant/operator license required/weed coordinator: SSB 4119
- Pesticide applicators, information: HB 1921
- Seed conditioning, not manufacturing, B&O tax: SB 4546
- Sludge, DOE rules, safe use: *SSB 4790, CH 297
- Unemployment compensation, farm operator or crew leader: HB 1612
- Water supply availability, study: *SSB 4418, CH 316
- Water supply projects, agriculture/recreation/wildlife, bonds: 2SSB 4136

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- Blood tests required of food service and medical personnel: HB 1943
- Blood transfusions, liability, transmitting AIDS: HB 1923
- Confidentiality of AIDS test: HB 1946
- Contagious diseases, AIDS, antidiscrimination protections: HB 1922
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- Regulating victims or suspects via quarantine: HB 1977
- Surveillance, reporting, infection control: HB 1889

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- Mediation of natural resource disputes: SHB 1429
- Toxic air contaminant defined: SHB 1549
- Woodstoves regulated, public education: SHB 905

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- Alcoholism detection and treatment, training: HB 1908

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- BAC, 0.05% is a traffic infraction: HB 1423
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- Breathalyzer test refusal, evidentiary use: *HB 1459, CH 64
- Criminal proceedings, analysis of blood or breath: HB 1933
- Guns forfeited, alcohol, breath: *HB 1499, CH 153
- Hotels may sell liquor by the bottle: *SB 3336, CH 208
- Wine, class F, class Q license: HB 1750
- Wine delivery, flower shops: *SHB 1460, CH 40
- Wine, wine grower's license for sale of wine: *SB 4538, CH 214
- Wineries, authorizing sampling and retail sales of liquor: HB 2031

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- Public transportation benefit areas, voter approval: HB 1672

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- Inspections and regulation, dept of licensing: *SB 3495, CH 86

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- Vicious dog defined, registration, insurance or bond: SSB 4611

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- Cities/towns by cities/towns, petition process: *HB 1386, CH 253
- Fire departments, cities, employment transfer: *SHB 1388, CH 254
- Precinct boundary, adjust/city annex cnty territory: *SHB 1349, CH 167
- School districts, pupil number, geography/remote: HB 1477
- Water/sewer districts, inform residents of proposal: *HB 1407, CH 258

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- Restricting state investments in countries with apartheid: SHB 1992

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- Apple advertising commission, funds, education/training: *SSB 5044, CH 203

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- Mediation for dissolution proceedings: *SHB 1356, CH 95
- Natural resource disputes, mediation, grants: SHB 1429
- State patrol: HB 1852

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- Creating a state program, legislature: HB 1588, *SB 4712, CH 275

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- Sunset date extended: SB 4453, *SHB 1333, CH 270

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- Athletic trainers act: SSB 3316
- Bicycle safety program: SHB 771
- Health clubs, protection for purchasers of services: SSB 3161
- Intercollegiate athletic fees, students may be charged: HB 1420
- Recreational water contact facilities, slides: *SSB 3498, CH 236
- River running, procedures/responsibilities: *SSB 4990, CH 217
- Water skiing safety program established: HB 1692

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 Attorney fees, industrial insurance: HB 1452
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 Attorney fees, payment to prevailing party: HB 1376
 Attorney fees, prevailing party: HB 22, HB 1909
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 Interest, precomputed interest, prohibited: HB 1665
 Low-cost checking services, report, governor, legislature: HB 1979
 South Africa, restricting investments, apartheid policies: SHB 1992
 State land bank established: *HB 1899, CH 284

BEEF COMMISSION (See also LIVESTOCK)

Promotion and research, levies authorized: *SSB 4553, CH 190

BICENTENNIAL COMMISSION

Bicentennial cmsn established: HCR 24

BICYCLES

State bicycle safety program: SHB 771

BIDS AND BIDDING

Movies, fair competition among exhibitors, civil penalties: SHB 1342

BIGAMY

Statute of limitations: HB 1464, *SHB 1399, CH 257

BLIND PERSONS

State school, provisions revised: HB 1853
 Superintendent, appointment and discharge modified: SB 3098
 Utility rate relief: SSB 3221
 Voters, absentee, ongoing status provided for: *SB 4443, CH 22

BLOOD

AIDS, educational programs, funding: HB 1438
 AIDS, regulating victims or suspects via quarantine: HB 1977
 AIDS, surveillance, reporting, infection control: HB 1889
 AIDS, test is confidential: HB 1946
 AIDS, tests required of food service and medical personnel: HB 1943
 AIDS, transfusions, liability: HB 1923
 BAC, 0.05% is a traffic infraction: HB 1423
 Criminal proceedings using chem. analysis need standards, civil don't: HB 1933
 DWI law modified: *HB 1499, CH 153
 Health care assistants, authority modified: *SHB 1495, CH 115
 Sugar level monitoring in school children: HB 1404

BOARDING HOMES

Using services without paying, civil action: HB 1785

BOARDS

Athletic trainers board, powers and duties: SSB 3316
 Basic health plan board established: SSB 3320
 Basic health project board: SSB 4777
 Citizens' utility board: HB 2028
 Indeterminate sentence review board, prison term/parole board redesignated:
 *SHB 1400, CH 224
 Natural resources market development board: SHB 1674
 Radiologic technology advisory board created: SSB 3905
 Respiratory care board created: HB 1609
 Revisions, repeaters: HB 1707, SSB 4938

BOATS

Dealers and manufacturers, regulated, licensure: SHB 1613
 Design pirating of hulls, penalty, attorney fees: SB 3910
 Excise tax modified, tax on footage: 2SSB 3157
 Foreign countries, craft sold/use outside state, tax exempt: HB 1440
 Marine patrol interlocal agreement process: SHB 1366
 Marine recreation and safety account: HB 1836
 Moorage facilities' procedures, transient vessels: *HB 1504, CH 260
 Oil spills, advisory cmte to study: SCR 129, *HCR 19
 Pilot discipline, concurrent jurisdiction requested: HJM 32
 Pilots, license/service claims: HB 1928, SSB 4920, *SHB 1762, CH 122
 Property tax, apportion value, procedures: *SHB 1827, CH 229
 Replacement titles: *HB 1482, CH 71
 River running, procedures, responsibilities: *SSB 4990, CH 217
 Sanitary pumpout facilities, marinas, study: SSB 4773
 Seizure, commercial fishing license, foreign govts: *SSB 4741, CH 198

BOILERS

Boilers and unfired pressure vessels, revisions: *HB 1720, CH 97

BONDS (See also SECURITY INTERESTS)

Agricultural water supply projects, recreation/wildlife, bonds: 2SSB 4136
 Community econ. revitalization brd, bonds/projects: HB 1955, *HB 2055, CH 103
 Counsel, selection of bond counsel by local govt: HB 1565
 Highway improvement bonds, modifying provisions: *SB 4906, CH 290
 Industrial development bonds, public broadcasting: *SSB 4479, CH 309
 Industrial development revenue bond financing: HB 1800, *HB 1825, CH 308
 Local govts, revenue bonds, alternative procedures: *SHB 1413, CH 168
 Museum districts, establishment provided: SHB 1768
 Nuclear generation project, bonds, least cost investment: HB 1980

BONDS—cont.

Port district indebtedness without voter approval increased: HB 1370
 Schools, capital projects, bonds authorized: HB 1830
 Tax deferrals, rules of conduct, business entities: HB 1530
 Tax exempt bonds, interim alternative mechanism: *SSB 4923, CH 247
 Tuition endowment fund, incentive for low-income families: SHB 1529
 WPPSS, securities, purchasers/sellers, suits against state: *SSB 3990, CH 304

BOUNDARY REVIEW

Authority modified: SSB 3469
 Board authority, review/approve/disapprove/modify actions: SHB 1492
 Libraries authorized to participate in process: SB 3339

BPA

Surplus energy, DTED, energy office: SHB 1981

BUDGET AND ACCOUNTING (See also FUNDS; SUPPLEMENTAL BUDGET)

Adopted: *SSB 4762, CH 312
 Balanced budget, request Congress to amend Constitution: HJM 30
 Budget and accounting act, data reporting: *SSB 4926, CH 215
 Capital project proposals, review cmte: SSB 4320
 Constitutional convention, federal proposed amendment: SJM 106
 Ferry system and motor vehicle fund revenues: HB 1454
 Governor/estimated revenues, economic/revenue forecast council approval:
 *SHB 1401, CH 112
 Public depositories, 150% net worth limit: HB 1509, *SB 4593, CH 25
 Retirement, cost of living adjustment, funding: *SHB 378, CH 306
 Supplemental transportation budget, 1986: *SSB 4905, CH 313

BUSES

Passing, certain vehicles stay right except passing: HB 1554
 School bus maintenance, joint purchasing agency: *SB 3334, CH 77
 School buses, hire without state brd of ed. authorization: *HB 1371, CH 32
 School buses, driver training and qualification: HB 1724
 School buses, wheelchair students, SPI rules: SB 4679

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Air pollution source, plan for emergency or accident: SHB 1549
 Child abuse information, providing services: SSB 4737
 Corporations, business corporations act revised: *SB 4490, CH 117
 Development loan fund, licensed small business investment corporation: HB 1990
 Employee cooperatives, creation authorized: SHB 1675
 Employee exchange program, govt, nongovt: SHB 2
 Employee-owned businesses encouraged: SHB 1673
 Entrepreneurial education, SPI/model curriculum: SB 4951
 Magnesium production, chemicals, tax: SB 4978, *HB 1851, CH 231
 Regulatory guideline, unlicensed/unregulated professions: SHB 1489
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 Small business administration, ask Congress to retain: *SJM 113
 Small business and development center, high unemployment areas: SB 4291
 Small business development center authorized: HB 1461
 Small business, private investors: SHB 1070
 Tax deferrals, rules of conduct for business entities: HB 1530
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 Vessel dealers and manufacturers, regulated, licensure: SHB 1613

CAMPAIGNS (See also ELECTIONS; PUBLIC DISCLOSURE COMMISSION)

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 Declarations of candidacy, processing: SSB 3459, *SB 4450, CH 120
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 Official election materials, use restricted: HB 1348
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Political advertising, earmarked funds: *SHB 1838, CH 228
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CANCER

Cancer coordinating council created in DSHS: HB 1396
 Smokeless tobacco products, chewing tobacco/snuff, warning: HB 1475
 Toxic air contaminant defined: SHB 1549

CARNIVALS

Inspections and regulation, dept of licensing: SB 3495

CAR-POOLING

Ride-sharing vehicles, tax exemption extended: SB 4234

CEMETERIES

Cemetery board, sunset provisions repealed: HB 1333
 Commissioner oath filed with county auditor: SSB 3310
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Citizen assessment and public information volunteer staff: HB 1617
 Commemorative license plates authorized: HB 1867, *SB 4675, CH 280
 Logos, unauthorized use prohibited: *HB 1868, CH 157
 Tall ships, special excise tax, Grays Harbor area: *HB 1825, CH 308
 U.S.S. Olympia, purchase for centennial, funding: HB 1895

CENTRAL WASHINGTON STATE UNIVERSITY

Extension depts, territory requirement removed: HB 1520, SB 4746
 Fees reset: SSB 3712
 Salary increases for administrators, limited: SSB 3056
 Tuition to be adjusted annually: *HB 1350, CH 42

CENTRALIA COLLEGE

Twenty-fourth community college district created: HB 1786

CHARITABLE SOLICITATIONS

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 Regulated, definitions provided, crimes: *SHB 1726, CH 230

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Bad checks, damage recovery, costs: *SSB 3416, CH 128
 Bad checks, full restitution, mandatory fee: HB 1973
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 Adoption, relinquishment procedures modified: HB 2032
 Alcohol-related jobs, minors may stock and handle: *SSB 3532, CH 5
 Child abuse, abused child defined: HB 1975, HB 1996
 Child abuse, child protective services: HB 1901
 Child abuse, council for prevention of: SB 4453, *SHB 1333, CH 270
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 Child abuse prevention, curriculum required K-12: *SSB 4814, CH 149
 Child abuse, privileged communication exception: *SSB 4630, CH 305
 Child abuse, report/plan/consult: *SB 4481, CH 145
 Child abuse reports, bad faith/malicious, gross misdemeanor: HB 1994
 Child abuse/neglect, sexual, physician-patient privilege: SHB 1856, HB 1951
 Child support, court to consult, guidelines: SHB 1797
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 Child support, mandatory arbitration exemption: *SHB 1356, CH 95
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- Child support orders, specific data required: *HB 1795, CH 138
- Children and family services, department created: HB 1945
- Children in need of supervision act: HB 1466
- Cigarettes and all other tobacco products prohibited: HB 2023
- Community mental health services for children: *SSB 4596, CH 274
- Criminal mistreatment: SB 4706, *SHB 803, CH 250
- Curfew for minors under 16: HB 1465, SHB 1498, HB 1616
- Custody disputes, mediation: SSB 3252
- Custody, joint custody, legal, physical, defined: SSB 3251
- Day care, DSHS, screen employees for abuse: *SHB 1134, CH 269
- Day care, insurance coverage: HB 1757
- Day care, insurance plans/licensed day care centers: *SHB 2083, CH 142
- Day care, state employees, personnel brd/atmosphere: *HB 1656, CH 135
- Discipline, assault: HB 1667, SSB 4704, *SSB 4814, CH 149
- Drugs, selling/transferring to children: HB 1813, *HB 1463, CH 124
- Employees, DSHS investigate background: HB 1513
- Employee-sponsored child care, clearinghouse: HB 1961
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- Insurance coverage continued/mental vs developmental handicap: SSB 3541
- Juvenile disposition standards cmsn: *SB 4738, CH 288
- Juvenile diversion agreements, only 3 allowed: SHB 711
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CHINA

- Taiwan/Republic of China adopted as a sister state: HCR 27

CHIROPRACTIC DISCIPLINARY BOARD

- Uniform disciplinary act modified: *SHB 131, CH 259

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- Eligibility, expenditures, revised: HB 1601, *SSB 4574, CH 222

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- Agricultural commodity: *SSB 5044, CH 203
- Plantation Christmas trees, exempting, certain excise taxes: HB 1446, SSB 4459

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- Children not to have: HB 2023
- Cost of doing business, revisions: *SSB 4627, CH 321
- Cost of doing business to service distributor: HB 1850
- License required to sell at retail: HB 1475
- Licenses required to buy/sell/consign/distribute: SHB 1357
- Service distributor defined: HB 1850
- Smoking in state offices restricted: SHB 1432
- Smoking restricted, courtrooms/jury facilities: HB 1375
- Tax on cigarettes to fund basic health care: SSB 3320
- Tax on sale, use, water quality account: HB 1379, *SSB 4519, CH 3
- Unfair cigarette sales below cost act: HB 1850, *SSB 4627, CH 321
- Wholesale or retail dealers, modification: HB 1346

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 Agreement/contract, taxing district, property tax, contingency: *SHB 1270, CH 107
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 Bond counsel, selection of/by local govt: HB 1565
 Building permit, not conditioned on easement unless material change: HB 2030
 Capital projects, tax proposition alternative: HB 1774
 Criminal justice assistance account: 2SSB 3764
 Debt calculation, exclude excess from ceiling: *SHB 1654, CH 50
 Electrical utilities must be safe: HB 1439
 Energy code enforced, cities/towns/counties: SSB 4557
 Financial incentive, improve criminal justice/court system, property tax: SHB 1859
 Housing, multi-unit/newly constructed downtown, tax exemption: HB 1847
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 Industrial insurance, self-ins., security: SHB 1915, *HB 1783, CH 57
 Institutional impact account: SB 3233
 Japanese civil rights restriction, redress: *HB 1415, CH 225
 Japanese-Americans, WWII, employee losses: SSB 3369
 Levies, 106% lid, voter-approved increase/limit: SSB 4559, *HB 1419, CH 169
 Local governments, surplus public funds: SHB 1521, *SSB 4590, CH 294
 Low-income housing, assistance authorized: *SSB 4933, CH 248
 Marine patrol interlocal agreement process: SHB 1366
 Motorist service business, directional signs: HB 1552, SB 4958, *SHB 1493, CH 114
 Municipal courts, no repeal of motor vehicle offenses: SSB 3740
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 Precinct boundaries, annex cnty territory: SSB 3310, *SHB 1349, CH 167
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 Resource recovery facilities and solid waste systems, service agreements:
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 Rewards, information leading to arrests: *SSB 4571, CH 185
 Self-insurance for property damage/casualty: HB 2009, *SHB 1972, CH 302
 Speed limit, decrease, approval process: HB 1584
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 Taxation of motor vehicle and special fuels, modified: SB 3535
 Taxing districts, agreement or contract property tax, contingency: *SHB 1270,
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 Telecommunications services, taxation limited: *SHB 1892, CH 70
 Tort liability of state and local govt modified: HB 1756
 Torts, local govts liable for functions of private sector: HB 1947
 Traffic infractions, comply with state enforcement: HB 1770
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 Utilities, electric, public safety required: HB 1439

CIVIL ACTIONS AND PROCEDURES (See also ATTORNEYS)

Joint tort feasons, insolvency/solvent parties, reallocate: HB 1929
 Accident or tort liability funds, municipal corps., judgment plan: HB 1777, SB 4564
 Adult abuse, order for protection: HB 1531, *SSB 4544, CH 187
 AIDS, transfusions, liability: HB 1923
 Claims against state, risk management office vs OFM: HB 1659, *SB 4693, CH 126
 Claims of state, real property, time: *SHB 573, CH 311
 Credit cards, unused portion of authorization: SB 4575
 Damages, payment by installment authorized: SHB 1942
 Damages, personal injuries, specified: HB 2005
 Damages, personal injury actions, categories: SHB 1857
 Damages, personal injury, periodic payments: HB 1965
 Drugs, sell/transfer to children, cause of action: HB 1813, *HB 1463, CH 124
 Highway design, claims regulated: SHB 2045
 Hotels/motels/boarding houses, leave w/o paying, civil action: HB 1785
 Industrial insurance claimants may review files: SHB 712

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- Industrial insurance, injured worker, employer delinquent/defaulted, cause of action: HB 1957
- Invasion of privacy, cause of action: HB 1782
- Invasion of privacy, 2 year statute of limitations: HB 1819
- Joint tort feasons, uncollectible shares, reallocation: SHB 1929
- Malpractice, 10 years, recovery limited: HB 1959
- Malpractice, medical liability review panel: HB 1799
- Malpractice statute of limitation, modified: HB 1952, HB 1960
- Malpractice, wrongful life/wrongful birth, tort prohibited: HB 1809
- Medical injury recovery act, explicit process: HB 1949
- Medical program directors, exempted from liability: HB 1776
- Motor vehicle impoundment, invalid, damage and cost awards: HB 1596
- Movies, fair competition, exhibitors, civil penalties: SHB 1342
- Natural death act, procedure, attorney power: SSB 3228
- Negligence, birth/prenatal care, statute of limitations: SHB 1858
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- Personal injuries, attorney fees/costs, court awards: HB 2004
- Personal injury or wrongful death, installment payment: SHB 1942
- Physician-patient privilege, exception/child abuse: SHB 1856, HB 1951
- Physicians' liability, public assistance recipients/limit: HB 1456
- Privileged communications, nurses, exception/mental illness: *SB 4529, CH 212
- Service of process, certification of process servers: HB 1603
- Strip searches, regulated: *SHB 1148, CH 88
- Tort liability of state and local govt modified: HB 1756
- Tort reform: *SSB 4630, CH 305
- Torts, designs, inspections, local govt, no liability: HB 1947
- Torts, reform, equitable distribution, risk, cost: HB 2002
- Uniform disciplinary act, complaints, immunity: *SHB 131, CH 259
- Water rights, attorney fees to prevailing party: HB 22
- Water rights, spouses or family groups: SB 3021
- Witnesses, competence of revising provisions, children: *SB 4708, CH 195
- WPPSS, securities, suits against state: *SSB 3990, CH 304
- Wrongful life/wrongful birth, tort action prohibited: HB 1809

CIVIL RIGHTS

- Affirmative action renounced: HB 1924
- AIDS, regulating victims or suspects via quarantine: HB 1977
- AIDS test is confidential: HB 1946
- AIDS, tests required/food service and medical personnel: HB 1943
- DWI, non-English speaking, extend time, advise of rights: HB 1712
- Employment, state, local govt: HB 1922, HB 1969
- Invasion of privacy, cause of action: HB 1782
- Invasion of privacy, 2 year statute of limitations: HB 1819
- Japanese civil rights restrictions, redress: *HB 1415, CH 225
- Judicial review, govt actions, 1st amendment: HB 483
- Protection of private property rights: HB 1907
- Public defender, temporary office established: HB 1964
- Sodomy, crime against nature, severe penalties: HB 1940
- Spot checks by state patrol, program established: HB 1402
- Telephones, interception and recording prohibited: HB 1782

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- Marketing, marketing plan, fisheries products: *HB 1362, CH 62
- Ocean beaches, driving prohibited: HB 1503
- Violations, rewards for information: HB 191
- Voluntary license suspension program in conservation crisis: SHB 243
- Wildstock, harvesting regulated: HB 1526

CLARK COLLEGE

- Out-of-state part-time students may pay state tuition: HB 1755

CODE REVISER

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COLLEGES AND UNIVERSITIES (See also RETIREMENT AND PENSIONS; INDIVIDUAL INSTITUTIONS)

Athletic fees, intercollegiate, charge students: HB 1420
 Athletic trainers board, powers and duties: SSB 3316
 Collective bargaining authorized: SHB 32
 Extension departments, remove territory requirement: HB 1520, SB 4746
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 Financial aid, ceiling eliminated/substituted: SB 3132
 Foreign students, tuition and fee waivers: *SB 3278, CH 232
 Higher education improvement act of 1986: HB 1683
 Immunization requirements for students: HB 1934
 Life-cycle cost, public buildings: HB 6, *SB 3018, CH 127
 Maritime technology program, western interstate compact: SSB 3558
 Music and drama students, tuition/fee modifications: HB 1644
 Off-campus, after hours programs, guidelines: HB 1352
 Private degree granting institutions, regulating: *SHB 1688, CH 136
 Research, UW, economic development: HB 1522
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 Services and activities fees, expenditure: *SHB 614, CH 91
 Single heads of households, higher ed. opportunities: SB 3444
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 Tuition/fee waivers, Washington award for vocational excellence: HB 1422
 Tuition endowment fund, incentive for low-income families: SHB 1529
 Tuition rate, full-time undergraduate student defined: SHB 289
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 Tuition to be adjusted annually: *HB 1350, CH 42

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Criminal jurisdiction, retrocession over certain land: *SHB 495, CH 267

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 Asian-American affairs cmsn, sunset extended: SB 4453, *SHB 1333, CH 270
 Bicentennial commission established: HCR 24
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 Citizens' cmsn, salaries, elected officials: *SHB 1331, CH 155
 Health care project cmsn, indigents: *SHB 2021, CH 303
 Local governance, cmsn/study junior tax districts: *SHB 1270, CH 107
 Public funds investment cmsn created: HB 1521, *SSB 4590, CH 294

COMMITTEES

Child sexual abuse, cmte on education created: SSB 4737
 Criminal justice system, joint legislative study; incarceration: *SHB 1399, CH 257
 Emergency medical services cmte, sunset extended: SB 4453, *SHB 1333, CH 270
 Environmental education, coordinating cmte: SB 4890, *HB 1711, CH 51
 Hazardous waste, joint select cmte, regulation: SHB 1842
 Information systems management committee created, telecommunications review: HB 1487
 Legislative systems administrative cmte created: *HB 1345, CH 61
 Mediation, cmte for mediation/natural resource disputes: SHB 1429
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 Deregulation for certain activities: SHB 2112
 Hazardous/radioactive waste, control agency/insurance: *SSB 4664, CH 191
 Motor freight carriers safety, UTC/no authority: HB 1360
 Passing, certain vehicles stay right except passing: HB 1554
 Proportional registration, IRP plan revised: *SSB 4618, CH 18
 Radiation control agency, transport/radioactive waste: SSB 4663
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COMMUNITY COLLEGES

Adult literacy program, state brd cmnty college ed./SPI: HB 1801
 Athletic fees, intercollegiate, students charged: HB 1420
 Athletic trainers board, powers/duties: SSB 3316
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 Collective bargaining authorized: SHB 32
 Deaf students, regional education program: HB 1390
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 Higher education improvement act of 1986: HB 1683
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 Salaries, increases, B&O tax, investment business income: HB 1683
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 Tuition endowment fund, incentive for low-income families: SHB 1529
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 Heating, prohibiting termination, dates, charges: *SSB 4766, CH 245
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 BAC, 0.05% is a traffic infraction: HB 1423
 Breathalyzer test refusal, evidentiary use: *HB 1459, CH 64
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 Teacher evaluation, SPI report to legislature: *SHB 1831, CH 73
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 Telephones, WUTC study/report switching costs/local: HB 2017
 Timber sales, school construction, DNR study/report: *HCR 29
 Trade development services, report: SHB 1488
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 Water quality protection/state, report: HB 1379, *SSB 4519, CH 3
 Water supply for agriculture, study/report: *SSB 4418, CH 316
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 Grants, commission duties: HB 1658, *SB 4723, CH 79
 Law library funds, civil action filing fees: SSB 3740
 Library districts, redefined: *SB 4584, CH 189
 Public works, notice and bids required: HB 1810
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MASTER LICENSE SYSTEM; MOTOR VEHICLES)
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 Business professions, unlicensed/unregulated, guideline: SHB 1489
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Salaries, elected state officials, adjust/review: *SSB 4674, CH 161
 Salary increase: SSB 3266
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 Board terms modified: *HB 1708, CH 105
 Class HH license, individual bottles/hotel guests rooms: HB 1474
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 Hotels may sell liquor by bottle: *SB 3336, CH 208
 Liquor revolving fund, distribution modified: HB 1778
 Minors, stock/handle, Class E/F: *SSB 3532, CH 5
 Toxicological laboratory funding: HB 1778, *SSB 4221, CH 87
 Traffic offenses, serious, prosecution/adjudication, grants: HB 1467
 Wine, Class F: HB 1750
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 Wineries, sampling and retail sales of liquor: HB 2031

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 Adult literacy program, SPI/state brd for cmnty college ed: HB 1801

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- Diagnostic services program, fees/revenue: *SSB 5044, CH 203
- Feed, excise tax, public markets/stockyards: *SSB 4769, CH 265
- Fencing, stock-restricted areas, cost payment: HB 1714
- Range areas, run any bull in common areas: SSB 4552, *HB 1900, CH 177
- Security interest, attach livestock/meat/products: *SHB 2014, CH 178
- Tax, livestock for personal consumption exempt: *SSB 4425, CH 182

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- Development loan fund, small business investment corp.: HB 1990
- Housing trust fund created, low-income assistance: HB 1759
- Scholarship funding bonds, interest: HB 1913
- State land bank established: *HB 1899, CH 284
- Washington state development loan fund cmte, interest conflict, grants: *HB 1337, CH 204

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- Creation, appeal, protests, extending time: *SHB 1564, CH 256
- Publication notice requirements: SB 4448, *SSB 4486, CH 278

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- Liens for labor/services on timber/lumber extended: *SSB 3948, CH 179

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- Employees, private benefit due to public employment: *SSB 3590, CH 4
- Prizes subject to debts owed state, taxes/support/judgments: HB 1798

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- Out-of-state part-time students/pay state tuition: HB 1755

MAGNESIUM

- Production chemicals, tax: SB 4978, *HB 1851, CH 231

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- Pseudo-games of skill via mail prohibited: SHB 1395

MALPRACTICE

- Actions brought/10 years, recovery limited: HB 1959
- Birth, negligence, statute of limitations: HB 1858, SHB 1858
- Medical disciplinary board procedures: *SHB 1950, CH 300
- Medical injury recovery act, explicit process: HB 1949
- Medical liability review panel: HB 1799
- Noneconomic damage: *SSB 4630, CH 305
- Personal injuries/wrongful death, communications: SHB 1856, HB 1951
- Statute of limitation modified, health care providers: HB 1952
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- Tort reform: *SSB 4630, CH 305
- Wrongful life/wrongful birth, prohibit tort actions: HB 1809

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- Formaldehyde, public disclosure required: SHB 343
- Investment projects, distressed counties emp. tax credits: SHB 1541
- Magnesium production, chemicals, tax: SB 4978, *HB 1851, CH 231
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- Sanitary pumpout facilities at marinas: SSB 4773

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- Horses, Washington-bred, market/Dept. of Agriculture: *SHB 1355, CH 202

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 Restraining orders/dissolution, separation, invalidity: HB 1417
 Voter registration, name change/married persons: HB 1664

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Judicial positions Mason/Thurston counties: SB 4759, *HB 1393, CH 76

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State medal created: *HB 244, CH 92

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Eligibility, community property: HB 1512, *SSB 4659, CH 220
 Eligibility, voluntary asset transfer, spouses' aid: HB 1803
 Health care project commission, indigents: *SHB 2021, CH 303
 Physician/not to participate with medicare, unprofessional: SHB 1891
 Prenatal care, low-income women, appropriation: HB 1380
 Statute of limitations, crimes, 5 years: SB 4657, HB 1515, *SHB 1580, CH 85

MEDICAL DISCIPLINARY BOARD

Malpractice procedures: *SHB 1950, CH 300
 Uniform disciplinary act modified: *SHB 131, CH 259
 Unprofessional conduct, failure to participate with medicare: SHB 1891

MEDICAL EXAMINERS

Death penalty/pronouncements, licensed physician: *SSB 4683, CH 194
 Uniform disciplinary act modified: *SHB 131, CH 259

MENTAL HEALTH

Adult abuse, order for protection: HB 1531, *SSB 4544, CH 187
 Children and family services, department created: HB 1945
 Children, community mental health services: *SSB 4596, CH 274
 Cost of commitment/state institutions, DSHS responsible: HB 1691
 Criminal defendants, competency/procedures: HB 1595
 Educational requirements, mental health professionals: SHB 1651
 Guardianship provisions, mentally retarded/sexual misconduct: HB 1948
 Insurance coverage, children, over age of majority: SSB 3541
 Insurance coverage, provisions revised: SHB 1421, *SSB 4531, CH 184
 Juveniles, sexual offenders' treatment, UW pilot project: HB 1443
 Neurologically impaired, demo. project Northern State: SB 4914
 Nurses, privileged communications/exception: *SB 4529, CH 212
 Psychologists, licensing revised: HB 1532, *SSB 4629, CH 27
 Registration/certification, mental health professionals: SHB 470
 Release mentally disordered/notify prosecuting attorney: *SHB 1976, CH 67
 State hospitals, purchasing authority: SSB 4613

METAL DETECTORS

Permits for use on state beaches: SB 4286

METHADONE

Treatment services, criteria modified: *SHB 1479, CH 53

METROPOLITAN PARK DISTRICTS

Advertising and promoting park and facilities: SHB 1484
 Historic preservation activities authorized: SHB 1484

MIDWIFERY

Bond or security required for licensed midwives: HB 1828
 Uniform disciplinary act modified: *SHB 131, CH 259

MILITARY (See also VETERANS' AFFAIRS)

Historic installation, tax exempt: SB 3878
 Landlord and tenant, rental termination: HB 1562
 MIAs, requesting information: HJM 31, *SSJM 132
 Nuclear weapons, negotiate test ban treaty/stop testing: *HJM 26

MINES

Open mines and shafts, request Congress to fund sealing: SJM 140
 Surface mining permits and fees modified: SHB 1096

MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF

Certification programs, identify: SHB 1555

MOBILE HOMES

Dealers, licensing provisions modified: *SSB 4497, CH 241
 Taxation, used redefined, excise/real estate sales: *SSB 4503, CH 211

MODEL TRAFFIC ORDINANCE

Model traffic ordinance updated: *SB 4747, CH 24

MOORAGE

Facilities' procedures for transient vessels: *HB 1504, CH 260

MOSQUITO CONTROL DISTRICTS

Establishing, maintaining, dissolving, revisions: HB 1916

MOTELS

Special excise tax/incurred capital improvement debt: *HB 1954, CH 104
 Special excise tax, expand tourism/distressed areas: *HB 1825, CH 308
 Using services without paying, civil action: HB 1785

MOTOR FREIGHT CARRIERS

Deregulating trucking industry: HB 1668
 Deregulation for certain activities: SHB 2112
 Passing, certain vehicles stay right except to pass: HB 1554
 Radiation control agency, transportation procedures: SSB 4663
 Safety regulations, UTC has no authority: HB 1360
 Truck safety fee, state patrol highway account funded: HB 1761

MOTOR VEHICLES (See also DRUNK DRIVING)

Abstracts, employment driving record open to insur. carrier: HB 1736
 Abstracts of driving records, insurance denial: *SHB 1368, CH 74
 Accident prevention course/55+, lower insurance: *SSB 3458, CH 235
 Accident report fees/state patrol highway account: HB 1397
 Accident reporting provisions modified: SHB 1387
 Airbags in state cars and pickups: HB 1742
 Alcohol-sensing ignition interlocks for DWI: SSB 4577
 BAC, 0.05% is a traffic infraction: HB 1423
 Bumpers, maximum vehicle bumper heights: HB 1897
 City taxation of motor vehicle/special fuels modified: SB 3535
 Criminal justice assistance acct, target offenses: 2SSB 3764
 Dealers and manufacturers licenses, office security: SSB 4608
 Dealers, established place of business: *SB 4891, CH 199
 Dealers, licensing provisions modified: *SSB 4497, CH 241
 Dealers, regulations modified: HB 1638
 Debris falling from vehicles, prohibited: HB 1365, *SHB 1363, CH 89
 Disability benefits, certificate confidential: *HB 1652, CH 176
 Disabled/parking, nursing home/senior citizen/agency: *SHB 1815, CH 96
 Drivers' instruction permit, exam waiver: *SB 4617, CH 17
 Driver's license/prerequisite to registration, LTC study: *HB 1614, CH 174
 Driver's license, suspended or revoked/renewal prohibited: HB 2012
 Driver's licenses, fictitious/undercover police: HB 1427
 Driving, no license, mandatory court appearance removed: *SB 4537, CH 213
 Fee collection by agents, revisions: HB 1418
 Fee, disclosure of vehicle owner name or address: HB 1553
 Financial responsibility, confiscate plates/license: 2SHB 879
 Financial responsibility, proof/for license, penalties: SHB 227, SSB 3306
 Franchises, gasoline/retail trading practices: HB 1577, *SB 4620, CH 320
 Freeway traffic flow, passing lane created: *HB 507, CH 93
 Fuel, major refiners' control of retail gas stations, limit: HB 1575
 Fuel, retail gasoline market since deregulation, study: HB 1576
 Fuel, specific pricing formula: HB 1578

MOTOR VEHICLES—cont.

- Fuel tax, payment procedures modified: SHB 1661
- Green lights/emergency medical personnel vehicles: HB 1409
- Identicards, expiration on holder's birthdate: *SB 4512, CH 15
- Identicards, juveniles may be voluntarily fingerprinted: SB 4513
- Identicards may be used as proof of ID: HB 1979
- Idling, excessive prohibited: HB 1773
- Implied consent, refuse breathalyzer test/evidentiary use: *HB 1459, CH 64
- Implied consent, repealing written summary: *HB 1518, CH 101
- Impoundment, damage/cost awards for invalid impoundment: HB 1596
- Indian tribal governments exempt/vehicle license fees: SSB 3347
- Indians, vehicle licensing reciprocity: *SSB 4757, CH 30
- Inspections, vehicle, fees, state patrol account: HB 1760
- Instruction permits, drivers must wear safety belts: HB 1384
- Insurance, accident prevention course, 55+, lower rates: *SSB 3458, CH 235
- Insurance, liability insurance or bond, condition: HB 1606
- Insurance, reasonable minimum standards: SHB 41
- International registration plan revised: *SSB 4618, CH 18
- License plates, centennial commemorative design: HB 1867, *SB 4675, CH 280
- License plates, confidential, list to legislative auditor: SB 3030
- License plates, mandatory replacement/repeal: HB 1344, HB 1821, SB 4675
- License plates, personalized, special, one position: *HB 1483, CH 108
- Log truck/real property liens, labor/service on timber/lumber: *SSB 3948, CH 179
- Model traffic ordinance updated: *SB 4747, CH 24
- Motorists services, signs: HB 1552, SB 4958, *SHB 1493, CH 114
- Municipal courts, cities may not repeal certain MV offenses: SSB 3740
- Nonhighway vehicles redefined: *SHB 1382, CH 206
- Noxious weed control funding, license fee assessment: SB 3234
- Ocean beaches, driving prohibited, natural areas: HB 1503
- Oil, recycling, above-ground tanks, standards: *SHB 37, CH 37
- ORV certificate of ownership: *SSB 4536, CH 186
- ORV/nonhighway vehicles, permit/hearing process: *SHB 1382, CH 206
- Oversize vehicles, undersize loads allowed: HB 1855
- Overweight vehicles, prohibit sale to public agencies: HB 1931
- Passing, certain vehicles stay right except passing: HB 1554
- Performance standards/motor vehicle equipment: *HB 1450, CH 113
- Racetracks, sale of wine: SHB 529
- Registration, failure to register/penalty: *SSB 4536, CH 186
- Ride-sharing vehicles, tax exemption extended: SB 4234
- Seat belts, passengers under 16, belt/safety seat required: *SHB 1182, CH 152
- Seat belts, passive, in state cars and pickups: HB 1742
- Seat belts, 16 or older/driver or passenger: *SHB 1182, CH 152
- Senior citizens, lower insurance/55+ take course: *SSB 3458, CH 235
- Size/weight/load/safety enforcement, transferred to WSDOT: HB 1361
- Snowmobile regulation modified: *HB 1599, CH 16
- Speed limit, decrease by cities, WSDOT streets: HB 1584
- Speed limits, full-time speed limits for school zones: HB 1471
- Spot checks by state patrol, program established: HB 1402
- Stop signs to indicate number of approach routes: HB 1645
- Towing vehicles from public parking lots, when: HB 1369
- Traffic infractions, cities encouraged/fund incentives: HB 1770
- Traffic offenses, serious, prosecution/adjudication/grants: HB 1467
- Trailers, 5th wheel, passengers permitted: SHB 1534
- Truck beds, children passengers/restraints required: HB 1338
- Trucks, large slow trucks on freeway use hazard lights: HB 1919
- Underinsured motorist coverage, clarified: HB 1844
- Used vehicles, cash price/displayed by dealers: *SSB 4888, CH 165
- Vehicle inspection law modified: *HB 1763, CH 123
- Vehicle license, valid driver's license is a condition: HB 1614
- Vehicular assault as a violent offense: HB 1878
- Vehicular assault law, proximate cause provision: HB 1373

MOTORCYCLES

Children passengers, 5 to 12 yrs/helmet, no rider under 5: HB 1340
 Dealers, licensing provisions modified: *SSB 4497, CH 241
 Driver training schools, revisions: *HB 1519, CH 80
 Helmets, children passengers under 12 must wear: HB 1340

MOVIES (See also PORNOGRAPHY)

Fair competition, bidding/civil penalties: SHB 1342
 Popcorn, disclosure of butter or butter flavor: *SSB 5044, CH 203
 Sexually explicit, allow minor to view, Class C felony: SSB 3036

MUNICIPAL CORPORATIONS

Accident or tort liability funds authorized: HB 1777, SB 4564
 Bond counsel, selection of/by local government: HB 1565
 Capital projects, tax proposition alternative: HB 1774
 Debt calculation, excess indebtedness/reduced valuations: *SHB 1654, CH 50
 Marine transportation benefit area created: HB 1642
 Self-insurance/property damage and casualty: HB 2009
 Tort liability/state and local government, modified: HB 1756
 Torts, design/inspection/permit-type granting by local govt: HB 1947

MUSEUMS

Construction, material exempt from sales/use tax: HB 1751
 Museum districts, establishment provided: SHB 1768

NATIVE AMERICANS

Criminal jurisdiction, retrocession/Colville land: *SHB 495, CH 267
 Treaty fish management, request federal funds: HJM 17
 Tribal governments exempt from vehicle license fees: SSB 3347
 Vehicle licensing reciprocity/Indian tribes: *SSB 4757, CH 30

NATURAL AREAS

Forest land taxation, exempt/conservation, tax: *SSB 4458, CH 238
 Plant protection act/1986, endangered/threatened species: SHB 1538

NATURAL GAS

Leases/state land, development: *HB 1442, CH 34

NATURAL RESOURCES, DEPARTMENT OF (See also TAXES - TIMBER)

Aquatic lands enhancement account receipts: HB 1634
 Board, represent/counties with state forest lands: *SHB 1839, CH 227
 Fairgrounds, lease of state lands: *SHB 1967, CH 307
 Fire control program, legislature/examine DNR program: SHB 1506
 Fire suppression duties, contract power: HB 1746, *SSB 4898, CH 311
 Joint select legis. cmte on natural heritage resources: SCR 127
 Land exchange, DNR, DSHS, state institutions: *SB 4619, CH 7
 Market development board, aqua & agriculture/fish & forest products: SHB 1674
 Mediation of natural resource disputes: SHB 1429
 Mushroom, licensing program for pickers: HB 2029
 Mushrooms, special forest product, harvest permit: SHB 2034
 Oils and gas on state land, development: *HB 1442, CH 34
 Open mines/shafts, request congress to fund sealing: SJM 140
 Open space classification, transfer/forest land, tax: SSB 4315
 Public land sale, notice, timber sold separate/tax: *HB 1602, CH 65
 Recreation advisory committee: *SHB 1382, CH 206
 River running, procedures, responsibilities: *SSB 4990, CH 217
 Salaries, elected state officials, adjust/cmte review: *SSB 4674, CH 161
 Salary increase for commissioner of public lands: SSB 3266
 School construction fund, timber sales, DNR study: *HCR 29
 Surface mining permits and fees modified: SHB 1096
 Sustainable harvest, deficit: SHB 508
 Term of office, commencement: HB 1383, SB 4560
 Timber sales, surplus/sustained yield/schools/DNR study: *HCR 29

NAVY

Everett homeport for carrier battle group/ratify: HB 2133

NOAA

Weather satellite, restore to midpacific: HJM 36, SJM 134

NOISE POLLUTION

Local authority, may adopt more stringent levels: SHB 1925
Transaction assistance/remedial programs: SSB 3756

NORTH, FRANCES

Honoring Frances North by renaming Mt. Peak: SB 4925

NORTHERN STATE HOSPITAL

County fairground use: *SHB 1967, CH 307
Demonstration project for neurologically impaired: SB 4914
Sale or lease by GA authorized: HB 1733

NUCLEAR WASTE BOARD (See also HAZARDOUS MATERIALS)

Federal money to pass directly to the board: HB 544

NURSES

Natural death act, procedure, attorney power: SSB 3228
Privileged communication, exception/mental illness: *SB 4529, CH 212
Uniform disciplinary act modified: *SHB 131, CH 259

NURSING HOMES

Adult abuse, order for protection: HB 1531, *SSB 4544, CH 187
Adults, vulnerable, abuse/exploit/abandon, report to DSHS: *SSB 4544, CH 187
Contractor/retain insurance dividends/premium discounts: HB 1816
Criminal mistreatment, withhold necessities from child/dependent person: SB 4706, *SHB 803, CH 250
Depreciation base: HB 1745, *HB 1631, CH 175
Disabled, parking privileges/nursing home vehicles: *SHB 1815, CH 96
Employees of DSHS, investigate background before employing: HB 1513
Health care assistants, injections: *SSB 4949, CH 216
Home-delivered services, insurance coverage: SSB 3231
LBC to study reimbursement system: *HB 1631, CH 175
Long-term care corporations planning act, state council: SHB 1717
Long-term care for elderly/disabled, research funding: SJM 141
Long-term care insurance act: *HB 1462, CH 170
Natural death act, procedure, attorney power: SSB 3228
Nursing home advisory council, sunset: SB 4453, *SHB 1333, CH 270
Reimbursement rates, adjust for energy retrofitting: SHB 197
Representative of business, designated employee in-state: SB 3796
Resource transfer limit between spouses/medical assistance: HB 1803
Tax-exempt status/homes for aged, revisions: HB 1753
Unallowable costs, expense of license or membership: HB 1814
Uniform disciplinary act modified: *SHB 131, CH 259

OCCUPATIONAL THERAPISTS

Uniform disciplinary act modified: *SHB 131, CH 259

OCEAN BEACHES

Driving on beaches prohibited, natural areas: HB 1503
Metal detectors, permits issued/use on state beaches: SB 4286

OCULARISTS

Uniform disciplinary act modified: *SHB 131, CH 259

OFFICE OF FINANCIAL MANAGEMENT

Capital project proposals, to review cmte by Oct. 20: SSB 4320
Claims against state, file/risk mgmnt off: HB 1659, *SB 4693, CH 126
Colleges, salary survey/fund increase, B&O/business income: HB 1683
Community college district 12/split, OFM cost report: HB 1786
Criminal justice assistance account: 2SSB 3764
Health care cost containment program: 2SHB 1077, 2SSB 4242
Higher education, off-campus/after-hours program guide: HB 1352
Information systems management cmte, telecom. review: HB 1487
Life-cycle cost analysis/public buildings: HB 6, *SB 3018, CH 127

OFFICE OF FINANCIAL MANAGEMENT—cont.

- Mailing procedures and practices studied: HB 1772
- Personal service contracts, restricting state agencies: HB 1594
- Public broadcasting/funds to radio and television: HB 1500
- State agencies, restricting leases, OFM approval: HB 1860
- Traffic offenses, serious, prosecution/adjudication/grants: HB 1467
- Travel allowances, setting, OFM duties: SHB 1611
- Water pollution control facility/financial assistance, OFM/DOE: HB 1379, *SSB 4519, CH 3

OIL AND GAS

- Leases/state land, development: *HB 1442, CH 34
- Oil spills, advisory committee study: SCR 129, *HCR 19
- Open mines and shafts, request congress to fund sealing: SJM 140
- Purchasing preference by state repealed: HB 392
- Recycled oil collection sites, DOE list: HB 1643
- Recycle oil/tanks, fire protection brd/DOE standards: *SHB 37, CH 37
- Ride-sharing vehicles, tax exemption extended: SB 4234
- Surface mining permits and fees modified: SHB 1096
- Underground storage tank problem, study: HB 1935, *SSB 4797, CH 289
- Underground storage tanks/hazardous wastes: HB 1935
- Utility rate relief/low-income veterans/blind/disabled: SSB 3221

OPEN SPACE

- Forest land classification transfer/open space, delay tax: SSB 4315
- Forest land tax exemption/conservation purposes: *SSB 4458, CH 238

OPTOMETRY

- Pharmaceuticals, establishment of approved formulary: SHB 1968
- Prison work programs: HB 1597
- Uniform disciplinary act modified: *SHB 131, CH 259

ORAL HISTORY

- Creating a state archivist oral history program: HB 1588, *SB 4712, CH 275

ORGAN DONATIONS

- Procedures developed by each hospital: *SSB 4455, CH 129

OSTEOPATHIC MEDICINE

- Compact-authorized program in osteopathic medicine: SSB 3587
- Uniform disciplinary act modified: *SHB 131, CH 259

PARKING LOTS

- Receipts required from public lots: HB 1369
- Towing vehicles from public lots: HB 1369

PARKS AND RECREATION

- Commission/terms modified from 6 to 4 years: HB 1453
- Districts, may engage in historic preservation: SHB 1484
- Fees, high use areas, cmsn to set, under 10 exempt: HB 1550
- Forest protection laws revised: *SHB 1403, CH 100
- Governor to appoint director: HB 1706, SB 4875
- Metal detector permits, use on state beaches: SB 4286
- Ocean beaches, driving prohibited, natural areas: HB 1503
- ORV/nonhighway vehicle program, hearing process: *SHB 1382, CH 206
- Recreational water contact facilities regulated: *SSB 3498, CH 236
- Senior citizen passes, fee and age: HB 1551
- Snowmobile advisory committee, revisions: *HB 1599, CH 16
- Snowmobile advisory committee, sunset: SB 4453, *SHB 1333, CH 270
- Veterans' pass, minimum age removed: HB 1435, *SB 4456, CH 6
- Winter recreational facilities commission: *HB 1563, CH 47

PARTNERSHIPS

- Theft, partners/partnership included in definition: SB 3093

PERSONAL SERVICE CONTRACTS

- Limit executive agency contracts/outside consultants: HB 1694

PERSONAL SERVICE CONTRACTS—cont.

Oversight procedures established: *SHB 1335, CH 33
Restricting the use by state agencies: HB 1594

PERSONNEL, DEPARTMENT OF

Affirmative action goals protected: HB 1876
Child abuse, investigate potential state employees: *SHB 1134, CH 269
Comparable worth implementation revised: *HB 1703, CH 1
Day care, grants for facilities, negotiate: HB 1961
Day care, state employees, supportive atmosphere: *HB 1656, CH 135
Employee exchange program, government/nongovernment: SHB 2
Investigate potential employee; developmentally disabled or child: HB 1513
Training, off-hour/state employees: HB 1536

PESTICIDES

Applicators, information required by director: HB 1921
Pest control consultant/operator license required: SSB 4119
Public pest control consultant licenses, revise: *SSB 5044, CH 203

PHARMACIES

Controlled substances, prescription prohibited: HB 1468
Drugs, brand name/generic, allow consumer choice: *SHB 1332, CH 52
Theft/robbery of controlled substance, Class B felony: SSB 3595

PHYSICAL THERAPY

Uniform disciplinary act modified: *SHB 131, CH 259

PHYSICIANS

Alcoholism detection/treatment, professionals' training: HB 1908
Basic health plan trust account, tax/physicians: SSB 3320
Child abuse, privileged communications: *SSB 4630, CH 305
Gunshot wounds, health care professionals report: HB 1561
Health care coverage, server/under supervision of physician: HB 1938
Health care practitioners, director/clinical laboratory: HB 1918
Liability, service/public assistance recipients limited: HB 1456
Malpractice cases after 10 years, recovery limited: HB 1959
Malpractice, medical disciplinary board: *SHB 1950, CH 300
Malpractice, medical liability review panel: HB 1799
Malpractice, statute of limitations modified: HB 1960
Malpractice, waivers/privileged communications: SHB 1856, HB 1951
Medical injury recovery act, explicit process: HB 1949
Natural death act, procedure: SSB 3228
Staff privileges, rules required: *SHB 1593, CH 205
Surgeons' assistants, regulation, certification process: HB 1406
Uniform disciplinary act modified: *SHB 131, CH 259
Unprofessional conduct defined, medicare: SHB 1891
Wrongful life, wrongful birth, tort actions prohibited: HB 1809

PHYSICIANS' ASSISTANTS

Uniform disciplinary act modified: *SHB 131, CH 259

PILOTS AND PILOTAGE COMMISSION

Commission, regulate state licensed vessel pilots: *SHB 1669, CH 121
Fine authority/investigation power of board: *SHB 1669, CH 121
License, fee and claims, board review: SSB 4920, *SHB 1762, CH 122
Oil spills, advisory committee study: SCR 129, *HCR 19
Pilot discipline, jurisdiction/state-licensed pilots: HJM 32

PIT BULLS

Vicious dog defined, regulate by registration/insurance/bond: SSB 4611

PLANTS

Natural heritage resource, joint select committee: SCR 127
Plant protection act of 1986, endangered species: SHB 1538

PODIATRY

Uniform disciplinary act modified: *SHB 131, CH 259

POISONS

Arsenic, cyanide, strychnine, poison register/sales: HB 2132

POLLUTION (See also AIR POLLUTION)

Air pollution source operating permit program, DOE study: SHB 1722
Noise pollution, transaction and other assistance: SSB 3756
Oil spills, advisory committee study: SCR 129, *HCR 19
Sanitary pumpout facilities at marinas, study need/funding: SSB 4773
Underground storage tank problems, study: HB 1935, *SSB 4797, CH 289
Underground storage tanks/hazardous wastes, operate/own: HB 1935
Wastewater discharge, secondary treatment waived: HB 1410
Water pollution control facility/finance: HB 1379, *SSB 4519, CH 3

POLYGRAPHS

Polygraph examiners act: HB 1887

PORNOGRAPHY

Minors, allowing to view material, Class C felony: SSB 3036
Promoting pornography/include in criminal profiteering: *SB 4959, CH 78

PORT DISTRICTS

Commission formation regulated: *SHB 1804, CH 262
Elections, void in candidacy, eligibility of candidates: HB 1608
Indebtedness without voter approval, increased: HB 1370
Industrial development levies, voter approval: SSB 4467
International trade expansion projects: *SHB 1587, CH 276
Oath of office, file with county auditor: *SHB 1349, CH 167

PORTS

Export trading companies: *SHB 1587, CH 276

PRACTICAL NURSES

Uniform disciplinary act modified: *SHB 131, CH 259

PREVAILING WAGE

Out-of-state public contracts, prevailing wage required: HB 1663
Private independent research company to determine wage rate: HB 1739

PRINTING

Local printing versus state printer, agencies use: HB 1805

PRISON TERMS AND PAROLES, BOARD OF (See also PROBATION AND PAROLE; SENTENCING)

Community supervision, revisions: *SHB 1399, CH 257
Indeterminate sentence review board, redesignated: *SHB 1400, CH 224
Juvenile diversion agreements, 3 allowed: SHB 711

PRIVATE ENTERPRISE (See BUSINESSES)**PRIVATE SCHOOLS**

Church schools, study of unapproved by temporary cmsn: HCR 23
Private degree granting institutions, regulating: *SHB 1688, CH 136
Private vocational schools regulated: *SHB 1687, CH 299

PROBATION AND PAROLE (See also SENTENCING)

Community supervision, revisions: *SHB 1399, CH 257

PROCESS SERVERS

Certification of servers required: HB 1603
Court availability: *SSB 4897, CH 219

PROSECUTORS

Bail bond provisions revised: *SSB 4305, CH 322
Deferred prosecution, sign statement, rights/guilt: 2SHB 879
Deferred prosecution, alcohol-sensing ignition: SSB 4577
Mentally disordered, notify prosecutor of release: *SHB 1976, CH 67
Traffic offenses, serious, prosecution/adjudication, grants: HB 1467
Weed board may ask prosecutor for assistance: SHB 1713

PSYCHOLOGISTS

Educational requirements/mental health professionals: SHB 1651
 Examining board reauthorized: HB 1532, *SSB 4629, CH 27
 Licensing revised: HB 1532, *SSB 4629, CH 27
 Uniform disciplinary act modified: *SHB 131, CH 259

PUBLIC ASSISTANCE (See also MEDICAL ASSISTANCE)

Appellate counsel, indigent criminal defendants, study: SSB 3740
 Basic health care funded by cigarette tax: SSB 3320
 Employment programs/welfare recipient, private sector employment: HB 1749
 First source contracts, public assistance recipient: *SHB 1754, CH 116
 Food stamps, food purchased is sales tax exempt: SSB 4711
 Health care project commission, indigents: *SHB 2021, CH 303
 Heating bills, assist low-income: HB 2027
 Housing trust fund created, low-income assistance: HB 1759
 Housing trust fund, assist low-income with housing: *2SSB 4626, CH 298
 Lottery winners, state agencies may assert: *SHB 1433, CH 83
 Low-income housing, city/county may assist: *SSB 4933, CH 248
 Physician liability to recipients limited, state to indemnify: HB 1456
 Prenatal care for low-income women, appropriation increased: HB 1380
 Private business entities, rules of conduct: HB 1530
 SSI, assist/incapacitated ineligible spouse of beneficiary: SHB 1765
 Utility rate relief, low-income veterans, blind/disabled: SSB 3221
 Work incentive demonstration program: HB 1788

PUBLIC BROADCASTING SYSTEM

Funding distributed by OFM, radio/television: HB 1500
 Industrial development bonds, public broadcasting: *SSB 4479, CH 309

PUBLIC DEFENDER

Temporary office of state public defender: HB 1964

PUBLIC DISCLOSURE (See also CAMPAIGNS; ELECTIONS)

Applications for public employment exempt: HB 764
 Checking acct information, disclosure/liability/enforce: SSB 4165
 Contribution reports, post-campaign/modified: HB 1677, *SB 4781, CH 28
 Contributions, reporting/uncollected pledges: SHB 1528
 Industrial insurance claimants may review files: SHB 712
 Pesticide applicators, information that is not public: HB 1921
 Political action cmtes, voluntary payroll deductions: HB 1906
 Political advertising paid from earmarked funds: *SHB 1838, CH 228
 Political cmte, financial representation: SB 3434
 Public deposit protection cmsn, duties: HB 1509, *SB 4593, CH 25
 Public records, copying fee to be established: SB 3011
 Random yearly audits: SSB 4784
 Records, uses by public: HB 1625
 Small political subdivisions, reporting: HB 1473, *SB 4528, CH 12
 Sunset provisions repealed: HB 1481, SSB 4784, *HB 1647, CH 2724

PUBLIC EMPLOYMENT RELATIONS COMMISSION

Higher education collective bargaining authorized: SHB 32

PUBLIC PRINTER

Local printing versus state printer, agencies use: HB 1805

PUBLIC TRANSPORTATION

Benefit areas/contract ambulance services/voter approval: HB 1672

PUBLIC UTILITIES (See also UTILITIES)

Joint operating agencies, bidding, contracting: SB 4262
 Low-income veterans, blind/disabled, rate relief: SSB 3221

PUBLIC WORKS

Accounting/reporting requirements modified: *SHB 1447, CH 282
 Bidding requirements modified: HB 1491

PUBLIC WORKS—cont.

- Farmers home administration contract/not subject to state lien law: *SSB 3453, CH 181
- Funds appropriated for public works projects: *SSB 4815, CH 291
- Libraries, notice/bids for public works required: HB 1810
- Public works assistance acct, funded/refuse collection tax: SSB 4641
- Wood, preference/Washington products in public works: HB 1807
- Wood, use in public construction and building: HB 1808

PUGET SOUND

- Clean-up, sales tax, portion used for clean-up: HB 1752
- Industrial wastewater discharge, DOE/PSWQA standards: HB 1787
- Puget Sound institute established: HB 1806
- Water pollution control facilities, cigarette tax: HB 1379, *SSB 4519, CH 3
- Whiting fisheries, monitoring: SHB 1527

RADIO

- Industrial development bonds, public broadcast: *SSB 4479, CH 309
- Public broadcasting/OFM to distribute funds: HB 1500

RADIOLOGIC TECHNOLOGISTS

- Practitioners, certification: SHB 621, SSB 3905

RAIL DISTRICTS

- County rail districts, modify by voter petition: *SB 4609, CH 26

REAL ESTATE BROKERS AND SALESMEN

- Disclose/seller or buyer representation: HB 1982
- Housing trust fund created, low-income assistance: HB 1759
- Real estate contract forfeiture, costs and attorney fees: HB 2007
- State land bank established: *HB 1899, CH 284

REAL PROPERTY (See also SECURITY INTERESTS)

- Claims of state/real property improvements.: *SHB 573, CH 311
- Community property, quasi-community property: *HB 1686, CH 72
- Deeds of trust, trustee's role, liability: HB 1740, HB 2006
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- Federal reserve system, challenged, referendum: SB 3555
- Governor, appoint directors, WSDOT/game/parks and recreation: SB 4875
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 Private benefit from public employment prohibited: *SSB 3590, CH 4
 Relocation assistance/state workers, authorized: HB 1341
 Supervisors exempt from civil service: HB 1748
 Training, off-hour/state employees: HB 1536
 Transportation dept/professional architects/engineers exempt from civil service:
 HB 1775
 Travel allowances, setting, OFM duties: SHB 1611
 Withdrawn retirement, restore for reentering: *SSB 3182, CH 317

STATE AUDITOR

Salaries, elected state officials, adjust, cmte review: *SSB 4674, CH 161
 Term of office, commencement: HB 1383, SB 4560

STATE BUILDING CODE

Council, rule-making authority modified: SSB 4557

STATE EMPLOYEES' INSURANCE BOARD (See also PUBLIC EMPLOYEES' INSURANCE BOARD)

Health care, purchases, cost control: 2SHB 1077
 Panel medicine group plans, board disapproval: SHB 1077, SSB 4241

STATE PATROL

Accident report fees/state patrol highway account: HB 1397
 Accident reporting provisions modified: SHB 1387
 Arbitration process: HB 1852
 Cadets, retirement service credit process: SSB 4931
 Child abuse information, business/organizations/agencies: SSB 4737
 Confidential license plates, accountability: SB 3030
 Fingerprints, automatic information system: *SSB 4710, CH 196
 Forest protection laws revised: *SHB 1403, CH 100
 Hazardous materials command agencies designated: HB 1764
 Liability, police/fail to carry out duties eliminated: HB 1932

STATE PATROL—cont.

Motor vehicle restrictions, WSDOT enforcement: HB 1361
 Radioactive waste, transportation, procedures: SSB 4663
 Retirement, transfer to PERS/provisions: *SHB 355, CH 154
 State patrol highway account, fund/truck safety fee: HB 1761
 Vehicle inspection fees, state patrol highway account: HB 1760
 Vehicle inspection law modified: *HB 1763, CH 123
 Vehicle safety check program: HB 1402

STATE SEAL

Uses defined: HB 1431

STATE TREASURER (See also FUNDS)

Interest rates, maximum filed/state register: *HB 1398, CH 60
 Local govts, public funds/investment: SHB 1521, *SSB 4590, CH 294
 Public depositaries, deposit out of state: *SSB 4665, CH 160
 Public depositaries, limit worth/public treasurers: HB 1509, *SB 4593, CH 25
 Salaries, elected state officials, adjust/cmte review: *SSB 4674, CH 161
 Term of office, commencement: HB 1383, SB 4560
 Warrants good for 180 days: SB 4591, *HB 1511, CH 99

STATUTE OF LIMITATIONS

Bigamy, statute of limitations: *SHB 1399, CH 257
 Claims of state, real property improvements: *SHB 573, CH 311
 Medical assistance crimes, 5 years: HB 1515, SB 4657, *SHB 1580, CH 85
 Privacy invasion, 2 yr statute of limitations: HB 1819

SUPERINTENDENT OF PUBLIC INSTRUCTION

Adult literacy program: HB 1801, 3SSB 3517
 Buses, wheelchair students, SPI rules: SB 4679
 Career ladder pilot project, grants: SSB 3621
 Clearinghouse for educational information: *SB 3352, CH 180
 Day care programs, school district facilities: HB 1937, 2SSB 4941
 Day care, review policies/employee-sponsored care: HB 1961
 Dropout prevention programs/alienated youth: SHB 1660
 Dropouts, study/grade 9-12: HB 1872, *SSB 5037, CH 151
 Earthquake safety in school buildings: SSB 3448
 Entrepreneurial education, SPI curriculum: SB 4951
 Environmental education, coordinating cmte: SB 4890, *HB 1711, CH 51
 Health care costs, report on controlling: 2SHB 1077
 Learning skills pilot project: HB 1744
 Pay equity and job analysis assessment: HB 1912
 Primary block programs, K-3 pilot project: HB 1930, SSB 5038
 Remediation program revised: SSB 3510
 Salaries/elected state officials, cmte review: *SSB 4674, CH 161
 School governance, revisions: HB 1724
 Sex offenses, school employees, notice to district: HB 1812
 Special needs, cmte formed, SPI study: SB 5034, *SHB 1829, CH 139
 Staff/student ratios, vocational education: SSB 3439
 Suggestion awards for employees: *SSB 3160, CH 143
 Teachers' aides pilot project established: HB 1963
 Term of office, commencement: HB 1383, SB 4560
 Traffic safety education/instruction on passing lane: *HB 507, CH 93
 Vocational education, staff/student ratio: SSB 3439

SUPERIOR COURTS

Venue for landlord/tenant actions: SB 4454

SURVEYORS

Engineers and surveyors, revisions: *HB 1962, CH 102

SWIMMING POOLS

Electrical products certification: *SB 4556, CH 263
 Recreational water contact facilities, slides: *SSB 3498, CH 236

TAIWAN

Taiwan/Republic of China adopted/sister state: HCR 27

TAX - APPEALS

Board under chief administrative law judge: HB 1886

TAX DEFERRALS

Aluminum smelters, deferrals/energy conservation: HB 1525
 Energy end-use consumer efficiency, credit: SHB 1981
 Investment projects/counties, credits/employment: SHB 1541
 Manufacturing or research/development, deferral: *SHB 1754, CH 116
 Manufacturing or research/development, expiration: SHB 1944
 Rules of conduct/private business receiving deferral: HB 1530
 Seed capital/early service development, credit: SHB 1070
 Tax credit/business project, high unemployment cnty: *SHB 1754, CH 116

TAXES - B&O

Amusement devices, tax modified: 2SSB 3110
 Christmas trees, plantation, exemption: HB 1446, SSB 4459
 Direct seller's representative, exemption modified: HB 1002
 Distressed counties, tax credit/employment positions: SHB 1541
 Health and social welfare services, revised: SSB 4640
 Heating bills, assist low-income persons: HB 2027
 Household hazardous substances, regulate disposal: *2SHB 136, CH 210
 Insurance premium taxes, equalizing: HB 1364
 Investment business income, B&O tax: SHB 1682
 Investment business income, tax/fund college salaries: HB 1683
 Manufacturing, seed conditioning not included: SB 4546
 Museum districts, establishment provided: SHB 1768
 Personal property sales/delivered out of state, exempt: SHB 354
 Physicians, basic health plan trust account: SSB 3320
 Refuse collection business, public works: *SHB 1447, CH 282
 Returnable containers, tax deduction: HB 2001
 Scholarship funding bond, interest deducted from tax: HB 1913
 Seed capital/early service development, credit: SHB 1070
 Tax credit/business proj./high unemployment cnty: *SHB 1754, CH 116
 Warehouses, B&O versus public utility tax: *SHB 1846, CH 226
 Wholesalers, businesses/distribute to retail outlets: HB 1834

TAXES - ESTATE

Apportionment/all persons interested in estate: *HB 1424, CH 63

TAXES - EXCISE

Boat tax, local, share revenue: HB 1366
 Boat tax modified, tax on footage: 2SSB 3157
 Boats, excise tax based on length: HB 1836
 Construction labor/services, excise tax, retail sale: HB 1716
 Criminal justice assistance: 2SSB 3764
 Energy end-use consumer efficiency, rates, tax credit: SHB 1981
 Enhanced food fish tax, natural resources marketing: SHB 1674
 Feed, public livestock markets/stockyards: *SSB 4769, CH 265
 Hospitals, free, tax exemption: SB 4562
 Hotel/motel special excise tax, incurred capital improvement debts: *HB 1954,
 CH 104
 Hotel/motel, expand tourism/distressed areas: *HB 1825, CH 308
 Household dangerous wastes, disposal: HB 136
 Law enforcement service districts, creation/tax power: HB 1430
 Leasehold excise tax, contract rent/insurance, credit: *2SSB 3574, CH 285
 Leasehold excise tax, true and fair value: *HB 1374, CH 251
 Manufacturing or research/development, deferral: *SHB 1754, CH 116
 Mobile homes, real estate sales: *SSB 4503, CH 211
 Public utility tax, eliminate certain deductions: HB 1779
 Refunds, recovery, interest rate modified: SSB 3097
 Sewerage collection, clarified: HB 1558

TAXES – EXCISE—cont.

- Tax deferral, investment projects: SHB 1944, *SHB 1754, CH 116
- Telecommunication service, city tax limited: *SHB 1892, CH 70
- Water pollution control facility, personal prop. tax: *SSB 4519, CH 3

TAXES – FUEL/MOTOR VEHICLE

- City tax/motor vehicle and special fuels: SB 3535
- Counties, temporary fuel tax/state corridor: SSB 4793
- Criminal justice assistance account: 2SSB 3764
- Electronic fund transfer/pay motor vehicle fuel tax: SHB 1661
- Fuel, government-purchased fuel exempt: HB 1646
- Islands, vehicle license fees/fuel taxes refunded: HB 1623
- Keylock metered pump, repeal special tax: HB 1729, *SSB 4758, CH 29
- Logging operations/federal land, fuel exemption: HB 1485
- Motor vehicle fuel/aircraft, aeronautics account: SB 4615
- Ride-sharing vehicles, tax exemption: SB 4234

TAXES – GENERAL

- Port districts, industrial development levies: SSB 4467
- Refuse collection tax, public works assistance account: SSB 4641
- Special election/excess levy or bond issue: *SHB 1349, CH 167
- Warehouses, B&O versus public utility tax: *SHB 1846, CH 226

TAXES – PERSONAL PROPERTY

- Exemption, sale/personal property delivered out of state: SHB 354
- Ships and vessels, property tax: *SHB 1827, CH 229
- Valuation at 100%: HB 1001

TAXES – REAL PROPERTY

- Aggregate levy excess/hardship: SHB 1902, HB 1903, HB 1904, HB 1905
- Assessed valuation property tax limitation: HB 1811
- Collection of assessments, certificates of delinquency: HB 1604
- Deferrals, insurance/state's equity interest: HB 1001
- Delinquency certificates, assessment collection: HB 1604
- Elderly, tax-exempt status/homes for aged: HB 1753
- Emergency medical care/services, levy increase: HB 1890
- Equalization of assessments, delinquency, surplus: HB 1516
- Exemptions, leased/rented property: HB 1710, SSB 4763
- Financial incentive/improve criminal justice/court system: SHB 1859
- Forest land taxation, conservation: *SSB 4458, CH 238
- Forest landowner protection/suppression rates: SHB 1506
- Forests, development/harvest rights, donation: HB 1507
- Housing, new multi-unit/downtown, tax exemption: HB 1847
- Leasehold excise tax, credit computation: *2SSB 3574, CH 285
- Levies, limit voter-approved increases: SSB 4559, *HB 1419, CH 169
- Local governance study cmsn/junior tax districts: *SHB 1270, CH 107
- Local government, capital purposes, tax alternative: HB 1774
- Military installations, historic, tax exempt: SB 3878
- Regular, 106% limitation: HB 1693
- Rehabilitated residential rental property, 10 yr exempt: HB 1848
- School levies, additional regular property tax: HB 1914, HJR 59
- Valuation in dispute, extension of taxes: SHB 1698
- Waiver of 106% limit by local governments: HB 1336
- Water quality facilities, PUDs/property tax: HB 1690

TAXES – SALES AND USE

- Advertising, in-state business redefined: HB 1583
- Aluminum smelters, deferral/energy conservation: HB 1525
- Basic health care funded by cigarette tax: SSB 3320
- Boats sold/foreign countries use out of state, exempt: HB 1440
- Business activity in state, use tax collection: *HB 1743, CH 48
- Cigarettes, water pollution control: HB 1379, *SSB 4519, CH 3
- Collection, authorizing compensation, credit: HB 1843
- Construction labor/services, excise, retail sale redefined: HB 1716

TAXES – SALES AND USE—cont.

Deferrals/industrial energy conservation: HB 1525
 Diesel fuel for certain fishing purposes, exempt: HB 1845
 Distressed counties, credit/employment positions: SHB 1541
 Exemption, personal property sold/delivered out of state: SHB 354
 Ferries, government–purchased fuel/exempt: HB 1646
 Food stamps, eligible food sales tax exempt: SSB 4711
 Hearing aids, tax exemption: SB 4893, *SHB 1391, CH 255
 Hospitals, free services, excise tax exemption: SB 4562
 Investment projects/distressed counties, tax credits: SHB 1541
 Investment projects, deferral/persons not in state: HB 1863, HB 1944
 Leaseback, sale/leaseback agreements, tax exempt: SB 4562
 Livestock sold for personal consumption/exempt: *SSB 4425, CH 182
 Magnesium production/chemicals, revise tax: SB 4978, *HB 1851, CH 231
 Manufacture or research/development, deferral: *SHB 1754, CH 116
 Mobile homes, tax exemption, used/leased/rented: *SSB 4503, CH 211
 Museums, materials used in construction/tax exempt: HB 1751
 Puget Sound clean-up, tax to be used for: HB 1752
 Returnable containers, tax deduction: HB 2001
 Tax deferrals, rules of conduct/business entities: HB 1530
 Vending machine tax/not separate from selling price: *SHB 1480, CH 36

TAXES – TIMBER

Forest land tax, exemption/conservation: *SSB 4458, CH 238
 Natural resources marketing revolving fund/receive tax: SHB 1674
 Open space classification, transfer/forest land, tax delay: SSB 4315
 Public entities harvest, harvester defined: *HB 1633, CH 315
 Public land sale, notice, timber sold separate/tax: *HB 1602, CH 65
 Timber redefined, forest trees/land sold to govtl agencies: SHB 1894

TECHNOLOGY

High-technology coordinating board, authority: SSB 4892
 Joint committee on science and technology extended: SCR 103
 Maritime program, western interstate compact: SSB 3558
 Seed capital for early service development, tax credit: SHB 1070
 Technology assistance program created: HB 1684

TELECOMMUNICATIONS

Automatic dialing/announcing devices prohibited: *HB 134, CH 281
 Deaf, telecommunication services, WUTC program: HB 2019
 Industrial development bonds, public broadcasting: *SSB 4479, CH 309
 Information systems management committee created: HB 1487
 Information–access telephone services, consumer protection: SSB 4599
 Joint select cmte on telecommunications study: *SHB 1892, CH 70
 State telecommunications/data transmission, funds modified: HB 1826
 Taxes, joint select cmte/study city assessment: *SHB 1892, CH 70
 Telephone solicitations, study: *SHB 1678, CH 277

TELEPHONES (See also TOLL–FREE TELEPHONES)

Automatic dialing/announcing devices prohibited: *HB 134, CH 281
 Banded telephone rates, experimental services: HB 1984
 Deaf, telecommunication services, WUTC program: HB 2019
 Emergency information telephone lines, access: *HB 1637, CH 45
 Emergency, intercept – record/private communication: *HB 1058, CH 38
 Information privacy, telephone companies: HB 1650
 Information–access telephone services/consumer protection: SSB 4599
 Interception and recording prohibited: HB 1782
 Joint select cmte study/city phone business utility tax: SHB 1892
 Long distance service, consumer assistance in choosing: HB 1627
 Solicitation regulated in light of new technology: HB 1953
 Solicitations, study, implement/regulate/penalties: *SHB 1678, CH 277
 Switching cost for local service, WUTC study: HB 2017

TELEVISION (See also PUBLIC BROADCASTING SYSTEM)

Industrial development bonds, public broadcasting: *SSB 4479, CH 309
Public broadcasting/OFM to distribute funds: HB 1500

THE EVERGREEN STATE COLLEGE

Extension depts, remove territory requirement: HB 1520, SB 4746
Fees reset: SSB 3712
Salary increases/administrators, limited: SSB 3056
Tuition to be adjusted annually: *HB 1350, CH 42

THURSTON COUNTY

Judicial positions/add, divide Mason/Thurston district: SB 4759, *HB 1393, CH 76

TORTS

Accident or tort liability funds, judgment plan: HB 1777, SB 4564
Child abuse, privileged communication exception: *SSB 4630, CH 305
Claims against state, file/risk management office OFM: *SB 4693, CH 126
Damages, personal injury actions, categories: SHB 1857
Design of highways, claims regulated: SHB 2045
Drugs, parents, cause of action: HB 1813, *HB 1463, CH 124
Joint tort feasons, uncollectible shares, reallocate: SHB 1929
Local government, designs, inspections, no liability: HB 1947
Malpractice causes, after 10 years, recovery limited: HB 1959
Malpractice statute of limitation, modified: HB 1952, HB 1960
Malpractice, wrongful life, birth, tort actions prohibited: HB 1809
Medical injury recovery act, explicit process: HB 1949
Medical liability review panel: HB 1799
Personal injury/wrongful death, property damage: HB 1965, HB 2004, HB 2005
Reform, equitable distribution of risk and cost: HB 2002
State and local government, tort liability modified: HB 1756
Tort liability fund created, payment plan: HB 1777, SB 4564

TOURISM (See also COMMERCE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)

Hotel/motel special excise tax, expand tourism/distressed areas: *HB 1825, CH 308
Travel promotion advertising regulated: *SHB 1870, CH 283

TOWING

Impoundment, damage and cost awards for invalid impoundment: HB 1596
Public parking lots when towing allowed: HB 1369
Tow trucks, regulations revised concerning insurance: HB 1470

TOXICOLOGICAL LABORATORY

Funding modified: *SSB 4221, CH 87

TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF

Capital projects, general obligation bonds: HB 1955
Energy conservation, promote state conservation: HB 1981, SHB 1981
Small business development center authorized: HB 1461
Trade development services, coordinated network: SHB 1488
Washington products, development and promotion: *SB 4463, CH 183

TRANSPORTATION, DEPARTMENT OF (See also FERRIES)

Administrative structure revised: HB 1556
Bonds, highway improvement: *SB 4906, CH 290
Budget, supplemental, 1986: *SSB 4905, CH 313
Civil service, professional architects and engineers exempt: HB 1775
Design of highways, claims regulated: SHB 2045
Freeway traffic flow, passing lane created: *HB 507, CH 93
Governor to appoint director: HB 1706, SB 4875
Motor vehicle restrictions enforcement transferred to WSDOT: HB 1361
Speed limit, decrease by cities, approval process: HB 1584
State corridor, temporary fuel tax, local share: SSB 4793
Storm water control assessment/state hways: SHB 1619, *SSB 4486, CH 278
Tourist information panels: *SHB 1493, CH 114

TRANSPORTATION, DEPARTMENT OF—cont.

Trucks, large slow trucks on freeway to use hazard lights: HB 1919

TRUCKING INDUSTRY

Deregulating trucking industry: HB 1668

Exempt commodities, certain vehicles exempt: SHB 2112

Motor freight carriers safety, UTC has no authority: HB 1360

TRUSTS

Banks/trust companies, revise provisions: HB 1817, *SSB 4917, CH 279

Futures broker, corporate power of banks: HB 1735

UNCLAIMED PROPERTY

Notice requirements, value threshold altered: *HB 1441, CH 84

UNDERGROUND STORAGE

Underground storage tank problem, study/report: HB 1935, *SSB 4797, CH 289

UNEMPLOYMENT COMPENSATION AND UNEMPLOYMENT (See also WORK)

Additional benefit period extended, formula modified: HB 1437

Community college tuition waiver/unemployed: HB 1539, SB 4604

Corporate bonding requirements: HB 1591

Corporate officers, notify in writing: HB 1590, *SB 4645, CH 110

Employer experience rating definitions: HB 1592, *SB 4647, CH 111

Employment partnership program, employment security/DSHS: *2SHB 1505, CH 172

Entertainers, employment defined: HB 162

Experience rating account, developmentally disabled: HB 2013

Farm operator or crew leader, defined: HB 1612

Industrial insurance, disability reduced by unemployment benefit: *SHB 686, CH 75

Investment projects in distressed counties, tax credits: SHB 1541

Joint select committee, unemployment insurance and compensation: *SHB 1802, CH 106

Labor disputes, benefit ineligibility: HB 1862

Public assistance recipients, first source contracts: *SHB 1754, CH 116

Tips are wages for unemployment compensation: HB 1589, *SB 4644, CH 21

Unemployment compensation administration, federal interest payment fund: HB 1936, *SB 4968, CH 249

Voluntary work supplementation program: HB 1788

UNIFORM COMMERCIAL CODE

Investment securities, Article 8 amendments adopted: *SHB 1451, CH 35

Security interests, fee revised: SB 4633

UNIFORM DISCIPLINARY ACT

Health professions account, all fees/fines: *SHB 131, CH 259

UNIVERSITY OF WASHINGTON

Alcoholism and drug abuse research: *SSB 4221, CH 87

Energy-efficiency study, conversion/single family residences: SSB 4557

Fees reset: SSB 3712

Forensic pathology fellowship program: *SB 4521, CH 31

Liquor revolving fund, distribution modified: HB 1778

Mediation cmte, graduate school/public affairs, natural resources: SHB 1429

Metropolitan tract, sale authorized: SHB 1351

Puget Sound institute established: HB 1806

Research and research support, economic development: HB 1522

Salary increases/administrators, appropriation act limits: SSB 3056

Sexual offenders' treatment, juveniles, UW pilot project: HB 1443

Toxicological laboratory funding modified: *SSB 4221, CH 87

Toxicological laboratory, funded/class H liquor fees: HB 1778

Tuition, adjusted annually: *HB 1350, CH 42

U.S.S. OLYMPIA

Purchase for centennial: SHB 1895

UTILITIES AND TRANSPORTATION COMMISSION

Automatic dialing/announcing devices prohibited: *HB 134, CH 281

Banded telephone rates, experimental services: HB 1984

Carriers, rate setting process: SHB 2112

Citizens' utility board: HB 2028

Commission membership increased by two: SB 3046

Deaf, telecommunication services, WUTC program design: HB 2019

Deregulating trucking industry: HB 1668

Energy conservation plan by gas and electric companies: SHB 1981

Low-income, blind, veterans, disabled, rate relief: SSB 3221

Motor freight carriers restrictions, enforcement/WSDOT: HB 1361

Motor freight carriers safety, UTC has no authority: HB 1360

Proceedings, special, reconsideration of orders/repealed: SB 4637, *HB 1572, CH 49

Rates, interim rates, approval procedure: HB 1985

Telephone references changed to telecommunications: SB 4587

Telephone solicitations, study: *SHB 1678, CH 277

Telephones, study switching costs/local service: HB 2017

Unfair business practices, free and open competition: HB 1978

UTILITIES (See also WPPSS)

Automatic dialing and announcing devices: *HB 134, CH 281

Citizens' utility board: HB 2028

City systems, inside or outside of city: HB 1425

City-owned electric utilities must be safe: HB 1439

Commissioners, election procedures: SHB 1566

Deaf, telecommunication services, WUTC program design: HB 2019

Fair utility competition act: HB 1978

Great or irreparable damage, definition limited: HB 1573

Heating bills, assist low-income persons: HB 2027

Heating, procedures, terminate residential services: HB 2025, HB 2026

Heating, prohibiting termination: *SSB 4766, CH 245

Jurisdictional issues, certain are questions of fact: HB 1571, *SSB 4635, CH 11

Low-income veterans, blind/disabled, rate relief: SSB 3221

Nuclear power plants, unused/uncompleted, use vs expense: HB 1995

Penalties increased for violations: HB 1569, HB 1574, SB 4636

Public utility tax deductions, certain eliminated: HB 1779

Rates, interim, approval procedure: HB 1985

Reconsideration of orders, special proceeding/repeal: SB 4637, *HB 1572, CH 49

Sewerage collection, public utility tax: HB 1558

Surplus energy, promote use: SHB 1981

Tariff/rate matters, omit judge's initial decision: HB 1570

Telephone solicitations, study implemented: *SHB 1678, CH 277

Termination procedures, residential customers: HB 2024

Warehouses, B&O versus public utility tax: *SHB 1846, CH 226

Water quality facilities, PUDs, property tax: HB 1690

UTILITY LOCAL IMPROVEMENT DISTRICTS

Publication notice requirements: SB 4448, *SSB 4486, CH 278

VENDING MACHINES

Sales tax, not stated separately from selling price: *SHB 1480, CH 36

VETERANS

Cemetery, national veterans'/in state, assistance: *SJM 136

Disabled veterans, prevent benefit reduction: *SJM 126

Health care information systems: 2SHB 1077

MIA's, information concerning requested: *SSJM 132

Park passes, age requirement removed: HB 1435, *SB 4456, CH 6

Utility rate relief, low-income: SSB 3221

Veterans' home, liability, estate: HB 1533

VETERINARIANS

Uniform disciplinary act modified: *SHB 131, CH 259

VOCATIONAL EDUCATION

Council on vocational education, advise cmsn/SPI: HB 1689

Joint policy council created: HB 1854

Private vocational schools regulated: *SHB 1687, CH 299

Staff/student ratio: SSB 3439

Vocational education advisory cmte created: SHB 1704

Washington award for vocational excellence, tuition/fee waivers: HB 1422

WAREHOUSES

Operators, licensure: *SSB 5044, CH 203

Taxation, warehouses/B&O vs public utility tax: *SHB 1846, CH 226

WARRANTS

State warrants, good for 180 days: SB 4591, *HB 1511, CH 99

WASHINGTON PRODUCTS

Energy conservation, DCED/energy office promote: SHB 1981

Fisheries products, enhanced marketing plan: *HB 1362, CH 62

Market development and promotion by DTED: *SB 4463, CH 183

Natural resources market development board: SHB 1674

Washington wood products, preference, public works: HB 1807

Wood, use in public construction and building: HB 1808

WASHINGTON STATE UNIVERSITY

Alcoholism and drug abuse research by UW & WSU: *SSB 4221, CH 87

Fees reset: SSB 3712

Liquor revolving fund, distribution modified: HB 1778

Salary increases/administrators, limited: SSB 3056

Small business and development center, high unemployment areas: SB 4291

Tuition adjusted annually: *HB 1350, CH 42

WATER

Agricultural water supply projects, bonds authorized: 2SSB 4136

Agriculture, study water supply availability: *SSB 4418, CH 316

Aquifer protection areas, financial assistance: HB 1379, *SSB 4519, CH 3

Aquifer protection, remedies: HB 22

Effluent standards, DOE review: HB 1542, SSB 4798

Groundwater withdrawal permits, conditions: HB 1568

Hydraulic permit, construction/repair of ford: *SHB 1545, CH 173

Industrial wastewater discharge, DOE to identify: SHB 1787

Instream flows, DOE study: SHB 1730

Lead content limited, solder for pipe fittings: HB 1455

Maritime technology program, western interstate compact: SSB 3558

Mediation of natural resource disputes: SHB 1429

Oil spills, advisory committee to study: SCR 129, *HCR 19

Public utility district, property tax/water quality facility: HB 1690

Public water supply systems, quality regulated: *SHB 1458, CH 271

Recreational water contact facility, slides/regulate: *SSB 3498, CH 236

Recreational water contact facility advisory cmte: *SSB 3498, CH 236

Sanitary pumpout facilities at marinas: SSB 4773

Secondary treatment, Director of Ecology waiver: HB 2131

Service agreement/water pollution control facility: HB 1448, *SSB 4717, CH 244

Wastewater discharge requirements, secondary treatment: HB 1410

Wastewater pollution control facility, service providers: HB 2000

Water rights, spouses/family groups/one defendant: SB 3021

WATER DISTRICTS (See also IRRIGATION DISTRICTS)

Annexation, proposed, inform residents: *HB 1407, CH 258

City systems, distinctions impermissible: HB 1425

Commissioner elections, within the district: *SHB 1385, CH 41

Commissioners, 5 member boards if over 7,000 meters: HB 1469

Withdrawal of territory, modify findings of fact: *SHB 1408, CH 109

WEATHER SATELLITE

Emergency information telephone lines, expand access: *HB 1637, CH 45
Restore to mid-pacific: HJM 36, SJM 134

WEEDS

Control, noxious weed defined: SSB 4119
Noxious weed control fund established: SB 3234
Noxious weed list, modifications: SHB 1713

WESTERN WASHINGTON UNIVERSITY

Extension depts, remove territory requirement: HB 1520, SB 4746
Fees reset: SSB 3712
Salary increases for administrators, limited: SSB 3056
Tuition to be adjusted annually: *HB 1350, CH 42

WHOLESALERS

B&O tax modified, distribute articles/retail outlets: HB 1834
Cigarettes, licensing revised: SHB 1357
Sales representations, contracts/commissions regulated: SSB 3255

WILDLIFE

Endangered wildlife conservation act: SHB 1537
Fur sales at auctions, restricting sale: HB 464
Game farms registered agriculture department: HB 1653
Illegally killed wildlife, reimbursement: *SB 3397, CH 318
Natural heritage resource, joint select cmte: SCR 127

WINE

Auto racetracks, sale of wine authorized: SHB 529
Class F/Q, license: HB 1750
Flower shops may deliver wine, Class P license: *SHB 1460, CH 40
Minors may stock and handle for Class E/F: *SSB 3532, CH 5
Sampling and retail sales of liquor authorized: HB 2031

WOODSTOVES

Woodstoves regulated, public education: SHB 905

WORK

Applications, public employment exempt, disclosure laws: HB 764
Community college tuition waiver/long-term unemployed: HB 1539, SB 4604
Disability employment and economic participation, joint select cmte: *HCR 22
Employee exchange program, government/nongovernment: SHB 2
Employment partnership program, employment security/DSHS: *2SHB 1505,
CH 172
Employment programs, welfare recipient/private employment: HB 1749
Formaldehyde, public disclosure of products: SHB 343
Gays may not be employed by state or local government: HB 1969
Hazardous working conditions, hotline for reporting: SB 4977
Industrial insurance, agricultural labor exemption removed: HB 1377
Industrial safety and health act: *SB 4721, CH 20
Investment projects in distressed counties, tax credits: SHB 1541
Job site safety inspections: *SB 4678, CH 192
Joint select cmte on disability employment and economic participation: *HCR 22
Manufacturing/research/development, tax deferral: *SHB 1754, CH 116
Natural resources market development board: SHB 1674
Single heads of households, higher ed. opportunities: SB 3444
Small business and development center, high unemployment areas: SB 4291
Tax credit/eligible business, high unemployment counties: SB 4291, *SHB 1754,
CH 116
Toxic air pollutant defined: HB 1549
Voluntary work supplementation/work incentive program: HB 1788
Workers' right to know, provisions revised: *SSB 4676, CH 310

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Securities, purchaser/seller, suits: *SSB 3990, CH 304

